

**Date and Time:** Monday 9 September 2024 16:38:00 CEST

**Job Number:** 233026976

**Documents (23)**

1. [*TOPIC PAGE: Construction - impact on chemicals*](https://advance.lexis.com/api/document?id=urn:contentItem:62SV-XSK1-F046-7149-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

**Search Terms:** exceptional and measure or exceptional and invasion or exceptional and unprecedented or exceptional and processing or measure and invasion or measure and unprecedented or measure and processing or invasion and unprecedented or invasion and processing or unprecedented and processing

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2. [*England and Wales High Court (Commercial Court) Decision: Viegas & Ors v Cutrale & Ors [2021] EWHC 2956 (Comm) (05 November 2021)*](https://advance.lexis.com/api/document?id=urn:contentItem:641W-GXF1-JDG9-Y06B-00000-00&idtype=PID&context=1516831)

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3. [*NA Proactive news snapshot: Belmont Resources , Safe-T Group, Northstar Gold , PlantX Life , Benchmark Metals UPDATE*](https://advance.lexis.com/api/document?id=urn:contentItem:64G9-2G81-JCMN-Y0NJ-00000-00&idtype=PID&context=1516831)

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4. [*LEGISLATIVE SESSION; Congressional Record Vol. 168, No. 57 (Senate - March 31, 2022)*](https://advance.lexis.com/api/document?id=urn:contentItem:6556-D3N1-F0YC-N4KW-00000-00&idtype=PID&context=1516831)

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5. [*The Piroplasmida Babesia , Cytauxzoon, and Theileria in farm and companion animals: species compilation, molecular phylogeny, and evolutionary insights*](https://advance.lexis.com/api/document?id=urn:contentItem:693W-H831-F129-P21R-00000-00&idtype=PID&context=1516831)

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6. [*Australia news live update: NSW flooding; NT reports nine new Covid cases; Victoria debates pandemic laws*](https://advance.lexis.com/api/document?id=urn:contentItem:6436-KJC1-DY4H-K2RS-00000-00&idtype=PID&context=1516831)

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7. [*Morocco Monthly Briefing August 2021*](https://advance.lexis.com/api/document?id=urn:contentItem:63KR-3W71-DYRW-V044-00000-00&idtype=PID&context=1516831)

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8. [*MOTION TO DISCHARGE; Congressional Record Vol. 167, No. 177 (Senate - October 07, 2021)*](https://advance.lexis.com/api/document?id=urn:contentItem:63TH-FBH1-F0YC-N1FD-00000-00&idtype=PID&context=1516831)

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9. [*NA Proactive news snapshot: Water Tower Research, Milestone Scientific , ESE Entertainment , Major Precious Metals , Mydecine Innovations UPDATE ...*](https://advance.lexis.com/api/document?id=urn:contentItem:64GD-BN01-F03R-N47S-00000-00&idtype=PID&context=1516831)

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10. [*LEGISLATIVE SESSION; Congressional Record Vol. 167, No. 92 (Senate - May 26, 2021)*](https://advance.lexis.com/api/document?id=urn:contentItem:62SX-9F01-F0YC-N1MS-00000-00&idtype=PID&context=1516831)

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11. [*BIOECONOMY RESEARCH AND DEVELOPMENT ACT OF 2021; Congressional Record Vol. 168, No. 22 (House of Representatives - February 03, 2022)*](https://advance.lexis.com/api/document?id=urn:contentItem:64PV-VYB1-JDG9-Y239-00000-00&idtype=PID&context=1516831)

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12. [*Non-Racialism: The New Form of Racial Inequality in a Neo-Apartheid South Africa*](https://advance.lexis.com/api/document?id=urn:contentItem:6BH2-VXY1-JBMY-H4CC-00000-00&idtype=PID&context=1516831)

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13. [*PROVIDING FOR CONSIDERATION OF H.R 3617, MARIJUANA OPPORTUNITY REINVESTMENT AND EXPUNGEMENT ACT; PROVIDING FOR CONSIDERATION OF H.R ; Congressional Record Vol. 168, No. 57 (House of Representatives - March 31, 2022)*](https://advance.lexis.com/api/document?id=urn:contentItem:6556-D3N1-F0YC-N4KF-00000-00&idtype=PID&context=1516831)

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14. [*Inflation 'may mean UK interest rates rise next year'; China's exports jump; bitcoin slides - as it happened*](https://advance.lexis.com/api/document?id=urn:contentItem:63JD-FB81-JBNF-W128-00000-00&idtype=PID&context=1516831)

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15. [*Antibiotic resistance modifying ability of phytoextracts in anthrax biological agent Bacillus anthracis and emerging superbugs: a review of synergistic mechanisms*](https://advance.lexis.com/api/document?id=urn:contentItem:693W-H841-F129-P3SS-00000-00&idtype=PID&context=1516831)

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16. [*SMALL COMPANIES SMALL COMPANIES*](https://advance.lexis.com/api/document?id=urn:contentItem:6549-YM01-JCBW-N1TK-00000-00&idtype=PID&context=1516831)

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17. [*UK politics: Starmer says talks with unions will continue on his plans for Labour reform - as it happened*](https://advance.lexis.com/api/document?id=urn:contentItem:63NM-H6K1-JBNF-W4VP-00000-00&idtype=PID&context=1516831)

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18. [*TEXT OF AMENDMENTS; Congressional Record Vol. 167, No. 139 (Senate - August 04, 2021)*](https://advance.lexis.com/api/document?id=urn:contentItem:639K-7BY1-JDG9-Y1MN-00000-00&idtype=PID&context=1516831)

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19. [*NA Proactive news snapshot: Water Tower Research, Milestone Scientific , ESE Entertainment , Major Precious Metals , Mydecine Innovations UPDATE ...*](https://advance.lexis.com/api/document?id=urn:contentItem:64G8-S5W1-JBYR-J1GH-00000-00&idtype=PID&context=1516831)

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20. [*Here's how YOU can help: Donate here to the Mail Force Ukraine Appeal*](https://advance.lexis.com/api/document?id=urn:contentItem:64XM-7F21-DY4H-K4W0-00000-00&idtype=PID&context=1516831)

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21. [*Queen's Speech: Do not tear up the Northern Ireland Protocol, urges Theresa May*](https://advance.lexis.com/api/document?id=urn:contentItem:65DR-4N21-JBNF-W229-00000-00&idtype=PID&context=1516831)

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22. [*Briefing by Foreign Ministry Spokeswoman Maria Zakharova, Moscow, March 24, 2022*](https://advance.lexis.com/api/document?id=urn:contentItem:653H-PGD1-F19S-P0NK-00000-00&idtype=PID&context=1516831)

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23. [*TOPIC PAGE: Construction - impact on chemicals*](https://advance.lexis.com/api/document?id=urn:contentItem:62RC-4JT1-JCN4-H2HF-00000-00&idtype=PID&context=1516831)

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Global News + ICIS Chemical Business (ICB)

May 28, 2021 Friday

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**Length:** 29846 words

**Body**

More than 30 petrochemicals and specialty chemicals are key ingredients in products used for modern construction adhesives, ad-mixtures, sealants, coatings, paints, flooring, insulation, water proofing, and many more.

Those materials enjoy good demand when infrastructure development takes place, but the construction industry has been adversely impacted by the coronavirus pandemic, although to a lesser extent than automotive, another key end market for petrochemicals.

Public infrastructure investments can be a major contributor to reviving economies and employment during a crisis.

Petrochemicals used in construction and infrastructure are likely to post higher demand in some regions as governments try to revive their wilted economies post-pandemic.

Construction activity in Asia, where most countries are developing economies, is set to growth healthily as the region ramps up infrastructure spending.

Within Asia, China is planning a major infrastructure development campaign to bolster its slowing economy by spending billions of dollars in projects.

On this topic page we analyse the impact of the coronavirus crisis and efforts by different governments to revive economies by developing infrastructure on the chemicals markets, bringing together the latest news reported by ICIS.

Scroll down to see the latest interactive content, news and useful resources.

[1]Click here to register for regular updates to help you navigate these challenging times. Image credit: Shutterstock

Construction Growth Forecasts - April

Construction Growth Forecasts - March

ICIS Analytics viewpoint - April

Global construction activity returned to positive territory in Q4 2020. However, increasing raw material costs have disrupted the growth momentum. The rise in the cost of materials has outpaced tender prices, adversely impacting profit margins at contractors. The outlook for 2021 is mixed with lockdowns impacting activity in some regions, especially India, South America and some areas of Europe. However, government infrastructure spending should be a positive.

The US Bureau of Economic Analysis reported that US housing starts fell 10.3% month on month in February. Total Put-in-Place (PIP) data for February also revealed a 0.8% month on month slowdown in construction activity, of which residential and commercial establishments were down 0.2% and 1.3% respectively. In commercial - apart from public safety, sewage and waste disposal and water supply - the rest were in negative territory. The Associated General Contractors of America (AGC) said higher raw material costs and supply chain disruptions were affecting the industry and published a construction inflation alert which warned, The construction industry is currently experiencing an ***unprecedented*** mix of steeply rising materials prices, snarled supply chains, and staffing difficulties, combined with slumping demand that is keeping many contractors from passing on their added costs. The report talked about the possibility of firms going out of business and increasing unemployment levels. It also said, Input costs for general contractors have soared nearly 13% from April 2020 to February 2021. Housing starting costs have increased between 15-20% from year-earlier levels. For example: PVC prices have increased over 270% from March 2020 to March 2021.

The EU construction PMI increased to 50.1 in March from 45.0 in February 2021, indicating an expansion in activity (A PMI >50 signifies expansion and <50 contraction). According to the Office of National Statistics (ONS), construction output in Great Britain grew 1.6% month on month in February 2021, with a 1.5% increase in new work and a 1.9% increase in repair and maintenance activities. Many companies are taking advantage of empty offices to push forward maintenance activities.

The Chinese construction sector continues to maintain its strong growth trajectory, driven by residential building. Real-estate investment was up by 41.9% in February.

India on the other hand, is bracing itself for another round of lockdowns, depending on the state. New Delhi imposed a curfew following a surge in coronavirus cases. One of the near-term threats to the Indian construction sector is a repeat of last year s lockdown when workers were forced to stay in their villages. Japanese construction remains positive, driven by civil engineering projects. However, a declining population means a muted long-term outlook.

By Jincy Varghese, ICIS demand analyst and Rhian O Connor, ICIS senior analyst

ICIS Analytics viewpoint - January

Construction activity has dimmed globally moving into 2021, with the widespread resurgence in coronavirus infections denting confidence. The future remains uncertain, although vaccinations are providing hope. Much will depend on government policy, including on infrastructure spend, initiatives to reduce emissions by promoting home insulation, and tax/stamp duty holidays.

US housing starts surged 5.8% month on month in December. The residential market continues to drive growth, while non-residential sectors remain at nearly 6% below early-2020 levels. In 2021 the non-residential sector should catch up due to private investment as the economy recovers. Infrastructure spend is expected to remain muted in the short term due to tight public budgets. President Biden s plans for reform are expected in February but challenges remain, with Republicans historically blocking Obama s bridge and road spending plans.

Construction activity fell sharply in January 2021 across Europe. The EU construction purchasing managers index (PMI) (IHS Markit) fell to 44.1 from its previous level of 45.4 in December 2020, in what was the sharpest rate of contraction since May of that year. France was one of the weakest economies that month, while commercial building was the weakest of the three categories. However, most industry participants feel the outlook is more positive given the good news about vaccinations. Italy and France are the most positive about the outlook, with German participants remaining downbeat. The UK s IHS Markit/CIPS construction PMI fell in January to 49.2 from 54.6 in December 2020. This was the first fall since June 2020, and was attributed to Brexit-related delays in materials as well as further lockdowns impacting demand. The residential sector suffered its first fall in this period, and future demand will depend on whether the stamp duty holiday is extended past 31 March 2021.

China s construction PMI remained high and stable in January at 60.0. Growth continues to be driven by government investment in infrastructure, including renewable energy, residential projects and 5G networks. According to government-backed thinktank, the China Electronic Information Industry Development (CCID), the country is expected to spend CNY10tr (US$1.4tr) on new infrastructure projects between 2020-25. China had been investing in construction overseas, especially in emerging markets as part of the Belt and Road Initiative. However, this died back sharply in 2020, due in part both to global politics and fears over debt levels. China is instead now focusing on a digital silk road, to improve IT networks. In South Korea, the government plans to increase both civil engineering and housing supply to stimulate the sector.

By Jincy Varghese, ICIS demand analyst and Rhian O Connor, ICIS senior analyst

ICIS Analytics viewpoint December

Except for China, Taiwan, Thailand and Turkey, all regions are expected to register a contraction of construction activity in Q4 2020 year on year. Renewed social distancing ***measures*** and restrictions are affecting building activity especially in the European Union. In this period some of the worst affected countries include India, Singapore, the Philippines, Argentina, Mexico, and Malaysia, which have all registered double-digit negative growth.

US housing starts reported an expansion of 3.9% month on month in October. An increased need for affordable, small, family housing is driving the demand. In November, 27,000 jobs were added to the sector (combining both residential and non-residential construction), mainly driven by residential projects. However, local sources advise caution. According to a survey conducted by the Associated General Contractors of America (AGC), three out of four respondents reported that a scheduled project had been postponed or cancelled. This has led AGC to expect new coronavirus relief ***measures*** before the year end, such as investments in infrastructure, a new pay-check protection programme, tax relief and liability reforms. These ***measures*** have the potential to offset the growing numbers of project cancellations/ delays, as well as providing some cushion at least in the short term. According to Oxford Economics (OE), Canadian residential permits surpassed their pre-pandemic peak, registering growth of 8.9% month on month. As in the USA, the residential sector is outperforming non-residential and infrastructure.

The UK Construction Project Managers Index (PMI) in November increased to 54.7 points from 53.1 points in October. This is a positive development, as the reported value is well above 50, which separates expansion from contraction. Much of the strength is coming from housing, while civil engineering works reported a modest increase. To boost the European sector, various steps are being taken at the monetary and fiscal level. For example, Italy provides a 110% eco bonus, an incentive to encourage home improvement spending. It is currently valid from 1 July 2020 to 31 December 2021, but is expected to be extended until the end of 2022. In addition, the UK s Build, Build, Build programme includes £12bn for affordable homes. However, on the negative side, concern over unemployment remains because of ongoing downsizing to manage costs.

Compared with its global counterparts, China continues to be an outlier. However, OE states that the recovery of the Chinese market is losing steam, and has revised its projected construction output growth for Q4 2020, from 10.2% to 5.2%. As in other regions, the residential sector is expected to outperform non-residential projects. Indian construction is still under pressure, with an output decline of 29.3% forecast in Q4 2020 year on year by OE, with delayed recovery.

By Jincy Varghese, ICIS demand analyst, [2][*jincy.varghese@icis.com*](mailto:jincy.varghese@icis.com) and Rhian O Connor, ICIS senior analyst, [3][*rhian.oconnor@icis.com*](mailto:rhian.oconnor@icis.com)

ICIS Analytics viewpoint November

Except for China, Taiwan, Thailand and Turkey, all regions are expected to register a contraction of construction activity in Q4 2020 year on year. Renewed social distancing ***measures*** and restrictions are affecting building activity especially in the European Union. In this period some of the worst affected countries include India, Singapore, the Philippines, Argentina, Mexico, and Malaysia, which have all registered double-digit negative growth.

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Compared to its global counterparts, China continues to be an outlier. However, OE states that the recovery of the Chinese market is losing steam, and has revised its projected construction output growth for Q4 2020, from 10.2% to 5.2%. As in other regions, the residential sector is expected to outperform non-residential projects. Indian construction is still under pressure, with an output decline of 29.3% forecast in Q4 2020 y/y by OE, with delayed recovery.

ICIS Analytics viewpoint October October showed some signs of improvement for the construction market, with strong growth recorded on the residential side of the business. It is expected that by early 2021, much of the pandemic induced output loss will be reclaimed globally. However, there are mixed signals for the future, as the pandemic has drastically reduced demand for office buildings, hotels and other commercial spaces.

China continues to be the bright spark in the global economy, and the country leads the recovery in APAC. China construction output is expected to register growth of 10.2% in Q4 year on year and is forecast to finish with full-year growth of 3.2%.This is driven by strong momentum in the residential sector. In contrast, Indian construction is still under pressure, with forecast output decline of -10.8% in Q4 year on year (Oxford Economics). Nonetheless, recovery is expected starting Q1 2021, with output level expected to reach pre-pandemic levels by Q3 2021. If the current growth momentum is maintained, recovery can be expected quicker than originally anticipated.

ICIS Analytics viewpoint September All countries registered a year on year contraction in construction activity in Q3 (except China and South Korea), with social distancing restrictions affecting building activity. The worst affected in Q3 included Argentina, Malaysia, India, Brazil, Russia and several nations in the EU, which all registered double-digit negative growth year on year. Moreover, fears about a second wave of infections are growing and countries are starting to impose restrictions on activity again, which could further delay any recovery.

The eurozone construction sector reported a marginal decrease in PMI of 47.5 in September, compared with 47.8 in August.

In the UK, the construction PMI rose to 56.8 in September from 54.6 in August, signifying further expansion. Activity should only come back slowly because uncertainty is still strong. Infrastructure build should be first back, with commercial construction (shops and offices) likely to be some way off.

US housing starts registered a 5% month on month downtick (according to Oxford Economics).

The country is still experiencing social unrest, which adds to other factors weighing down the economy in general. Lower government budgets, limited credit and low savings levels could hinder investment in H2 as well. According to the Associated General Contractors of America (AGC), 16,000 housing jobs were added in August, although infrastructure and non-residential construction lost 11,000 jobs. There is a renewed level of activity on the residential side, with weak non-residential activity. There is an also an increasing level of pessimism among contractors because of project delays, cancelations or budget cuts, as noted by the AGC.

As in the other regions, Asian construction is also under stress (with the exception of China). Some countries have been worse hit than others. The speed and degree of recovery will largely depend on government stimulus packages, credit lines and the timely availability of skilled construction workers. India has been one of the worst affected, with workers leaving cities and moving back to rural areas.

China continues to perform better than other major economies.

In August, investment in real estate registered a 12% year on year growth rate, according to Oxford Economic forecasts. China construction output registered growth of 11.9% year on year in Q3 and is forecast to finish the full year with a growth rate of 3%, driven by strong momentum in the residential sector. However, there are some doubts as to whether growth will be as strong in 2021 as in H2 2020. In contrast, Indian construction output registered a decline of 15.2% year on year in Q3 2020 and is expected to continue on a downward trajectory. There is long way to go before any recovery, as it is forecast that sales will not reach pre-pandemic levels until the end of 2021.

ICIS Analytics viewpoint- August Except for China and South Korea, all other regions are expected to register a contraction of construction activity in Q3. Social distancing restrictions are affecting building activity. The worst affected countries in Q3 include Argentina, Malaysia, India, Brazil, Russia and the UK - all registering double-digit negative growth.

The eurozone construction sector reported a PMI of 47.8 in August, compared with 48.9 in July. The contraction is mainly driven by a low level of activity in civil and commercial building output. Home construction projects have been only marginally affected. The UK PMI fell to 54.6 in August from 58.1 in July, signifying substantial downgrade risk. Activity is not expected to return to pre-pandemic levels until Q3 2021. In the western world the lingering effects of the pandemic will be felt even when restrictions are lifted. This includes transport and logistic bottlenecks, staffing issues and weaker demand.

The overall level of performance is mixed in the US, depending on state rules, with some states slower to lift the lockdown. US housing figures registered growth of 22.6% month on month in July, which has bought it closer to pre-pandemic levels of output. Low mortgage rates could stimulate demand, but high infection rates in many states have made businesses cautious. There are also substantial risks to this outlook with a second wave of virus infections, or extreme risk aversion by customers, likely to change the picture.

With the latest output figures, China s construction industry is exhibiting a classic V-shaped recovery. According to Oxford Economics, Chinese real estate investment continues to bounce back with year-on-year growth of 11.7% in July, with construction output growth expected to be at 12% year on year in Q3 2020. India s construction output registered a record low of -16% year on year in Q2 and is expected to continue its downward trajectory. There is long way to recovery, with the pre-pandemic level of sales not forecast to be reached until the end of 2021.

ICIS Analytics viewpoint- July Typically, there is a strong relationship between construction activity and overall economic growth. As a result, GDP forecasts serve as an important indicator in determining the future of the sector. Although restrictions are beginning to ease around the world, in its June 2020 outlook, the International Monetary Fund (IMF) further downgraded its global GDP forecast by 1.9% to -4.9% for 2020, with a very slow recovery seen in 2021.

The eurozone construction PMI is showing recovery, owing to ***measures*** taken by governments to boost the sector. The index increased to 48.3 in June, from an all-time low of 15.1 in April. However, the market is far from strong with a weak order book and many projects still postponed. Similarly, the UK s PMI recovered from an all-time low of 8.2 in April to 50.1 in June.

US housing registered an uptick of 4.3% month on month in May from its largest monthly decline in April. However, the country is still experiencing social unrest which is weighing down the economy in general. Lower government budgets, limited credit and low savings levels could hinder investment in H2 as well.

Like all other major economic regions, Asian construction is also under stress, with some countries worse hit than others. The speed and degree of recovery will largely depend on government stimulus packages, credit lines and the timely availability of skilled construction workers. India has been one of the worst affected with severe restrictions to mobility. However, China is on its way back to recovery, as investment in real estate grew by 8.1% year on year in May and slowly returning after the pandemic.

Given the state of key macro indicators, including GDP, unemployment, debt levels etc, a worst-case scenario where a recovery takes much longer than expected cannot be ruled out. In addition, a second phase of lockdowns is under way in some countries, which may prolong a recovery.

By Jincy Varghese, ICIS demand analyst, [4][*jincy.varghese@icis.com*](mailto:jincy.varghese@icis.com) and Rhian O Connor, ICIS senior analyst, [5][*rhian.oconnor@icis.com*](mailto:rhian.oconnor@icis.com)

REGIONAL DEMAND OUTLOOKS

LATEST HEADLINES (Updated as of 09:00 GMT on 28 May 2021)

[6]Unnerved by feedstock acetone plunge, Asia IPA market delays talks of new shipments By Yuanlin Koh 28-May-21 15:42 SINGAPORE (ICIS)--Spooked by the continuous decline of main upstream acetone, Asia s isopropanol (IPA) market participants remained largely glued to the sidelines. Persistently weak sentiment continues to plague the IPA market despite supply worries over a possible closure of Shell s facility in Singapore.

[7]US Eastman expands filament production in Spain By Stefan Baumgarten 27-May-21 00:28 HOUSTON (ICIS)--Eastman is increasing capacity for its Naia-brand cellulosic filament yarn at its plant in Barcelona, Spain. Capacity will be expanded by 30%, by mid-2021, and by more than 50% by the end of 2020, the US-based producer said in a statement on Tuesday.

[8]Shell Singapore to cease Group I base oils production from July 2022 By Pearl Bantillo 27-May-21 16:39 SINGAPORE (ICIS)--Anglo-Dutch energy major Shell will cease operations at its Group I base oil plant in Singapore from July next year, taking into account the global decline in demand for the product, a company spokesperson told ICIS. The plant in Pulau Bukom has a 380,422 tonnes/year or 7,400 bbl/day of capacity, according to ICIS data.

[9]Indorama Ventures plans $82m PET expansion in India By Fanny Zhang 25-May-21 13:19 SINGAPORE (ICIS)--Global petrochemical producer Indorama Ventures is planning to spend up to INR6bn ($82m) to upgrade equipment and increase capacity at its manufacturing site in India s Nagpur, the company said in a news release on Tuesday. The plan includes a new 700 tonne/day polyethylene terephthalate (PET) resin manufacturing facility, additional balancing equipment and a large range of specialty yarns.

[10]Neste awards contracts for Rotterdam renewable fuels platform By Stefan Baumgarten 25-May-21 21:16 LONDON (ICIS)--Finland s refining and renewables fuel company Neste has awarded two contracts to French engineer Technip Energies for its renewables production platform in Rotterdam, the Netherlands, officials said on Tuesday. The first contract covers the engineering, procurement and construction management (EPCM) for a 190m project to modify Neste's renewables refinery in Rotterdam, enabling production of up to 500,000 tonnes/year of sustainable aviation fuel (SAF).

[11]Orlen board backs Poland olefins expansion By Tom Brown 24-May-21 20:28 LONDON (ICIS)--The supervisory board of PKN Orlen has backed plans to expand olefins production at its Plock, Poland, complex, the company said on Monday, representing a milestone in the country s drive to bolster its petrochemicals capacity. As part of a petrochemicals expansion drive launched by the company in 2018, including phenol and aromatics, approving the large-scale olefins capacity increase allows Orlen to award an engineering contract for the project, the company said.

[12]Economists more optimistic about US 2021 growth outlook - survey By Stefan Baumgarten 24-May-21 22:00 HOUSTON (ICIS)--The National Association for Business Economics' (NABE) expert panel of 49 economists has become more optimistic on the 2021 US GDP growth outlook, according to the group's latest survey released on Monday. On an annual-average basis, the panel now expects real GDP to increase by 6.5% in 2021, and then to taper off to 4.4% growth in 2022.

[13]German construction chem firm MC-Bauchemie launches subsidiary in the Philippines By Stefan Baumgarten 21-May-21 02:31 LONDON (ICIS)--German construction chemicals company MC-Bauchemie Muller has begun operations at a new company it set up in the Philippines.

[14]US waives sanctions on Nord Stream 2 gas pipeline promoters By Diane Elijah 20-May-21 21:35 LONDON (ICIS)--The Biden administration [15]waived sanctions on the promoters of the Russian Nord Stream 2 pipeline on Wednesday.

[16]BASF forms China battery materials JV with Shanshan By Tom Brown 20-May-21 20:39 LONDON (ICIS)--BASF has partnered with China-based lithium-ion battery materials supplier Hunan Shanshan Energy to form a joint venture targeting the space, the Germany-based chemicals major said on Thursday.

[17]Eurozone construction output up nearly 3% in March By Jonathan Lopez 20-May-21 18:56 LONDON (ICIS)--Output in the petrochemicals-intensive construction industry rose 2.7% in the eurozone in March, month on month, the statistical office Eurostat said on Thursday.

[18]North American January-April domestic EPS sales rise 24.9% from prior year By John Donnelly 20-May-21 07:11 HOUSTON (ICIS)--North American domestic expandable polystyrene (EPS) sales rose by 24.9% over the first four months of 2021 compared with the same period of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting.

[19]Europe ethanolamines prices soar on tight supply By Jane Gibson 20-May-21 00:43 LONDON (ICIS)--The outlook for European ethanolamines remains strong for the rest of 1H 2021.

Previous rumblings that June could see a loosening of tight market conditions have now been dismissed by some sources, with low imports set to keep the market tight for the next few weeks.

[20]INSIGHT: Market uncertainties prevail across major chemical end-use sectors By Nigel Davis 20-May-21 00:29 LONDON (ICIS)--The outlook earlier this year was for economic recovery following the lifting of pandemic-induced lockdowns but little or no uniformity of growth.

[21]Europe May epoxy resins peak for the fifth consecutive month on supply strain By Heidi Finch 19-May-21 02:34 LONDON (ICIS)--Europe May epoxy resins contract prices have spiked to a record high for the fifth consecutive month, as continued supply strain takes its toll.

Robust demand and higher costs are also supporting the upside.

[22]Eurozone Q1 GDP confirmed down 0.6% but recovery taking hold By Jonathan Lopez 18-May-21 19:05 LONDON (ICIS)--Economic output in the eurozone was confirmed to have fallen by 0.6% in the first quarter of 2021, compared with the fourth quarter of 2020, as major economies imposed lockdown ***measures*** to contain the pandemic, statistical agency Eurostat said on Tuesday.

[23]Japan's Q1 GDP shrinks by 5.1% as consumption slows By Nurluqman Suratman 18-May-21 11:53 SINGAPORE (ICIS)--Japan's economy shrank by an annualised 5.1% in the first quarter, weighed by poor consumption, Cabinet Office data showed on Tuesday.

The first-quarter decline was mainly due to a 1.4% drop in private consumption, which has been weighed by extended state of emergency COVID-19 curbs.

[24]Thailand's Q1 GDP contracts by 2.6% amid poorer exports By Nurluqman Suratman 17-May-21 15:23 SINGAPORE (ICIS)--Thailand's economy contracted by 2.6% year on year in the first quarter of this year, weighed by poorer exports and consumer spending, official data showed on Monday.

[25]Oman to build green fuels, ammonia large-scale project By Jonathan Lopez 18-May-21 19:54 LONDON (ICIS)--Oman energy major OQ has set up a joint venture for the construction of a 25GW green fuels project that will also produce green ammonia, it said on Tuesday.

[26]Europe's construction sector faces supply chain squeeze as demand rises By Morgan Condon 17-May-21 19:39 LONDON (ICIS)--Europe s construction sector is challenged by shortages in supply chains pitched against the rising demand, which has built up as lockdowns ease across the continent.

[27]Advanced Petrochemical JV South Korea PP plant begins commercial ops By Tom Brown 17-May-21 19:01 LONDON (ICIS)--A joint venture polypropylene (PP) plant in South Korea developed by Advanced Petrochemical and local players SK Advanced and PolyMirae has commenced commercial operation, the Saudi Arabia-headquartered firm said.

The 400,000 tonne/year unit was [28]first announced in mid-2018 with a projected budget of $420m, with construction slated to begin in January 2019.

[29]China s Chongqing Huafon plans ADA expansion By Fanny Zhang 17-May-21 17:20 SINGAPORE (ICIS)--China s Chongqing Huafon Chemical is planning to invest yuan (CNY) 2.8bn ($435) to build a new 400,000 tonne/year adipic acid (ADA) line at its Chongqing site, according to a company source.

[30]China Jan-Apr property development investment up 21.6% By Fanny Zhang 17-May-21 14:49 SINGAPORE (ICIS)--China s investment in real estate development grew by 21.6% year on year in January-April, slowing from the 25.6% in January-March period, data from the National Bureau of Statistics (NBS) showed.

Property development acreage stood at 8.2bn square metres (sqm) in the first four months, an increase of 10.5% year on year.

[31]India industries on high alert as Cyclone Tauktae lashes west coast By Priya Jestin 18-May-21 15:50 MUMBAI (ICIS)--India s central and state governments are coordinating closely with industries to ensure minimal damage from Cyclone Tauktae currently traversing the west coast of the country, hitting Goa and Maharashtra, and is currently weaving its way through Gujarat.

The government wanted to ensure industries, particularly those producing pharmaceutical, medical oxygen and other critical medical products, are protected and provided with all help to minimise the impact of the cyclone, the Associated Chambers of Commerce & Industry of India said.

[32]UK economy expands in March as lockdown restrictions ease By Tom Brown 13-May-21 00:28 LONDON (ICIS)--UK's gross domestic product (GDP) grew 2.1% month on month in March, the country s Office for National Statistics (ONS) said on Wednesday, partially offsetting a steep drop in the first two months of the year that drove an overall first-quarter contraction of 1.5%. Economic activity in the country thawed in March as schools reopened in parts of the country through the month, industrial output increased and the construction sector rebounded.

[33]Germany s industry robust , despite supply chain challenges ministry By Stefan Baumgarten 13-May-21 23:13 LONDON (ICIS)--Germany s industrial economy is developing relatively robust , despite the ongoing supply chain bottlenecks, the country s economic affairs ministry said in an update on Thursday. Germany s export trade, and the closely related industrial economy, are robust , the ministry said.

[34]Dutch Nouryon starts engineering phase on US thermoplastics plant By Morgan Condon 12-May-21 00:30 LONDON (ICIS)--Nouryon has started the engineering phase for a new thermoplastics plant in Wisconsin, US, the Netherlands-based producer announced on Tuesday. The expansion project was announced in 2019 to complement Nouryon s existing production sites in Sweden, Brazil and China, and construction is expected to begin at the end of the year. The material is used in products including concrete, packaging materials and elastomeric cool roof coatings in the construction industry, as well as for the prevention of cracks and water absorption in construction sealants to prolong the life of weather-exposed building materials.

[35]Mexico industrial activity rises 0.7% in March from February By Renato Frimm 12-May-21 20:23 HOUSTON (ICIS)--Mexican industrial activity rose 0.7% in March from February 2021, the state statistical agency (INEGI) said on Wednesday. It is 1.5% higher compared with March 2020.

[36]India industries reel amid pandemic battle; imports impeded By Pearl Bantillo 11-May-21 14:59 SINGAPORE (ICIS)--India s industrial production is slowing down as states across the country implement lockdowns while access to raw material imports is being impeded by tighter restrictions at ports of origin. Some shippers were shunning the south Asian market, which is in the throes of a deadly second COVID-19 wave.

[37]Malaysia's Q1 GDP contracts by 0.5%, manufacturing improves By Nurluqman Suratman 11-May-21 13:51 SINGAPORE (ICIS)--Malaysia's economy registered a smaller decline of 0.5% in the first quarter compared with the 3.4% contraction in the preceding quarter, supported by an improvement in manufacturing and domestic demand, the country's central bank said on Tuesday. All economic sectors registered an improvement in the first quarter, particularly in the manufacturing sector which expanded by 6.6% year on year, up from 3.0% from the fourth quarter of 2020, Bank Negara Malaysia said in a statement. The construction sector fell by 10.4% year on year in the first quarter, improving from the 13.9% contraction in the first quarter.

[38]China s Sinopec mulls refining & petrochemical complex in Hunan By Fanny Zhang 10-May-21 17:38 SINGAPORE (ICIS)--China s biggest refiner Sinopec is planning to establish an integrated refining and petrochemical complex at Yueyang in Hunan province, a company source said. The complex will have a total of 15m tonne/year refining capacity and will have a greenfield 1.5m tonne/year ethylene capacity, the source said.

[39]Asia MEK outlook dim amid weakening downstream demand By Yuanlin Koh 07-May-21 16:17 SINGAPORE (ICIS)--Sentiment in Asia s methyl ethyl ketone (MEK) market is relatively bearish on poor demand, hit again by the resurgence of the coronavirus. Downstream consumption, particularly in the construction sector in southeast (SE) Asia, is seeing a slowdown as private projects are either held off or stopped due to many uncertainties that have resulted with the comeback of a fresh wave of COVID-19.

[40]INSIGHT: China's BPA markets soften, but arbitrage to Europe curtailed by logistical issues By Julia Tan 07-May-21 13:00 SINGAPORE (ICIS)--After China's bisphenol A (BPA) markets have softened, Asian suppliers are eyeing alternative markets for better netbacks. However, market players have underlined that logistical issues are likely to curtail such arbitrage possibilities.

[41]India s oxygen shortage slowing down industrial production By Priya Jestin 06-May-21 12:01 MUMBAI (ICIS)--As India diverts industrial oxygen for medical requirements to battle the second COVID-19 surge, industries including some petrochemical plants dependent on industrial oxygen are facing a slowdown, or are shutting down facilities in some cases.To meet the rising demand for medical purposes the Indian government banned supply of oxygen for industrial use from 22 April. Steel companies and oil refineries have now diverted large amounts of their oxygen production for medical relief.

[42]Meridian Adhesives Group acquires Frontier Products Inc By Adam Yanelli 05-May-21 05:32 HOUSTON (ICIS)--US-based Meridian Adhesives Group announced on Tuesday its acquisition of Frontier Products Inc, a Texas-based manufacturer of high-performance flooring solutions. The sales price was not disclosed. Meridian is owned by US-based private equity firm Arsenal Capital Partners. Arsenal formed the Meridian Adhesives Group after acquiring two other adhesive companies in 2018. Frontier s products include urethane, acrylic pressure sensitive and hybrid adhesives, moisture barriers, sound control, and construction products.

[43]Europe EPS market supply tightness to linger into May, with low stocks and high styrene costs By Stephanie Wix 01-May-21 04:15 LONDON (ICIS)--European expandable polystyrene (EPS) market supply is expected to continue tight into May due to current low stock levels among producers, high styrene costs in April, as well as increasing demand. EPS producers - particularly non-integrated with styrene - have been operating at lower outputs in April due to high upstream styrene costs as well as tightness in the styrene market.

[44]Mexico s Orbia expects strong PVC demand for rest of 2021 By Adam Yanelli 30-Apr-21 03:27 HOUSTON (ICIS)--Mexican polyvinyl chloride (PVC) producer Orbia said on Thursday it expects PVC demand to remain strong for the rest of the year even as tight global supply should begin to stabilise in Q2. CEO Sameer Bharadwaj said Q1 earnings, which more than doubled year on year, were driven by PVC pricing at historically high levels and improved margins amid tight global supply.

[45]US pending home sales rise 1.9% in March, following two declines By Stefan Baumgarten 29-Apr-21 23:45 HOUSTON (ICIS)--US pending homes sales rose 1.9% month on month in March, following declines in February and January, the National Association of Realtors (NAR) said on Thursday. Pending home sales rose nationwide, with the exception of the Midwest region where they fell 3.7% from February.

[46]Early Black PE 100 pipe import offers to India see limited response By Veena Pathare 28-Apr-21 22:46 SINGAPORE (ICIS)--Early offers for polyethylene (PE) pipe black 100 imports to India have received a subdued response this week, as demand in the country remains impacted by the massive rise in coronavirus infections.

[47]India petrochemical demand crumbles amid second COVID-19 wave By Felicia Loo 28-Apr-21 14:15 SINGAPORE (ICIS)--Facing possibly its worst humanitarian disaster, coronavirus-ravaged India is racing against time to contain a second wave of deadly infections, with effects rippling through its petrochemical industry. The recent spread of a new variant has walloped the country, whose daily infections have hit more than 300,000 in the second half of April.

[48]German business climate improves in April as manufacturing offsets services weakness - Ifo By Jonathan Lopez 27-Apr-21 00:01 LONDON (ICIS)--Economic sentiment in Germany improved for a third consecutive month in April as healthy manufacturing activity at its highest since 2018 and well above pre-pandemic levels offset weakness in services, research institute Ifo said on Monday. The Ifo Business Climate Index, which takes 2015 as the base (100 points), rose only slightly in April - although it marked three months of growth - in what is a welcome development for Europe's largest economy which has gone through the first quarter with its worst wave of the pandemic yet.

[49]No global PE inventory build until Q4 amid tight supply Dow CEO By Joseph Chang 22-Apr-21 23:20 NEW YORK (ICIS)--The tight outlook for global polyethylene (PE) means inventories will not be built back in earnest until possibly Q4 2021, the CEO of US-based Dow said on Thursday.

[50]Sinochem starts construction of Yangzhou ABS compounding plant By Fanny Zhang 22-Apr-21 14:07 SINGAPORE (ICIS)--State-owned Sinochem International has started construction of a 56,000 tonne/year acrylonitrile-butadiene-styrene (ABS) compounding plant at Yangzhou in Jiangsu province, a source familiar with the matter said.

[51]China Q1 property development investment up 25.6% By Fanny Zhang 16-Apr-21 14:27 SINGAPORE (ICIS)--China s first quarter investment in property development increased by 25.6% year on year and 15.9% compared with the same period of 2019, the National Bureau of Statistics (NBS) data showed on Friday. Total land purchase in January-March rose by 16.9% year on year to 23m square metres (sqm) but land transactions amount dropped by 17.3% to yuan (CNY) 80.9bn ($12bn).

[52]Mideast petrochemical supply mixed; demand slows amid Ramadan By Felicia Loo 15-Apr-21 11:26 SINGAPORE (ICIS)--Petrochemical supply conditions are mixed in the Middle East, with trade limited for some products while cargo availability is tight when it comes to base oils, polyols and polystyrene in the first week of Ramadan. The bulk of the region s polyethylene (PE) and polypropylene (PP) business for April in the Middle East has been completed before the Muslim fasting month started on 12 April.

[53]US home-builder confidence edges up as demand remains strong By Stefan Baumgarten 16-Apr-21 00:32 HOUSTON (ICIS)--US builder confidence in the market for new single-family homes improved slightly in April on strong buyer demand. Demand pushed confidence up even as builders continue to grapple with rising lumber prices and supply chain issues, and as consumers face higher home prices due to a lack inventory, the National Association of Home Builders (NAHB) said on Thursday.

[54]More Europe chemicals earnings upgrades could follow Covestro By Will Beacham 15-Apr-21 20:08 BARCELONA (ICIS)--This week s earnings upgrade by Germany s Covestro could signal strong momentum and possible upgrades for other European chemical company earnings this year, thanks to pricing and margin gains in many value chains. A string of events have disrupted regional supply chains and chemical production so far this year, tightening supply just as demand has been growing strongly in many downstream markets.

[55]April extrusion-grade PC contracts firm in Europe on lingering supply crunch, strong demand By Miguel Rodriguez Fernandez 15-Apr-21 16:39 LONDON (ICIS)--European extrusion-grade polycarbonate (PC) contract prices firmed in April on the back of tight global supply and robust demand. This is the seventh consecutive increase of extrusion PC contract prices in Europe and the highest price since November 2018.

[56]US February PS year-to-date exports rise 14.2% over first two months of 2021 By Zachary Moore 15-Apr-21 03:12 HOUSTON (ICIS)--US exports of polystyrene (PS) in the first two months of 2021 rose 14.2% compared with the same period of the prior year, according to data from the ICIS Supply and Demand Database. US imports of PS declined 10.2% over the same time period.

[57]INSIGHT: Producers enjoying strong margins in Europe, expecting stronger 2021 By Nigel Davis 14-Apr-21 22:30 LONDON (ICIS)--Petrochemical prices rose strongly through the first quarter as buyers struggled to secure supply. Underlying demand growth continued to provide market support, although very much on a sectoral basis. March was another strong month, with the ICIS Petrochemical Index (IPEX), rising by 11.4%, a level of increase not seen since November last year. The Europe index increased markedly once again.

[58]Europe styrene spot prices retreat to February levels as supply improves By Fergus Jensen 08-Apr-21 22:45 LONDON (ICIS)--Europe styrene front month spot prices retreated this week to levels last seen in late February, as the market anticipated improving supply in the coming weeks and demand slipped. Demand is generally expected to remain strong, as many downstream markets are also tight, in particular expandable polystyrene (EPS).

[59]INSIGHT: US chem earnings survive polar storm, face inflation By Al Greenwood 08-Apr-21 19:43 HOUSTON (ICIS)--Chemical companies that reported earnings and guidance so far indicate that they overcame the disruptions caused by polar storm Uri, but inflation is becoming larger threat. Two chemical companies even raised their guidance. Demand is expected to remain strong while supplies and inventories should remain remain tight, said Brian Pruett, senior vice president, polyethylene (PE) and polypropylene (PP), sales and business development at Chemical Data (CDI).

[60]Asia PE, benzene supply tight on firm demand, economic recovery By Felicia Loo 08-Apr-21 13:33 SINGAPORE (ICIS)--Asia s supply of polyethylene (PE) and benzene is tight amid plant shutdowns among suppliers in the face of rising demand as the region s pace of economic recovery strengthens. The International Monetary Fund (IMF) upgraded the 2021 growth forecast for emerging and developing Asian economies to 8.6%, reflecting a stronger recovery than initially expected after lockdowns were eased in some large countries.

[61]Shortage of BDO amid strong demand leaves US players with tough choices By Antoinette Smith 07-Apr-21 23:12 HOUSTON (ICIS)--After US Q2 butanediol (BDO) contracts settled at a record-high increase, buyers are left speculating on when critically tight supply will ease. After months of insufficient supply, improvement seemed on the horizon as LyondellBasell raised its sales allocations at the end of March.

[62]China March petrochemicals fall on weak demand, easing tight supply By Yvonne Shi 07-Apr-21 16:46 SINGAPORE (ICIS)--China s domestic petrochemical prices retreated in March after surging in the previous two months as demand weakened while tightness in global and domestic supply has eased. For some products, local supply will increase in the coming months due to scheduled start-ups of new capacities. The ICIS China Petrochemical Index ended March at 1,247.6, down 6.3% from 26 February.

[63]Singapore manufacturing sector expands in March amid external recovery By Nurluqman Suratman 06-Apr-21 11:47 SINGAPORE (ICIS)--Singapore's manufacturing sector continued its recovery in March on improving external demand, supporting the rise in overall output and new orders, data from purchasing managers' indices (PMI) showed. The Singapore Institute of Purchasing and Materials Management (SIPMM) PMI reported late on Monday that its PMI rose to 50.8 in March from 50.5 in February, marking the ninth month of expansion for the Singapore's manufacturing sector.

[64]US MEK demand to increase while supply could tighten in April amid turnaround By Deniz Koray 01-Apr-21 06:33 HOUSTON (ICIS)--US methyl ethyl ketone (MEK) demand is strong and expected to increase in the near term due to both seasonality and product substitution. More than half of global demand for MEK comes from the paints and coatings industry. Therefore, the spring and early summer months are a particularly strong period for demand, especially as construction season picks up in the US as the weather begins to warm in much of the country.

[65]INSIGHT: US $2 trillion infrastructure plan would light a fire under chemicals demand By Joseph Chang 01-Apr-21 05:36 NEW YORK (ICIS)--The proposed $2tr US infrastructure plan would massively boost spending to build and upgrade the country s transportation, housing, automotive and communications systems, giving a further boost to chemicals and polymers as critical building blocks. Branded as The American Jobs Plan, the infrastructure bill includes $621bn for transportation, including roads, bridges, public transit, airports, ports and electric vehicle (EV) infrastructure; over $300bn in drinking water systems, electric grids and broadband access; and over $300bn in affordable housing, schools, hospitals and office buildings.

[66]US pending homes sales fall by 10.6% as inventory remains at record-low By Stefan Baumgarten 01-Apr-21 01:38 HOUSTON (ICIS)--US pending home sales fell a second straight month in February, dropping by 10.6% from January, the National Association of Realtors (NAR) said on Wednesday. Each of the four major US regions saw month-on-month declines in February.

[67]Europe polystyrene margin estimates decrease week on week By Yashas Mudumbai 29-Mar-21 21:54 LONDON (ICIS)--European producers of polystyrene (PS) saw their contract margin estimates decrease week on week. According to ICIS Margin Analytics, the estimates for ethylene-based general purpose PS (GPPS) and ethylene-based high impact PS (HIPS) decreased by at least $26/tonne.

[68]China s ZRCC to complete phase 1 expansion in 2021, phase 2 in 2025 By Fanny Zhang 29-Mar-21 17:06 SINGAPORE (ICIS)--China s Zhenhai Refining and Chemical Co (ZRCC) is targeting to complete its phase 1 expansion project this year and phase 2 in 2025, its parent company Sinopec said. The phase 1 expansion mainly consists of construction of a new cracker with 1.2m tonnes/year of ethylene capacity and modification of its existing refinery to add 4m tonnes/year of capacity.

[69]INSIGHT: Europe's synthetic rubber, paints and coatings manufacturers undeterred by sky-high MIBK prices By Anne-Sophie Briant-Vaghela 26-Mar-21 01:39 LONDON (ICIS)--Prices in the European methyl isobutyl ketone (MIBK) market have hit sky-high levels on a shortage of product which has been ongoing since November, with participants probing the market to nail down the root of the issue while others are labelling this product's trading as "the black market".

[70]US ABS demand stays healthy amid supply tightness By John Donnelly 25-Mar-21 06:42 HOUSTON (ICIS)--US acrylonitrile-butadiene-styrene (ABS) supply continues to be very tight amid good demand. Raw material supplies are still disrupted from the storm and are under upward pressure. US styrene prices have risen sharply in the past month. Transportation is a major factor affecting flow of raw materials.

[71]INSIGHT: Asia ABS and PC markets may be dampened by global chip shortage By Julia Tan 24-Mar-21 15:30 SINGAPORE (ICIS)--The global shortage of semiconductor chips is likely to affect the demand for acrylonitrile-butadiene-styrene (ABS) and polycarbonate (PC) in Asia. ABS and PC are thermoplastics which have numerous applications in the automotive and electronics sectors as they are good electrical insulators and have heat-resistant and flame-retardant properties.

[72]INSIGHT: US GDP growth may exceed China in '21 but watch housing, auto weakness By Joseph Chang 24-Mar-21 03:47 NEW YORK (ICIS)--Forecasts for 2021 US GDP growth are ramping up, with the Federal Reserve and economists making big upside revisions as the economy opens up amid accelerating vaccinations and another $1.9trn stimulus package makes its way through the system. The Fed in mid-March boosted its 2021 GDP growth forecast to a whopping 6.5%, up from 4.2% in December, while projecting near zero interest rates through all of 2023 and continuing $120bn in monthly asset purchases for the time being.

[73]US new home sales fall 18.2% in February By Stefan Baumgarten 23-Mar-21 23:39 HOUSTON (ICIS)--Sales of new single-family houses were at a seasonally adjusted annual rate of 775,000 in February - down 18.2% from January, but up 8.2% year on year from February 2020, the US Census Bureau said in a report on Tuesday. The median sales price of new houses sold in February 2021 was $349,400, and the average sales price was $416,000.

[74]Shipping problems lead to selling woes for Chinese ABS suppliers By Julia Tan 23-Mar-21 11:48 SINGAPORE (ICIS)--Shipping problems have compounded the difficulties faced by Chinese acrylonitrile-butadiene-styrene (ABS) suppliers, namely traders and distributors. In addition to a shorter time given to collect cargoes from ports, ABS suppliers have underlined that shipping problems have also led to an increase in short-term selling pressure.

[75]UK government consults on EPR in new areas including tyres, textiles, construction By Matt Tudball 19-Mar-21 01:33 LONDON (ICIS)--The UK government will consult on extending Extended Producer Responsibility (EPR) schemes to five new material/waste streams as well as review and enhance current UK producer responsibility laws as part of the Waste Prevention Programme for England, it announced on Thursday.

[76]Europe capro tightens on high downstream demand, short supply By Marta Fern 19-Mar-21 01:10 LONDON (ICIS)--The European caprolactam (capro) market is visibly tight in March, with widespread expectations of further pricing increases compared with February. Early expectations for April suggest that the ongoing strength in downstream demand, coupled with no significant change on the supply side, could lead to another month of tightness.

[77]China s Guangdong to build 50 LNG-fuelled vessels |By Nina Liu 18-Mar-21 16:15 SINGAPORE (ICIS)--China s GNG Ocean Shipping company has signed a contract for the construction of 50 LNG-powered bulk cargo ships with China State Shipbuilding Corporation, with CNOOC Gas & Power to supply the LNG. This is the start of the so-called Green Pearl River project.

[78]US ABS market continues to face supply disruption By John Donnelly 18-Mar-21 06:55 HOUSTON (ICIS)--The US acrylonitrile-butadiene-styrene (ABS) market remains very tight as it continues to recover from the recent winter storm. Lead times for product have been extended into late Q2. Two producers are on force majeure. All North American ABS plants are now operational as two Mexico plants restarted.

[79]Petrochemical supply constraints prevail in China amid demand recovery By Felicia Loo 17-Mar-21 14:24 SINGAPORE (ICIS)--Supply constraints prevail in China s petrochemical markets, proving particularly challenging for polymers, which are dogged by limited domestic production, plant shutdowns in the Middle East and a global scramble for cargoes.

[80]LafargeHolcim acquires Firestone Building Products for $3.4bn By Janet Miranda 12-Mar-21 04:21 HOUSTON (ICIS)--LafargeHolcim, one of the largest cement makers, signed an agreement to acquire Bridgestone Corp s roofing business unit Firestone Building Products (FSBP) for $3.4bn, the company said in a press release.

[81]US March OX settles higher by 18% 12-Mar-21 03:38 HOUSTON (ICIS)--US March orthoxylene (OX) contracts have settled at an increase, according to market sources. Spot MX prices have been pressured upward by tight supply and higher gasoline values. Higher-than-expected rates of travel since Q4 have contributed to the rising gasoline prices.

[82]Europe March isocyanates contracts supported by healthy demand, tight supply By Fergus Jensen 11-Mar-21 23:53 LONDON (ICIS)--Europe March isocyanates contracts were assessed this week with rollovers and increases up to 250/tonne from February. March toluene diisocyanate (TDI) contracts were supported by healthy demand and some supply constraints.

[83]Europe melamine Q2 contract price talks begin; sellers bullish amid tight supply and healthy demand By Melissa Hurley 11-Mar-21 22:47 LONDON (ICIS)--European melamine contract talks for the second quarter are in the very early stages and sellers are adopting a bullish approach. Discussions are centred around tight supply and healthy demand.

[84]China s Baofeng plans 4m tonne/year CTO project in Inner Mongolia By Fanny Zhang 08-Mar-21 17:56 SINGAPORE (ICIS)--China s Ningxia Baofeng Energy is planning to construct a 4m tonne/year coal to olefin (CTO) project at Ordos in Inner Mongolia, the company said in a statement on Monday. The project will have four lines, each at 1m tonne/year.

[85]Synthomer eyes further nitriles sector investment as Omnova integration continues By Tom Brown 05-Mar-21 00:24 LONDON (ICIS)--Synthomer is considering further nitriles sector investment on top of new capacity coming onstream later in 2021 as strong volumes and margins continue for the material, the CEO of the UK-headquartered firm said on Thursday.

[86]US Dow signs MoU to establish specialties hub in south China By Stefan Baumgarten 04-Mar-21 23:01 HOUSTON (ICIS)--US chemicals major Dow has signed a memorandum of understanding (MoU) with a Chinese development agency to build a specialties hub in south China, it said on Thursday.

[87]Europe melamine spot pricing close to decade highs, demand outlook robust By Melissa Hurley 04-Mar-21 21:14 LONDON (ICIS)--European melamine pricing continued to heat up this week on the back of continued supply shortage, with second quarter demand also expected to be strong.

[88]Denmark s Haldor Topsoe mulls location for large-scale green hydrogen facility By Jonathan Lopez 04-Mar-21 20:35 LONDON (ICIS)--Haldor Topsoe is looking at various locations for its electrolyzers-based facility which will produce 500 MW/year of green hydrogen, the Danish catalysis and engineering services provider said on Thursday.

[89]INSIGHT: China trade picture will point to challenge to petrochemicals rally By Nigel Davis 04-Mar-21 01:20 LONDON (ICIS)--Some recent record high petrochemical prices are symptomatic of unexpectedly stronger demand and reduced supply.

[90]Asia ECH at more than one-year high as supply runs dry By Li Peng Seng 04-Mar-21 17:46 SINGAPORE (ICIS)--Asia s epichlorohydrin (ECH) prices scaled to their highest in over a year as supplies dried up following a string of turnarounds, strong demand and unexpected shutdowns.

[91]US EG plants gradually restarting from storm outages By Antoinette Smith 05-Mar-21 07:15 HOUSTON (ICIS)--US ethylene glycol (EG) plants are beginning to restart following a [92]winter storm that brought US Gulf production to a nearly two-week standstill.

[93]Canada s Q4 GDP growth slowed to 2.3% By Stefan Baumgarten 03-Mar-21 06:36 TORONTO (ICIS)--The recovery in Canada s real gross domestic product (GDP) slowed to 2.3% quarter-on-quarter in Q4, from 8.9% in Q3, federal agency Statistics Canada (StatsCan) said on Tuesday.

[94]Thailand petrochemical firms eye better '21 amid oil-led price spikes By Nurluqman Suratman 02-Mar-21 14:57 SINGAPORE (ICIS)--Thailand s petrochemical firms are expected to generate better earnings in 2021 on the back of rising product prices, but oversupply in China and slow growth in some end-user markets in Asia could temper profitability.

[95]OMV awards engineering contract for biofuels project at Austria refinery By Stefan Baumgarten 04-Mar-21 00:20 LONDON (ICIS)--Austria's OMV has awarded an engineering contract for a 200m hydrogenated biofuels [96]project planned at its Schwechat refining and petrochemicals production hub near Vienna, Austria.

[97]Asia ethanolamines supply tightens further on robust China, India demand By Yuanlin Koh 03-Mar-21 17:31 SINGAPORE (ICIS)--Asia s spot ethanolamines supply is tightened further amid robust demand from China and India, with recent price gains supported by spikes in upstream [98]ethylene oxide (EO) values.

[99]Swiss construction chems major Sika develops ***process*** to recycle old concrete By Stefan Baumgarten 03-Mar-21 01:19 LONDON (ICIS)--Sika has developed a new recycling ***process*** for old concrete, the Swiss-based international construction chemicals major said on Tuesday.

[100]INSIGHT: Soaring Europe styrene prices in February follow crazy' fourth quarter By Nigel Davis 02-Mar-21 23:32 LONDON (ICIS)--Combine unexpectedly stronger demand and an unexpected major production outage and you have a recipe for much higher petrochemical prices.

[101]INSIGHT: Little respite for polymers players as record-breaking hikes continue By Ben Lake 02-Mar-21 23:25 LONDON (ICIS)-- Polyethylene (PE) and polypropylene (PP) prices are breaking historical records all over the world. As all grades of products see continuous, steep rises, players are attempting to pinpoint when the uptrend will end.

[102]SE Asian maleic anhydride price soars on rising demand, feedstock costs By Li Peng Seng 02-Mar-21 14:53 SINGAPORE (ICIS)--Southeast Asian spot maleic anhydride (MA) prices hit nearly 6-1/2 year high as demand picked up while raw material costs rose.

[103]US plasticizers pricing higher for February on strained supply, upstream pressure By Larry Terry 26-Feb-21 07:52 HOUSTON (ICIS)--US dioctyl terephthalate (DOTP), dioctyl phthalate (DOP) and diisononyl phthalate (DINP) pricing moved higher for February on pressure from January propylene, severely tight supply and consistent demand from construction, automotive markets and medical equipment.

[104]US pending home sales fall 2.8% in January By Stefan Baumgarten 26-Feb-21 00:37 HOUSTON (ICIS)--US pending home sales fell 2.8% month on month in January as inventory constraints continued to hold back prospective buyers, the National Association of Realtors (NAR) said on Thursday. In January, the South was the only region where pending home sales rose from December, while the other three major US regions saw month-on-month declines.

[105]Europe ethanolamines February prices rise, driven by raw material costs By Jane Gibson 25-Feb-21 01:43 LONDON (ICIS)--Contract prices for European ethanolamines increased in February, driven by producers coping with higher feedstock costs. This is the third consecutive monthly price increase after several months of static prices in 2020. Producers may seek to continue this momentum in March- although there is some reticence to quote any targets before the ethylene contract for March settles.

[106]INSIGHT: Europe epoxy supply crunch could last longer than anticipated By Heidi Finch 24-Feb-21 01:22 LONDON (ICIS)--The Europe epoxy supply crunch could persist for longer than originally anticipated as challenges abound and upstream tightness intensifies. And while buyers are pinning their hopes on Asian imports that are due to arrive in Europe in March/April, these may not provide the supply relief buyers hope for.

[107]China s Shandong Qinghe starts construction of PO plant at Zibo By Fanny Zhang 22-Feb-21 15:25 SINGAPORE (ICIS)--China s Shandong Qinghe Chemical has started construction of a 300,000 tonne/year propylene oxide (PO) plant at Zibo in Shandong province late last week, a market source said. A 900,000 tonne/year H2O2 will also be constructed as a supporting facility.

[108]Sinopec Hainan, Baling partner on TPE project in Yangpu By Fanny Zhang 22-Feb-21 17:16 SINGAPORE (ICIS)--Sinopec Hainan Refining & Chemical and Baling Petrochemical are planning to jointly invest yuan (CNY) 2.2bn ($341m) to build a 170,000 tonne/year thermoplastic elastomer (TPE) project at Yangpu in Hainan province, market sources said. The project will have 120,000 tonnes/year of styrene-butadiene-styrene (SBS) and 50,000 tonnes/year of styrene-ethylene-butylene-styrene (SEBS) capacities.

[109]US housing starts fall 6% in January By Stefan Baumgarten 18-Feb-21 23:03 HOUSTON (ICIS)--US January residential housing starts fell 6.0% from December, marking their first decline since last August, according to the latest data from the US Census Bureau on Thursday. However, building permits jumped. Single-family housing starts in January were at a rate of 1,162,000, down 12.2% from December.

[110]Mideast TDI and PMDI offer prices continue to rise on supply issue By Chung Kiat Yeo 18-Feb-21 14:26 SINGAPORE (ICIS)--Spot offer prices for Middle East toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) cargoes continued to rise due to supply related issues in the week ended 18 February. Demand remained healthy in Asian and Middle Eastern countries, with the latter being supported by requirements from the pending Muslim fathering month of Ramadan holiday season in April-May.

[111]US-China decoupling would cost up to $38bn in US chemical industry output losses - study By Joseph Chang 18-Feb-21 07:06 NEW YORK (ICIS)--A full decoupling of the US and China economies would cost the US chemical industry up to $38bn in lost annual output, along with significant job losses, according to a study by the US Chamber of Commerce in partnership with Rhodium Group released on Wednesday.

[112]EU, eurozone construction output slumps in December By Tom Brown 17-Feb-21 22:35 LONDON (ICIS)--The EU's petrochemicals-intensive construction sector productivity slumped both month on month and year on year in December, with falls equally pronounced across the building and civil engineering sectors, Eurostat said on Wednesday. Across the EU's 27 countries, construction output fell 3.3% compared to November and 2.1% compared with December 2019 as the impact of lockdowns and rising infection rates slowed building activity. By subsectors, EU building construction - business and residential space - fell 3.3% in December, month on month; civil engineering, composed mostly of public investments in infrastructure, fell 3.1%. Germany, France, and Slovenia saw the sharpest falls out of member states, reporting contractions of 3.2%, 8.6% and 13.1% respectively.

[113]Singapore to see strong GDP rebound after 2020 contraction By Nurluqman Suratman 16-Feb-21 12:50 SINGAPORE (ICIS)--Singapore's economy is expected to see a strong rebound this year after contracting by 5.4% in 2020, supported by a robust manufacturing sector as its outward-oriented sectors continue to benefit from rising external demand. The country's GDP fell by 2.4% year on year in the fourth quarter of 2020, weighed by the 27.4% and 4.7% contractions in the construction and services-producing sectors, respectively, according to data from the Ministry of Trade and Industry (MTI).

[114]Europe February isocyanates contracts converge on contrasting supply and demand trends By Fergus Jensen 16-Feb-21 00:06 LONDON (ICIS)--Europe isocyanates contract prices levels drew closer in February amid contrasting supply and demand trends. Flexible foam production constraints and easing supply led to triple-digit reductions in toluene diisocyanate (TDI) contracts this month, while tight supply and strong demand supported triple-digit gains in methylene diphenyl diisocyanate (MDI) contracts.

[115]Asia PE pre-Lunar New Year market quiet, post-holiday tone optimistic By Izham Ahmad 05-Feb-21 14:18 SINGAPORE (ICIS)--The polyethylene (PE) import markets in China and southeast Asia have been largely subdued in the lead-up to the Lunar New Year holidays, which start in China on 11 February, but the post-holiday market tone appears more optimistic due to tighter supply and a shorter-than-usual holiday period.

[116]Supply, upstream pressure intensifying in US plasticizers markets By Larry Terry 05-Feb-21 07:41 HOUSTON (ICIS)--Upstream costs and US diisononyl phthalate (DINP), dioctyl terephthalate (DOTP) and dioctyl phthalate (DOP) supply pressure continues to escalate in February. January propylene previously saw its largest two-month jump in eight years, and January plasticizers moved up on a similarly sharp increase in December propylene. Strong plasticizers buying interest continues to be led by downstream residential construction and automotive manufacturing, as well as medical equipment and packaging amid the ongoing coronavirus.

[117]Trinseo optimistic on rising demand from autos, consumer electronics, DIY By Adam Yanelli 05-Feb-21 06:05 HOUSTON (ICIS)--US-based styrenics producer Trinseo expects continued strong demand in 2021 after seeing improved demand in Q4 from automotive, consumer electronics and the do-it-yourself (DIY) construction end markets. CEO Frank Bozich said during a Q4 earnings call on Thursday that volumes grew in Q4 for the automotive, appliances, and coatings, adhesives, sealants and elastomers (CASE) segments.

[118]Europe MIBK hits all-time highs on acetone increases and delayed imports By Anne-Sophie Briant-Vaghela 04-Feb-21 22:35 LONDON (ICIS)--European methyl isobutyl ketone (MIBK) spot prices have started venturing in unchartered territory this week, with the ICIS assessment recording ***unprecedented*** values, sending shock waves amongst desperate buyers. The striking hikes are mirroring, with delay, acetone spot value trajectory, fuelled by global tightness in January and February propylene contract prices, benzene hikes in December/January contract prices seeping through to the cumene route and a number of production hiccups further limiting acetone supplies globally.

[119]INSIGHT: Stronger demand, constrained supply a first-quarter characteristic By Nigel Davis 02-Feb-21 23:51 LONDON (ICIS)--The strong sequential improvement in chemicals demand and prices in the fourth quarter is tempered to some extent by coronavirus lockdowns running further into Q1 2021 but there is still momentum behind the upturn. This has a lot to do with shortened supply chains and the pressure on logistics that is keeping some markets tight. Downstream demand continues to improve take what has been described as ***exceptionally*** strong demand for methyl methacrylate and bisphenol-A in Europe as an example, driven by construction and automotive end uses, as an example.

[120]US December construction spending rises by 1% from November By Adam Yanelli 02-Feb-21 05:27 HOUSTON (ICIS)--US December construction spending rose by 1% from November, led in part by a 3.13% increase in residential spending, the US Census Bureau said in a data release on Monday.

[121]US oxo-alcohols supply constraints, strong demand to impact near-term markets By Larry Terry 29-Jan-21 07:59 HOUSTON (ICIS)--US oxo-alcohols contract pricing moved up for January on higher feedstock propylene, persistently tight supply and strong demand from downstream construction coatings and plasticizers markets, including automotive manufacturing and medical equipment and packaging. Similar market fundamentals will continue in February and potentially into March.

[122]INSIGHT: Asia chemical demand brightens a year on from coronavirus outbreak By Felicia Loo 28-Jan-21 14:08 SINGAPORE (ICIS)--One year on since the coronavirus outbreak in China, petrochemical demand in Asia has managed to recover from an initial slump and would be largely on the upward trajectory despite repeated waves of infections globally. Undergirding such sentiment is perennial healthcare demand now that ambitious vaccination plans are underway as the pandemic rages on. Prospects of an improving construction sector and for some plastics, curtailed supply due to plant shutdowns, will underpin consumption.

[123]Europe nylon 6 and 6,6 contract prices for January rise By Marta Fern 27-Jan-21 18:40 LONDON (ICIS)--European nylon 6 FD NWE contract prices for January settled 0.15-0.18/kg higher than December. The triple digit increase in the feedstock benzene was largely passed downstream, due to ongoing good buying interest across the main downstream industries and tight supply.

[124]Europe PS January contract prices rise to highest level since November 2018 By Stephanie Wix 26-Jan-21 03:47 LONDON (ICIS)--January polystyrene (PS) contract prices have increased between 110-120/tonne for both general purpose (GPPS) and high impact (HIPS) material, driven by the 108/tonne styrene increase. Supply remains tight, with material sold out and suppliers unable to meet all requests - despite operating at maximum capacity. Buyers are unable to source additional volumes.

[125]US existing home sales rose to 5.64m in 2020, highest since 2006 By Stefan Baumgarten 23-Jan-21 00:30 HOUSTON (ICIS)--US existing home sales rose 5.6% last year to 5.64m, reaching their highest level since 2006 despite the ongoing coronavirus pandemic, the National Association of Realtors (NAR) said on Friday. For the month of December, sales rose 0.7% from November to an annual rate of 6.76m in December. Compared with December 2019, sales were up 22.2%.

[126]US builder confidence falls on resurging pandemic, high lumber prices By Stefan Baumgarten 21-Jan-21 00:51 HOUSTON (ICIS)--US builder confidence in the market for newly built single-family homes fell in January following a rise in material costs led by a huge upsurge in lumber prices as well as a resurgence of coronavirus infections, the National Association of Homebuilders (NAHB) said on Wednesday. The group s housing market index (HMI) fell from 86 points in December to 83 in January.

[127]INSIGHT: Asia BPA demand bolstered by increased downstream production during LNY season By Julia Tan 22-Jan-21 14:00 SINGAPORE (ICIS)--Asia BPA demand has been supported recently due to expectations of increased downstream production during the Lunar New Year (LNY) season, representing a break from seasonal production patterns. Petrochemicals production in China typically decreases during the festive LNY season as workers return to their hometowns to celebrate the arrival of the Lunar New Year with their families.

[128]Tight supply, high shipping costs push US melamine contracts to steepest increase in 10 years By Deniz Koray 22-Jan-21 05:41 HOUSTON (ICIS)--Stronger demand than is typical for the season, tight supply and high shipping costs have been driving factors as Q1 melamine contracts settled up this week with the highest price increase of the past decade.

[129]INSIGHT: US economic stimulus may squeeze already tight chem markets By Al Greenwood 22-Jan-21 01:27 HOUSTON (ICIS)--The economic stimulus packages being proposed in the US could further tighten in markets for several plastics and chemicals. Prices for many of these materials were already rising amid a boom in US residential construction and a change in consumer buying habits.

[130]US housing starts rose 5.8% in December By Stefan Baumgarten 22-Jan-21 00:33 HOUSTON (ICIS)--US December residential housing starts rose 5.8% from November, marking a fourth consecutive month-on-month increase, according to the latest data by the US Census Bureau on Thursday. Single-family housing starts in December were at a rate of 1,338,000, up 12.0% from November.

[131]Europe Q1 melamine contract price soars by triple digits By Melissa Hurley 21-Jan-21 21:08 LONDON (ICIS)--European melamine first-quarter contracts have surged by various triple-digit amounts, depending on starting point and account.

The large increases were mainly driven by the reduced supply situation in the fourth quarter and a continuation of solid demand into 2021. Talks between suppliers and consumers were challenging in some cases.

[132]Mideast chemical supply tight on container shortages, Asian plant shutdowns By Felicia Loo 21-Jan-21 13:22 SINGAPORE (ICIS)--Middle East's petrochemical markets are facing tight supply, mainly due to shortage of containers, with shipment difficulties to last until March. Plant shutdowns in Asia exacerbated the tight supply conditions, overshadowing demand from strong to stable in certain sectors in the Middle East.

[133]Europe Jan epoxy resins contracts reach record highs, on constrained supply By Heidi Finch 20-Jan-21 01:01 LONDON (ICIS)--Europe liquid epoxy resins contracts have soared to a record high in January 2021, while solid epoxy contracts have climbed to match the peak of mid-2010, amid persistent market tightness.

[134]China property development investment growth slows to 7% in 2020 By Fanny Zhang 19-Jan-21 15:53 SINGAPORE (ICIS)--China s investment in property development increased by 7.0% in 2020, decelerating from 9.9% in the previous year, data from the National Bureau of Statistics showed. The investment on housing development gained by 7.6% in 2020, comparing with 13.9% in 2019. Last year s growth pace on property developers construction area was 3.7%, much narrower than the 8.7% in 2019.

[135]US infrastructure plan to be unveiled in February in 2nd step of massive stimulus By Joseph Chang 15-Jan-21 12:23 NEW YORK (ICIS)--US President-elect Joe Biden plans to unveil details of a major US infrastructure stimulus plan in February in his first appearance before a joint session of Congress after announcing his first step of massive fiscal stimulus.

On 14 January, Biden outlined a step one $1.9tr stimulus proposal called the American Rescue Plan to provide direct payments to individuals, an extension of enhanced employment benefits, financial aid for states and cities, and funds for coronavirus vaccine distribution, testing and prevention efforts.

Next month, Biden will present to Congress a separate Build Back Better Recovery Plan focusing on infrastructure investment.

[136]INSIGHT: China's BPA markets soften, Asian producers eye European markets By Julia Tan 15-Jan-21 11:00 SINGAPORE (ICIS)--China's bisphenol A (BPA) markets have witnessed a downturn in recent weeks on a bearish downstream polycarbonate (PC) market. Many domestic PC producers have cut operating rates, leading to an overall decrease in demand for BPA in China. China's domestic PC market declined late last year as supply increased when traders liquidated cargoes ahead of the new year.

[137]Europe flex PU foam makers battle polyols shortage; rigid PU still strong By Fergus Jensen 15-Jan-21 01:36 LONDON (ICIS)--Short supply of polyols is complicating production in Europe s flexible polyurethane (PU) foam market where demand has also been slightly dented by an escalation of coronavirus infections in Europe. Construction, meanwhile, has been less affected by lockdown ***measures*** in the region so far, and demand for rigid PU foam feedstocks has held up.

[138]US February oxo-alcohols initiatives emerge amid January price talks By Larry Terry 15-Jan-21 07:12 HOUSTON (ICIS)--US oxo-alcohols price initiatives emerged for February even as January negotiations continue amid strong demand and upstream pressure from December propylene and tight global supply. Architectural and automotive coatings and downstream plasticizers are key market drivers. Also, strong export demand is driving US export prices higher.

[139]INSIGHT: Mixed chemical supply outlook as trade flow pattern enhances in Mideast By Felicia Loo 13-Jan-21 19:31 SINGAPORE (ICIS)--The Middle East s chemicals supply scenario paints a mixed picture this year, with some products being tight while others will see new capacities in the region, or inflows from other sources. With Saudi-led Gulf Cooperation Council (GCC) members having restored relations with Qatar, intra-regional petrochemical undertakings will be elevated, with more businesses expected.

[140]Infrastructure needed to bolster 21 construction demand - trade group By Janet Miranda 08-Jan-21 05:54 HOUSTON (ICIS)--Non-residential construction demand is expected to shrink in 2021, unless federal officials can boost investment in infrastructure projects and backfill state and local construction budgets, the Associated General Contractors of America (AGC) trade group said in a forecast conference on Thursday. Construction firms experienced significant loss of projects when the coronavirus pandemic hit and have been struggling ever since due to project cancellations and prolonged social distancing ***measures*** that have increased the cost of doing business.

[141]OUTLOOK 21: Asia oxo-alcohols faces protracted demand recovery, tight supply By Jude Chan 08-Jan-21 14:30 SINGAPORE (ICIS)--Asia s oxo-alcohols demand could cool in 2021 but tight supply, which drove up prices to record highs in late 2020, would persist since no new plants are due to start up in the next 12 months. Prices surged in the fourth quarter due to turnarounds being carried out at several regional oxo-alcohol plants, as well as cracker issues in northeast Asia.

[142]OUTLOOK 21: China 2-EH supply to remain tight amid COVID-19 pandemic By Claire Gao 08-Jan-21 11:33 SINGAPORE (ICIS)--China s 2-ethylhexanol (2-EH) supply tightness is unlikely to ease in 2021, on expectations about limited increases in domestic output and imports, and strong end-user demand as a result of a rise in coronavirus cases globally.

[143]OUTLOOK 21: Asia plasticizers demand could dip as pandemic hinders industrial growth By Jude Chan 08-Jan-21 11:26 SINGAPORE (ICIS)--Asia s plasticizers production may be hit by tight supply of feedstocks isononanol (INA) and 2-ethylhexanol (2-EH), while key downstream construction, packaging and automotive industries make a gradual recovery from the coronavirus pandemic. Supply of plasticizers was relatively tight in Q4 2020 as some regional producers were forced to lower their operating rates amid scarce feedstock availability.

[144]Infrastructure needed to bolster 21 construction demand - trade group By Janet Miranda 08-Jan-21 05:54 HOUSTON (ICIS)--Non-residential construction demand is expected to shrink in 2021, unless federal officials can boost investment in infrastructure projects and backfill state and local construction budgets, the Associated General Contractors of America (AGC) trade group said in a forecast conference on Thursday. Construction firms experienced significant loss of projects when the coronavirus pandemic hit and have been struggling ever since due to project cancellations and prolonged social distancing ***measures*** that have increased the cost of doing business.

[145]OUTLOOK 21: US PC should be balanced by mid-year By John Donnelly 07-Jan-21 07:02 HOUSTON (ICIS)--The US polycarbonate market is expected to be tight in the first quarter of 2021 as supply shortages carry over from 2020 and the demand side rides a positive economic wave. Supply will continue to improve in the first quarter as production issues are fixed, stabilising the supply/demand balance by the end of the quarter or the beginning of the second.

[146]OUTLOOK 21: US polyol demand expected to remain strong, supplies could face limitations By Zachary Moore 07-Jan-21 06:30 HOUSTON (ICIS)--Demand for US polyols is expected to remain strong through the early months of 2021 while supply limitations are likely to remain in place through the initial months of the year. Residential construction has been one of the brighter spots in the overall economy during recent months, spurring an increase in demand for construction applications, which are one of the largest end uses for polyurethane systems.

[147]OUTLOOK 21: US MDI, TDI supply tightness could remain in place through initial months of 2021 By ICIS Editorial 07-Jan-21 05:46 HOUSTON (ICIS)--US supplies of methylene diphenyl diisocyanate (MDI) and toluene diisocyanate (TDI) could remain limited through the initial months of 2021 as producers struggle to rebuild inventories while demand is expected to remain strong.

[148]INSIGHT: US Senate flip would put $2 trillion infrastructure and green energy stimulus into play By Joseph Chang 07-Jan-21 05:43 NEW YORK (ICIS)--The potential for a Democrat-controlled US Senate following the Georgia run-off elections puts a massive wave of fiscal stimulus back on the table. This includes higher amounts of direct stimulus payments to individuals, and President-Elect Joe Biden s $2 trillion infrastructure and green energy plan. The new stimulus prospects lit a fire under US chemicals stocks on 6 January. Materials, energy and infrastructure stocks led the overall equity market with big gains.

[149]OUTLOOK 21: European PO markets reliant on polyols progress in 2021 By Jane Gibson 06-Jan-21 21:30 LONDON (ICIS)--The European propylene oxide (PO) market is expected to be carried for much of the first quarter of 2021 by the downstream polyols market. The demand pull for PO into polyols was at the expense of other derivatives in Q4 2020, which have seen some supply restrictions on PO.

[150]OUTLOOK '21: Europe plasticizers to start year strongly due to tight supply By Jane Massingham 06-Jan-21 18:30 LONDON (ICIS)--The European plasticizers market is certainly ending 2020 on a stronger note than many would have anticipated and this looks set to remain through Q1 and potentially Q2. The outlook for Q1 looks positive and a real turning point is the vaccines. Other key considerations will be how the traditional Q2 will evolve and what the financial implications of coronavirus will be during H2 2021, when many fiscal incentives and support schemes are likely to end. UK Construction Project Managers Index (PMI) in November increased to 54.7 points from 53.1 points in October.

[151]OUTLOOK '21: Middle East and South Asia PVC markets continue to grapple with tight supply By Zhi Xuan Ho 06-Jan-21 12:22 SINGAPORE (ICIS)--The spot polyvinyl chloride (PVC) markets in the Middle East and South Asia have suffered from a severe shortage of imports in the second half of 2020 as global outages rocked the industry. This is expected to continue into 2021, as some plants remain off line, while others have scheduled turnarounds in Q1.

[152]US oxo-alcohols price initiatives proliferate on upstream pressure By Larry Terry 18-Dec-20 07:00 HOUSTON (ICIS)--Additional separate US oxo-alcohols free-market price initiatives for mid-December and for January emerged just ahead of the jump in December propylene and ongoing unseasonably strong downstream demand.

[153]US housing starts rise for a third consecutive month in November By Stefan Baumgarten 18-Dec-20 00:18 HOUSTON (ICIS)--US November residential housing starts rose 1.2% from October, marking a third consecutive month on month increase, according to the latest data by the US Census Bureau on Thursday. Single-family housing starts in November were at a rate of 1,186,000, up 0.4% from October.

[154]INSIGHT: Higher 2021 Asia PE prices expected as demand recovers By Amy Yu 17-Dec-20 20:22 SINGAPORE (ICIS)--Asia polyethylene (PE) prices are expected to be higher on average next year due to a forecast demand rebound and higher feedstock price expectation. Some of the increase will be limited though as regional supply is likely to increase, mainly driven by booming capacity to be launched next year.

[155]Eurozone construction output up 0.5% in October, lower year on year By Jonathan Lopez 16-Dec-20 20:09 LONDON (ICIS)--Eurozone output in the petrochemicals-intensive construction industry rose 0.5% in October, month on month, statistical office Eurostat said on Wednesday. The increase in the wider, 27-country EU stood at 0.9%. Still, construction output in the EU and the 19-country currency area remains lower compared to October 2019, a fall of 1.2% and 1.4%, respectively.

[156]China Jan-Nov property development investments rise 6.8% on year By Fanny Zhang 15-Dec-20 14:21 SINGAPORE (ICIS)--China s property development investments in January-November 2020 increased by 6.8% year on year, industry data showed on Tuesday. Investments in housing development during the period rose to 7.4%, according to data from the National Bureau of Statistics (NBS). Property developers housing construction area posted a 3.2% growth in January-November. However, developers land purchase fell by 5.2% during the period to 205m square metres as land prices increased and companies face funding pressure toward the end of the year.

[157]US plasticizers ranges move up for December on strong demand, tight supply By Larry Terry 11-Dec-20 08:03 HOUSTON (ICIS)--US dioctyl terephthalate (DOTP), dioctyl phthalate (DOP) and diisononyl phthalate (DINP) prices settled higher for December amid transportation delays for larger buyers, tight supply, strong demand and some expectations of a sharply higher upstream December propylene settlement. Plasticizers applications in healthy residential construction and automobile manufacturing sectors are expected to remain healthy well into the new year, supported at least partly by coronavirus-vaccine optimism.

[158]INSIGHT: Germany's chemicals to weather near-term volatility in manufacturing By Morgan Condon 09-Dec-20 01:34 LONDON (ICIS)--Despite the prospect of a vaccine providing some boost to business confidence across the world, manufacturing in Germany could end the year on a sour note. Although the fourth quarter started on relatively solid footing, various industrial indicators have not supported sustained growth.

[159]December SE Asia-bound TDI cargoes discussed, sold at lower levels By Jasmine Khoo 09-Dec-20 17:57 SINGAPORE (ICIS)--Spot indications for December-loading southeast Asia-bound toluene diisocyanate (TDI) cargoes were softer in the week ending 9 December, market sources said on Wednesday. Lacklustre demand was cited as a key factor for the price drops, as sellers sought to stimulate buyers interest with lower offers.

[160]Soaring PC pricing in Asia puts upward pressure on European negotiations By Miguel Rodriguez Fernandez 03-Dec-20 23:11 LONDON (ICIS)--Supply constrains in the European polycarbonate (PC) market are being exacerbated by soaring PC prices in Asia, which is putting upward pressure on December and Q1 PC contract negotiations in Europe.

As PC pricing in China hits a two-year record high, European producers are turning their attention to buyers in east Asia, increasing their exports to the region and reducing the amount of PC available in Europe.

[161]US November MMA contracts increase amid unseasonably strong demand By Tarun Raizada 03-Dec-20 07:00 HOUSTON (ICIS)--US methyl methacrylate (MMA) moved up in November as demand is not slowing down, despite seasonality. The supply picture is getting better, although there are still pockets of snugness due to a tight trucking market. Demand is unseasonably strong, with the coatings sector up in November due to a strong housing and construction market. While it is unclear how long this will last, December is also expected to be busier than usual.

[162]US November epoxy contracts increase amid increased supply concerns By Tarun Raizada 02-Dec-20 08:31HOUSTON (ICIS)--US epoxy is facing significant upward pressure as sentiment has changed abruptly due to a tighter supply picture. Epoxy resins are used as adhesives on metals and construction materials, as well as in coatings and automobiles.

[163]China s petchems market rises in November amid tight supply, solid demand By Yvonne Shi 01-Dec-20 16:42 SINGAPORE (ICIS)--Prices of major petrochemical products in China rose across the board in November, according to ICIS data, due mainly to short supply and recovering export demand. Among the 33 products tracked by the ICIS, only one product fell slightly by 0.85% compared to the end of October, with the rest rising to varying degrees. Of the total 24 products recorded increases by more than 10%, of which more than a half gained by more than 20%.

[164]Middle East isocyanates prices hold steady By Prateek Pillai 26-Nov-20 21:58 SINGAPORE (ICIS)--Spot prices for Middle East isocyanates were assessed to be stable this week. Spot prices for toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) cargoes in the GCC (Gulf Cooperation Council) saw no movement as most cargo prices clustered around the assessed price range.

[165]Poland s PKN Orlen nitrogen, fertilizers Anwil expansion 32% complete By Will Conroy 26-Nov-20 17:00 LONDON (ICIS)--PKN Orlen s construction of a fertilizer plant that will expand its Anwil unit s nitrogen capacity by around 50% is 32% complete and remains on schedule, the Polish energy and petrochemicals major said this week.

[166]Falling HDPE pipe demand in China makes Mideast market attractive By Prateek Pillai 26-Nov-20 13:04 SINGAPORE (ICIS)--Falling demand for HDPE pipe black 100 in China amid a seasonal downturn has made exports of the material to the GCC (Gulf Cooperation Council) more attractive.

[167]Poland s PKN Orlen nitrogen, fertilizers Anwil expansion 32% complete By Will Conroy 26-Nov-20 17:00 LONDON (ICIS)--PKN Orlen s construction of a fertilizer plant that will expand its Anwil unit s nitrogen capacity by around 50% is 32% complete and remains on schedule, the Polish energy and petrochemicals major said this week.

[168]US November acrylates settle flat as logistics pressure mounts By Larry Terry 26-Nov-20 07:00 HOUSTON (ICIS)--In the US glacial acrylic acid (GAA) and acrylate esters markets, November freely negotiated contract prices settled at rollovers from October amid steady demand and some heightened supply stress heading into December.

[169]US October sales of new single-family houses jump 41.5% year on year By Stefan Baumgarten 25-Nov-20 23:42 HOUSTON (ICIS)--US sales of new single-family houses were at a seasonally adjusted annual rate of 999,000 in October down 0.3% from September, but up 41.5% year on year from October 2019, the US Census Bureau [170]reported on Wednesday.

[171]Shell Polymers US Pennsylvania cracker and PE plant over 70% complete By Zachary Moore 25-Nov-20 06:55 HOUSTON (ICIS)--Shell Polymers cracker and polyethylene (PE) project in Monaca, Pennsylvania, is now over 70% complete, according to a statement on the company s website.

[172]US chemical activity continues to rise month on month By Janet Miranda 25-Nov-20 02:11 HOUSTON (ICIS)--The Chemical Activity Barometer (CAB) rose by 0.8% in November on a three-month moving average, said the American Chemistry Council on Tuesday.

[173]German industry expectations fall as second wave stalls recovery By Morgan Condon 24-Nov-20 21:28 LONDON (ICIS)--German manufacturing business conditions remained positive in November but expectations for the coming months "turned notably less optimistic", according to the Ifo Institute on Tuesday.

[174]European MEC prices flat for November, demand remains steady By Chris Barker 25-Nov-20 04:47 LONDON (ICIS)--European methylene chloride (MEC) prices were stable for both northwest Europe and the Mediterranean in November, with price increases attempted but not confirmed to have been successful and global demand continuing its run of strength.

Singapore Q3 '20 GDP contracts by 5.8%, manufacturing expands 10% By Nurluqman Suratman 23-Nov-20 10:28 SINGAPORE (ICIS)--Singapore's economy fell by 5.8% year on year in the third quarter, moderating from the 13.3% contraction in the previous quarter, official data showed on Monday.

[175]Thailand Q3 economic contraction eases to 6.4% year on year By Pearl Bantillo 16-Nov-20 17:26 SINGAPORE (ICIS)--Thailand s economy posted a slower contraction of 6.4% year on year in the third quarter, aided by improved exports, private investments and consumption. Construction posted a stronger growth of 10.5% from a 7.4% pace in the second quarter.

[176]Asian MA discussions at year-high on better demand, mounting costs By Ai Teng Lim 20-Nov-20 10:07 SINGAPORE (ICIS)--Asian spot talks for maleic anhydride (MA) have hit a new year-high, as offers rose on the back of steep logistical costs at a time when demand is picking up with robust post-coronavirus economic recoveries in the region.

[177]Mideast petrochemical demand mixed amid rising coronavirus cases By Felicia Loo 19-Nov-20 12:51 SINGAPORE (ICIS)--The petrochemical markets in the Middle East were mixed, with polyethylene (PE) and polypropylene, as well as PE pipe grade affected by a curtailment in demand amid the pandemic, though the polystyrene (PS) market proved otherwise.

[178]Eurozone construction sector's traditional post-summer pick-up fails to materialize By Jonathan Lopez 19-Nov-20 21:23 LONDON (ICIS)--Output in the eurozone s petrochemicals-intensive construction sector fell in September, according to statistical office Eurostat, even though the month traditionally sees a rebound because southern Europe returns to work after the summer break.

[179]US October housing starts rise 4.9%, permits remain flat By Stefan Baumgarten 18-Nov-20 22:44 HOUSTON (ICIS)--US October housing starts rose 4.9% month on month while building permits remained flat, according to the [180]latest data by the US Census Bureau on Wednesday.

[181]China s Guangju plans coal-based chemical project in Inner Mongolia By Fanny Zhang 20-Nov-20 12:57 SINGAPORE (ICIS)--China s Guangju New Material is planning to invest CNY13.3bn ($2bn) to construct a coal-based chemical project at Wuhai in Inner Mongolia, a company source said on Friday.

[182]China Jan-Oct property development investment expands 6.3% By Fanny Zhang 16-Nov-20 17:27 SINGAPORE (ICIS)--China s investment in property development increased by 6.3% in January-October, with that on housing up by 7.0%, according to data from the National Bureau of Statistics (NBS).

[183]US construction, chem industry optimistic about Biden infrastructure plan By Janet Miranda 13-Nov-20 03:10 HOUSTON (ICIS)--US President-elect Joe Biden s extensive infrastructure plan, known as the Build Back Better programme, could help the non-residential construction sector stave off job losses and stimulate growth in the chemical industry. The plan aims to create millions of jobs and rebuild infrastructure including roads, bridges, green spaces, and water systems to withstand the impact of climate change.

[184]US ABS market continues to tighten on lower supply, healthy demand By John Donnelly 12-Nov-20 08:05 HOUSTON (ICIS)--The US acrylonitrile-butadiene-styrene (ABS) market has firmed sharply in the past month and a tight supply-and-demand balance is likely to continue in the near term. Domestic demand continues to be robust, with the housing, auto production and appliance sectors having rebounded from the economic lockdown earlier this year. Demand has also increased for electronics, seasonal toys and furniture.

[185]Chinese ethanolamines sentiment grows steadily worse amid sharp falls in local market By Yuanlin Koh 11-Nov-20 18:13 SINGAPORE (ICIS)--China s ethanolamines registered another sharp drop in the yuan-denominated market on long supply, especially in the diethanolamines (DEA) sector. Coupled with the startup of a new domestic plant - Sinopec Zhongke - during the weekend, sentiment plunged even further. According to market players, there were almost 20,000 tonnes of DEA at Chinese inventories.

[186]Europe November epoxy resins sentiment bullish, on supply shock waves, buoyant demand By Heidi Finch 11-Nov-20 03:43 LONDON (ICIS)--The Europe epoxy resins market is facing supply shock waves and an increasingly bullish sentiment in November, due to both domestic and import constraints, along with buoyant demand. Contrary to typical low seasonal expectations at this time of year, demand is buoyant, with little-to-no sign of any seasonal slowdown in the construction sector, buoyed by mild temperatures so far.

[187] US polycarbonate prices increase on tight supply, strong demand By John Donnelly 05-Nov-20 08:00 HOUSTON (ICIS)--November prices for US polycarbonate (PC) rose on supply/demand tightness and lack of import alternatives. The PC supply/demand balance has been tight, with imports limited and end-use demand strong. End-use demand has been strong, particularly in the housing sector and for appliances. Housing starts and permits grew in September. The warm winter moved up construction activity and completed and remodeled homes are now seeing increasing appliance needs.

[188]France industry still growing despite lockdown, China acrylics suffer on wider Asia - Arkema CEO By Jonathan Lopez 05-Nov-20 21:27 LONDON (ICIS)--The four-week lockdown n imposed by the French government last week will not bring the economy to a standstill like the one in the second quarter, with key downstream sectors operating normally, the CEO at French chemicals major Arkema said on Thursday. Sectors linked to building and construction gradually recovered over the summer and they are still doing quite ok. Because of that, for us this lockdown is quite different to the previous one, especially for Bostik which was greatly affected earlier in the year; it is doing quite ok now, said Le Henaff, speaking to reporters from Paris.

[189]Chinese ethanolamines market turns bearish on surplus By Yuanlin Koh 04-Nov-20 17:40 SINGAPORE (ICIS)--An influx of ethanolamines cargoes at Chinese ports have hit sentiment in the country, particularly in the diethanolamines (DEA) sector. According to market players, there were almost 20,000 tonnes of DEA at Chinese inventories.

[190]US construction spending rose 0.3% in September By Adam Yanelli 03-Nov-20 00:55 HOUSTON (ICIS)--US September construction spending rose by 0.3% month on month from August, led by a 2.8% increase in residential construction, the US Census Bureau said in a data release on Monday. Compared with September 2019, total construction spending was up by 1.5% year on year.

The construction market is a key consumer of chemicals, driving demand for a wide variety of chemicals, resins and derivative products such as plastic pipe, insulation, paints and coatings, adhesives and synthetic fibres, among many others.

[191]Europe HCl market remains tight; annual price discussions to begin November-December By Chris Barker 30-Oct-20 03:25 LONDON (ICIS)--The European hydrochloric acid (HCl) market has remained tight ahead of annual contract price negotiations on the back of upstream production issues, although output in the isocyanates industry has begun to rise in late October.

Isocyanates production at BASF and Covestro has increased with the latter s plant restarting, but HCl supply remains restricted because of the effects of the shutdowns earlier in the fourth quarter. The majority of HCl in Europe is produced as a byproduct of the isocyanates industry.

[192]SE Asian MA offers bullish on tight supplies and cost pressures By Ai Teng Lim 30-Oct-20 13:21 SINGAPORE (ICIS)--Southeast Asian import offers for maleic anhyride (MA) spiked this week, as spot supplies dried up and cost pressure rose. Judging from a recent string of positive regional economic indicators, the latest being a year-on-year increase in Singapore s September chemical production and industrial output, downstream off-take for raw materials like MA has been robust, especially from the unsaturated polyester resins (UPR) sector which has heavy applications in the construction and automobile industries.

[193]US oxo-alcohols markets may see more momentum after October gains By Larry Terry 30-Oct-20 07:07 HOUSTON (ICIS)--Higher US October oxo-alcohols free-market contract prices may not be the end of price momentum in this year of new seasonal-demand precedents. Downstream, US existing-home sales rose 9.4% month on month to an annual rate of 6.54m in September, marking a fourth consecutive month of growth, the National Association of Realtors (NAR) said. Compared with September 2019, sales rose 20.9% year on year. Demand from construction, although remaining largely on par with September strength so far, is expected to taper off as the US holiday season begins to gear up in November.

[194]Europe epoxy resins market finely balanced, amid various pulls on supply By Heidi Finch 28-Oct-20 01:45 LONDON (ICIS)--The Europe epoxy resins market is finely balanced in late October and this could continue for November, because of various pulls on supply.

Construction activity has recovered well from the coronavirus Q2 lockdowns, with little to no sign of any seasonal slowdown yet. While construction demand is expected to seasonally slow during Q4, when winter conditions set in, the slowdown could be mitigated to some extent this year by tighter inventory controls, due to coronavirus uncertainty and Brexit-related stock-building.

[195]Asia melamine sees firmer indications on stronger Chinese demand By Joson Ng 27-Oct-20 16:16 SINGAPORE (ICIS)--Melamine spot price indications were firmer in Asia as of 27 October for Chinese exports. Demand in China was gaining strength, driven by the construction sector. Some producers said they were not able to fulfil certain orders.

[196]Tight supply pushes up Mideast rigid polyol prices despite low demand By Prateek Pillai 23-Oct-20 14:28 SINGAPORE (ICIS)--Spot prices of rigid polyol cargoes in the Middle East were assessed to be firmer amid continued supply shortages. Despite a slowdown in demand due to weakness in the downstream construction sector, the limited supply meant that those buyers who were in need of replenishing their inventories found themselves in a poor negotiating position.

[197]US existing home sales rise 9.4% in September, fourth increase in a row By Stefan Baumgarten 23-Oct-20 01:42 HOUSTON (ICIS)--US existing-home sales rose 9.4% month on month to an annual rate of 6.54m in September, marking a fourth consecutive month of growth, the National Association of Realtors (NAR) said on Thursday. Compared with September 2019, sales rose 20.9% year on year.

[198]US shift to suburbs boosts chems used in durables - Dow CFO By Al Greenwood 22-Oct-20 23:21 HOUSTON (ICIS)--More US consumers are moving out of the city and into the suburbs, which is creating profound changes in buying habits that are increasing demand for appliances, automobiles and other durable goods, the chief financial officer of Dow said on Thursday. Dow noted strength across furniture, bedding, appliances, construction and automobiles. Some of the increase is due to companies restocking, said Howard Ungerleider, chief financial officer. He made his comments in an interview with ICIS.

[199]Asian epoxy resins at 6-month high on strong China demand By Ai Teng Lim 21-Oct-20 18:03 SINGAPORE (ICIS)--Asian epoxy resins prices have hit a six-month high with support from good demand in China, and the uptrend looks poised to hold amid a rosy near-term economic prognosis for China. Recent economic data have reflected a sterling improvement in the performances of the automobile and construction sectors in China.

For instance, China s September vehicle sales grew nearly 13% year-on-year, and property development investment in the country also grew a healthy 5.6% year-on-year for the period of January-September 2020. The latter invariably heralds increased activity and tempo in the construction sector.

[200]US housing starts rebound in September By Stefan Baumgarten 20-Oct-20 23:28 HOUSTON (ICIS)--US housing starts rose 1.9% month on month in September, following a 5.1% decline in August, the US Census Bureau said in a report on Tuesday. Single-family housing starts in September were at a rate of 1,108,000, up 8.5% from August, and single-family permits were 1,119,000, up 7.8%.

[201]China property development investment grows 5.6% in Jan-Sept By Fanny Zhang 19-Oct-20 12:32 SINGAPORE (ICIS)--China s property development investment posted a growth of 5.6% on year in the first three quarters, with that on housing up by 6.1%, the National Bureau of Statistics (NBS) said on Monday.

[202]EPCA 20: Firm China TiO2 export sentiment out of kilter with Europe's status quo By Heidi Finch 08-Oct-20 23:21 LONDON (ICIS)--Firm China titanium dioxide (TiO2) export sentiment, amid a snug and rebounding market, is somewhat out of kilter with the well-covered and recovering, albeit challenged European status quo. Some European traders, who source from Asia, are facing higher prices for Q4 shipments due to snug supply in China, rebounding downstream demand and higher costs, but traction in Europe is proving challenging. This is because Europe is well-supplied and is recovering, but also facing some unsettling market factors.

[203]EPCA 20: European ethanolamines buyers seek pandemic-proof contracts for 2021 By Jane Gibson 08-Oct-20 19:55 LONDON (ICIS)--The time has come for buyers and sellers on the European ethanolamines market to think about contract terms for 2021. The EPCA usually offers an opportunity for the market to look ahead to the next year, digesting potential changes in end-user markets and expected growth in the economy as a whole. The biggest demand growth opportunity in 2021 would come from the construction sector, where demand for triethanolamine (TEA) 85% was likely to continue to grow, producers said.

[204]EPCA '20: Europe MA players may recover losses from lockdowns by year end By Anne-Sophie Briant-Vaghela 07-Oct-20 20:48 LONDON (ICIS)--Europe's maleic anhydride (MA) market has taken several months to awaken from the deep slumber it was thrown into by the pandemic in May, but September and October order books have been filled at lightning speed with players watching in disbelief. Unsaturated polyester resins, which account for roughly 45% of the continent's MA consumption, have been responsible for a sharp pick up in MA orders in the past few weeks after a long spell of quiet improvement.

[205]Swiss Sika expands mortar production in China By Pearl Bantillo 06-Oct-20 14:41 SINGAPORE (ICIS)--Sika has expanded its mortar production in China via commissioning a new facility in Chengdu, the Swiss producer said on Tuesday. Details on investment and plant capacity were not disclosed. Sika will benefit from strong demand in Chengdu, the capital of Sichuan province in southwestern China, as well as from the launch of new products and expansion of distributor network.

Citing estimates, the company said construction in the world s second-biggest economy is expected to grow 6.1% in 2021, with the average annual growth pegged at around 5% until 2029.

[206]BASF closes sale of construction chem ops to private equity By Stefan Baumgarten 01-Oct-20 01:22 LONDON (ICIS)--BASF has completed the divesture of its construction chemicals business to an affiliate of global private equity firm Lone Star, effective midnight, 30 September. Under a deal agreed in December 2019, Lone Star's purchase price was 3.17bn, on a cash and debt-free basis.

[207]US construction spending rose 1.4% in August By Stefan Baumgarten 01-Oct-20 23:06 HOUSTON (ICIS)--US August construction spending rose 1.4% month on month from July, led by a 3.7% increase in residential construction, the US Census Bureau said in a data release on Thursday. Compared with August 2019, total construction spending was up 2.5% year on year.

[208]Europe PS and EPS mixed demand expectations for Q4 depending on downstream sector By Stephanie Wix 01-Oct-20 03:57 LONDON (ICIS)--Expectations in both the European polystyrene (PS) and expandable polystyrene (EPS) markets are mixed regarding October demand levels and Q4, since some downstream sectors have had stronger buying trends than others. Overall the EPS market has been stronger this month compared with PS, due to softening activity in some downstream PS applications. Meanwhile, construction buying activity is also stable to softer in both PS and EPS markets, due to the financial impact of the coronavirus on construction companies. Some players have seen more stable demand than others, depending on region.

[209]Asia s caustic soda market supply to remain healthy; demand recovery sluggish By Jonathan Chou 30-Sep-20 17:19 SINGAPORE (ICIS)--Spot supply for liquid caustic soda in Asia is expected to outweigh demand in the near term, as producers in the region continue to grapple with high inventory levels amid sluggish uptake. Asia s PVC market has been supported by resurgent demand amid production outages that constrained inflows of deep-sea supply.

Caustic soda is used in the manufacture of pulp and paper products, alumina, soap, water treatment, and textiles, while PVC sees different end-uses in applications such as pipes and profiles, in the construction industry, and for medical devices.

[210]Europe POM and PBT demand increase ahead of Q4 discussions By Zubair Adam 29-Sep-20 19:56 LONDON (ICIS)--There has been an increase in demand in Europe for polyacetal (POM) and polybutylene terephthalate (PBT) ahead of Q4 negotiations. The rise has continued from August into September.

[211]With China's economy on a roll, domestic petchem demand brightens up By Felicia Loo 28-Sep-20 14:10 SINGAPORE (ICIS)--While major world economies are still struggling with the coronavirus pandemic that has bruised their economies, China is on the fast lane to recovery, supported by Beijing s stimulus ***measures***. China wasted no time in whipping its economy back to shape following the outbreak of the deadly virus which was detected late last year in the city of Wuhan, with infrastructure and construction amongst its priorities.

[212]Commercial-construction recovery lags behind residential - HB Fuller By Al Greenwood 25-Sep-20 01:30 HOUSTON (ICIS)--The recovery in the commercial construction market should continue in the fourth quarter, but at a slower rate than that for residential, US-based adhesives producer HB Fuller said on Thursday.

Although commercial construction is lagging behind residential, it is still improving, said Jim Owens, CEO. He made his comments during an earnings conference call.

[213]Construction, automotive outlook murky for US PA in H2 By Antoinette Smith 23-Sep-20 05:38 HOUSTON (ICIS)--The H2 outlook for demand for US phthalic anhydride (PA) is hazy, with strong construction activity expected to taper with cooler weather, and automotive sales unlikely to surge in the remaining months of the year.

US builder confidence in the market for newly built single-family homes rose to an all-time high in September, as housing leads the economic recovery from the coronavirus downturn. Demand for new homes remains high, supported by low interest rates, the National Association of Home Builders (NAHB) said.

[214]US existing home sales keep rising, lumber shortage hits inventory By Stefan Baumgarten 22-Sep-20 23:09 HOUSTON (ICIS)--US existing home sales continued to rise in August, but high prices and a shortage of lumber tightened already scarce housing inventories, the National Association of Realtors (NAR) said on Tuesday.

Existing-home sales marked a third consecutive month of gains in August up 2.4% from July to a seasonally-adjusted annual rate of 6.0m in August. Sales rose 10.5% year on year from August 2019. Total housing inventory at the end of August totalled 1.49m units, down 0.7% from July and down 18.6% from one year ago.

[215]Tight supply continues to drive Middle East isocyanate prices By Prateek Pillai 18-Sep-20 22:38 SINGAPORE (ICIS)--Spot prices for isocyanate cargoes in the Middle East continued to rise as tight supply conditions meant that demand outstripped supply in the week ended 17 September. Demand from the construction industry in the form of insulation foams has also rebounded, as the end of the summer months coincided with a rise in construction activity.

[216]US October oxo-alcohols price-increase initiatives emerge By Larry Terry 18-Sep-20 04:07 HOUSTON (ICIS)--Separate US October oxo-alcohols price-increase initiatives emerged from two producers as September price talks continued amid generally improving volumes. Month-on-month oxo-alcohols volume gains have become more common since coronavirus strictures broadly began to ease in May, despite resurgent cases across the US in recent months. Among downstream markets, architectural coatings continue to drive most volume, with automotive manufacturing gaining ground but not expected to reach year-ago levels.

[217]INSIGHT: US polyurethane demand recovering faster than expected from Q2 low points By Zachary Moore 18-Sep-20 00:50 HOUSTON (ICIS)--Demand for polyurethane systems in the US has staged a faster than expected recovery from the low points in consumption seen in the second quarter. North American demand for polyurethanes plunged in April and May during the period of strictest coronavirus-related movement restrictions. Industry participants at the time expected demand recovery to be slow and gradual, with a resumption of pre-crisis demand expected to be delayed until 2022.

[218]US August housing starts fall 5.1% from July By Stefan Baumgarten 17-Sep-20 23:00 HOUSTON (ICIS)--US housing starts and building permits fell month on month in August, the US Census Bureau said in a data release on Thursday. US builder confidence in the market for newly built single-family homes rose to an all-time high in September, an industry trade group reported earlier. The American Chemistry Council (ACC) estimates each new home built represents some $15,000 worth of chemicals and derivatives used in the structure or in the production of component materials.

[219]Europe construction output stable in July but nearly 4% lower year on year By Morgan Condon 17-Sep-20 21:44 LONDON (ICIS)--The European petrochemicals-intensive construction sector was relatively stable in July but nearly 4% lower year on year, the EU s statistical agency Eurostat said on Thursday. Production in July edged up by 0.2% in the eurozone, month on month; in the wider 27-country EU, it fell by 0.1%.

[220]SE Asian MA offers spike with domestic China rally By Ai Teng Lim 11-Sep-20 13:09 SINGAPORE (ICIS)--Southeast Asian import offers for maleic anhydride (MA) surged, following significant gains seen in the domestic yuan-denominated market. Market participants largely expect the Chinese domestic market to hold steady at least until the extended China National Day holidays start in early October, which could likely continue to support sentiment for US dollar-denominated MA cargoes. Domestic trades have been boosted by improved demand, as construction sector activities are resuming at a steady pace within China in recent weeks, market sources said.

[221]Europe Sep isocyanates contracts jump; TDI posts record leap By Fergus Jensen 10-Sep-20 23:34 LONDON (ICIS)--Europe isocyanates contracts for September were assessed this week, jumping triple digits as strong demand for rigid and flexible polyurethane (PU) foams outstripped limited feedstock supply. European market tightness is being mirrored by supply constraints in the US and Asia, which are expected to feature in October contract talks."Construction is doing very well," said one Europe-based MDI producer. "Panels production, sandwich panels, floor panels and composite wooden panels are all at very healthy levels," the producer added.

[222]INSIGHT: End market numbers show chemicals face further turmoil By Rhian O'connor 10-Sep-20 20:00 LONDON (ICIS)--Prospects for a speedy recovery for the chemicals sector remain bearish in the face of fresh end market data hinting at further volatility. New numbers released by Oxford Economics last week show further downgrades to production forecasts for 2020 across most end markets and most regions. China continues to be the bright spark of global growth, at least on reported numbers. Recent news of higher than expected manufacturing exports from China highlights its continued role as manufacturer to the world.

[223]Melamine producers to face turnarounds in late Q3, Q4 as buyers prepare for quarterly negotiations By Deniz Koray 10-Sep-20 06:27 HOUSTON (ICIS)--Multiple melamine producers are either currently undergoing scheduled turnarounds or will begin them this fall and winter. Since there is only one US producer of melamine, production levels in Europe and Asia are also important to monitor.

[224]INSIGHT: Huntsman Q3 upward guidance signals improving automotive, construction trends By Joseph Chang 10-Sep-20 03:58 NEW YORK (ICIS)--Huntsman s upside guidance on polyurethanes (PU) for Q3 2020 highlights improving trends in construction and automotive, two key markets for the entire chemicals sector. Huntsman said the improved outlook is being driven by continued strength in construction-related markets, better than expected improvement in automotive demand and higher overall margins.

[225]US July construction spending inches up, led by residential construction By Stefan Baumgarten 02-Sep-20 00:49 HOUSTON (ICIS)--US July construction spending rose slightly month on month from June, with a 2.1% increase in residential construction offsetting declines in non-residential and public construction, the US Census Bureau said in a data release on Tuesday.

July US construction spending: Annual rate, billion US$ Change from June Total 1,364.6 +0.1% Private 1,013.5 +0.6% -Residential 546.6 +2.1% -Non-residential 466.9 -1.0% Public 351.1 -1.3%

Compared with July 2019, total construction spending was down 0.1% year on year.

[226]North American PS sales rise month on month in July; sales remain lower year on year By Zachary Moore 28-Aug-20 07:19 HOUSTON (ICIS)--North American sales of polystyrene (PS) rose month on month in July while sales remained lower compared with the same month of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting. PS sales have been rising incrementally over the past two months after posting significant declines in the months of April and May during the period of the most stringent coronavirus-related lockdowns.

[227]US housing in V-shaped recovery, pending home sales rise 5.9% in July - NAR By Stefan Baumgarten 27-Aug-20 23:16 HOUSTON (ICIS)--US pending sales of existing homes rose 5.9% month on month in July, with sales in each of the four major regions rising, the National Association of Realtors (NAR) said. July s increase marked the third consecutive month of growth in pending home sales. Year on year, contract signings rose 15.5% from July 2019. Home buyers are returning to the housing market after large parts of the economy were shut down in March and April to contain the coronavirus.

[228]European nylon 6 August contract prices settle between rollover and slight increase By Stephanie Wix 26-Aug-20 04:13 LONDON (ICIS)--European nylon 6 contract prices for August have settled between rollover and an increase of 0.01/kg, driven by stable market dynamics and the 6/tonne increase for key feedstock benzene. Demand in non-automotive sectors, such as construction, textiles, household, nylon yarns and carpet fibres, remains broadly stable.

[229]SE Asian MA import offers supported by a buoyant China but demand stays structurally soft By Ai Teng Lim 22-Aug-20 00:03 SINGAPORE (ICIS)--Southeast Asian maleic anhydride (MA) import offers picked up slightly this week, as sellers were motivated by the strong showing in the domestic yuan-denominated markets to hold their ground in September negotiations.

MA is used heavily in the region for the manufacturing of unsaturated polyester resins (UPR). UPR is in turn dependent on consumption from sectors like automotive and construction, which are still reeling from the coronavirus-induced global economic slowdown.

[230]Mexico s PVC demand from construction sector remains questionable By Luly Stephens 20-Aug-20 03:12 HOUSTON (ICIS)--Demand for polyvinyl chloride (PVC) from the construction sector in Mexico has not improved, despite the optimism that emerged in June when the local government considered construction an essential industry. Effective 1 June, and following the guidelines published by the Health and Labor Ministries, construction activity could be resumed in Mexico. But with the construction sector already sluggish prior to the virus crisis, and both public and private construction projects halted due to the rapid spread of the virus, the construction industry recorded a Q2 contraction estimated at -30%.

[231]US housing starts rise in July By Tracy Dang 20-Aug-20 06:26 HOUSTON (ICIS)--US privately owned housing starts in July rose for the third straight month, ***measured*** on a seasonally adjusted annual rate, the US Census Bureau said in a report. Year on year, new home construction was up. Building permits rose month on month, and housing completions rose.

[232]Asia PVC to see snug supply amid turnaround, limited deep-sea volumes By Jonathan Chou 20-Aug-20 13:29 SINGAPORE (ICIS)--Asia's spot polyvinyl chloride (PVC) supply is expected to remain snug amid an ongoing northeast Asian producer s turnaround, as well as limited deep-sea availability from the US. Supply of deep-sea material from the US has been limited since July amid improved domestic demand in the construction sector.

[233]Europe construction output climbs in 4.0% in June, down on year By Morgan Condon 20-Aug-20 18:34 LONDON (ICIS)--Construction output in Europe rebounded in June month on month, according to the latest data from Eurostat. Production in the sector rose by 4.0% in the eurozone and by 2.9% in the wider EU in June as lockdown restrictions continued to ease. France marked the highest increase at 12.0%. As a key end-market for the chemicals industry, a pickup in construction is likely to support demand and prices for some products in the sector.

[234]Feedstock spreads for Middle East isocyanates reach new highs By Prateek Pillai 19-Aug-20 19:22 SINGAPORE (ICIS)--Feedstock spreads for toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) in the Middle East have risen to their highest levels in a year. In the week ended 14 August, the feedstock spread for TDI reached $1,469/tonne while the PMDI spread touched $1,123.50/tonne. This trend has been driven by an increasing disparity between demand and supply for both isocyanates as production levels have failed to keep up with growing downstream foam demand. TDI is used for the creation of foam products like mattresses, rugs and cushions while PMDI is used primarily for producing insulation foams used in the construction sector.

[235]US-Canada PVC sales outpace production, constricting exports By Bill Bowen 13-Aug-20 05:51 HOUSTON (ICIS)--Demand and production of polyvinyl chloride (PVC) remains out of balance in the US and Canada, and is muddying market participants' view of the remainder of 2020. Monthly domestic sales of US and Canada PVC resins climbed enough to put July's figures among the highest of the past five years, trimming exports and reducing inventories, according to preliminary figures released Wednesday by an industry group. July s sales outpaced production, reducing inventories to about seven days' worth of sales, the producer said.

[236]INSIGHT: Seasonally softer summer for styrene but September sentiment stronger By Helena Strathearn 11-Aug-20 23:50 LONDON (ICIS)--Summer holidays have taken some players out of the European styrene market and there is a downturn in manufacturing output as is traditional, but the slowdown is not expected to be as notable nor as long as usual and the outlook for September is stronger. August demand for styrenics will see a seasonal slump, most notably in southern Europe, but it will probably not be as impactful as in previous years. September demand is expected to pick up on restocking and also as many end-use markets such as construction can continue until the end of October, and some into November or early December. Construction, appliances, electronics, white goods packaging, fish boxes packaging and sanitary applications demand has been holding fairly well but not yet returned to 2019 levels.

[237]China ECH prices rise as domestic supplies tighten; outlook clouded By Ai Teng Lim 11-Aug-20 15:02 SINGAPORE (ICIS)--China s domestic prices for epichlorohydrin (ECH) recovered some lost grounds this week as domestic supplies bucked earlier anticipations to turn tighter, instead of lengthening further. But with demand conditions still broadly dampened by nagging global economic worries, this may serve to curtail upside potential of ECH spot pricing, even if supply constraints seen this week do persist for some time more.

[238]China's petrochemical prices consolidate in July, demand largely stable By Yvonne Shi 04-Aug-20 16:48 SINGAPORE (ICIS)--China's petrochemical market fluctuated within a narrow range in July. The prices of most chemical products saw limited changes. Overall demand appeared to be generally stable, whereas supply pressure differed from product to product. On the whole, the sustainability of demand into construction markets is better, followed by the automotive industry, while textiles are weaker.

[239]US June construction spending falls from May By Tracy Dang 04-Aug-20 03:11 HOUSTON (ICIS)--US construction spending in June fell month on month but rose year on year on a seasonally adjusted basis, the US Census Bureau said in a Monday report. Residential construction was down month on month and year on year. Nonresidential construction was down month on month but up year on year.

[240]European PVC July prices rise more sharply than ethylene, market tightens By Chris Barker 03-Aug-20 18:39 LONDON (ICIS)--Average European polyvinyl chloride (PVC) contract prices rose for July by more than the cost increase from ethylene as a result of tighter availability in the market. A number of sellers achieved increases of 45/tonne or more because of higher demand and tighter availability. However, larger buyers were in some cases able to avoid increases above the ethylene cost. Price trends were consistent across NWE and the Mediterranean, with UK increases assessed at similar levels. In central and Eastern Europe there was a higher settlement with one producer source noting increases of 50-55/tonne on average.

[241]INTERVIEW: Chemours sees TiO2 volume recovery in Q3 driven by architectural coatings - CEO By Joseph Chang 31-Jul-20 23:33 NEW YORK (ICIS)--The world s largest producer of titanium dioxide (TiO2), Chemours, expects a sequential rebound in volumes in the low- to mid-teens percentage-wise, driven by architectural coatings, its CEO said on Friday. As we pivot to the third quarter, we re seeing a pick-up on the coatings side but maybe a shift in North America to not just DIY (do-it-yourself) but also into contract painting. People are starting to get more comfortable painting outside as well as inside, said Mark Vergnano, CEO of Chemours, in an interview with ICIS. In the second quarter, which saw TiO2 volumes fall by around 20% sequentially versus Q1 and 9% year on year, demand was driven mostly by DIY coatings demand - from customers with their own stores or those with access to big box retailers, he noted.

[242]India PVC market to face sustained tight import supply By Zhi Xuan Ho 24-Jul-20 14:21 SINGAPORE (ICIS)--Trade in the polyvinyl chloride (PVC) market in India slowed this week, with business for August shipments largely concluded in the previous week. Sentiment in the market remains bullish, with many market players expecting supply to remain tight moving forward.

[243]US August oxo-alcohols price efforts driven partly by expected upstream pressure By Larry Terry 24-Jul-20 06:25 HOUSTON (ICIS)--US August oxo-alcohols price-increase initiatives have emerged on an anticipated increase in the upstream July propylene contract and persistent margin pressure. July propylene negotiations, however, are still underway, with talks protracted by rising spot bids and offers.

[244]Europe extrusion PC July prices fall for third month on weak demand, ample availability By Miguel Rodriguez Fernandez 23-Jul-20 18:32 LONDON (ICIS)--Contract prices for extrusion grade polycarbonate (PC) have fallen slightly for the third consecutive month in July amid weak demand and ample supply. Most monthly extrusion grade business was concluded with rollovers and double-digit reductions.

[245]Asia petrochemical demand mixed amid tightening supply By Felicia Loo 23-Jul-20 12:27 SINGAPORE (ICIS)--Demand for key petrochemicals in Asia is mixed, with some markets in the pits despite shrinking supply, while other products appear to fare better, as the onslaught of the coronavirus carries on. But the overall market outlook for the second half of the year will be dim amid weakness in the world's second-biggest economy.

[246]China 2020 H1 real estate development investment rises 1.9% By Fanny Zhang 16-Jul-20 14:37 SINGAPORE (ICIS)--China invested yuan (CNY) 6.28tr ($897bn) on real estate development in the first half of 2020, an increase of 1.9% from the same period in last year, reversing the continuous decrease in previous months, data from the National Bureau of Statistics (NBS) showed on Thursday.

[247]US polyester polyol prices decline on weaker feedstock costs By Zachary Moore 16-Jul-20 06:37 HOUSTON (ICIS)--US polyester polyol prices were assessed 2 cents/lb ($44/tonne) lower as key feedstock costs continue to trend lower. Sentiment in major polyester polyol feedstock markets suggests that these markets may be nearing a trough as energy costs move higher and general economic activity is improving from the low points seen in prior months.

Demand from the construction sector has bounced back quicker than many other major consuming sectors of polyols and downstream polyurethane systems, although overall demand levels remain below pre-crisis levels.

[248]US plastic, chemical demand remains soft, margins stay depressed By Al Greenwood 16-Jul-20 03:30 HOUSTON (ICIS)--Demand for plastics and basic chemicals in the US was soft, while margins remained depressed, the Federal Reserve said on Wednesday.

The anecdote was among several that the US central bank collected in its recent Beige Book, a summary of US economic activity during the past six weeks among the Fed's 12 districts. The latest Beige Book contains information collected through 6 July. The comments about demand came from the 11th Federal Reserve District, which includes northern Louisiana and all of Texas, and has many of the nation's refineries and petrochemical plants.

[249]China s amines market under pressure on high stocks and weak demand By Yuanlin Koh 15-Jul-20 17:03 SINGAPORE (ICIS)--China s ethanolamines market is looking bearish in the near term on excess supply, as demand continued to struggle. China, hit by the rains, saw a drop in demand, especially in DEA s (diethanolamines) downstream DEIPA (diethanol isopropanolamine) used mainly as cement aids in the construction industry. Demand in this sector was initially picking up after the coronavirus pandemic in the country, as the economy reopened, and with government support, demand for DEA flourished.

[250]Asian epoxy resins export discussions sink deeper on poor demand By Ai Teng Lim 14-Jul-20 15:21 SINGAPORE (ICIS)--Asian epoxy resins export discussions lost more ground this week as sellers lowered offers to boost demand. Epoxy resins is heavily used in automobile and construction sectors, both of which are still struggling to find a firmer footing in the pandemic-ravaged global economy.

[251]INSIGHT: Construction could pave the way for Q3 chemicals recovery in Europe By Morgan Condon 10-Jul-20 23:25 LONDON (ICIS) As with all forms of industry, the coronavirus came in like a wrecking ball, bludgeoning any chances of growth in the construction sector for the first half of 2020. The foundations have been laid for a return to industrial activity, however, as lockdown restrictions across Europe have been eased, which could provide support for chemicals used in the construction industry.

[252]US construction is returning to pre-Covid levels - trade group By Al Greenwood 19-Jun-20 01:37 HOUSTON (ICIS)--In many parts of the US, construction activity is returning to levels that predate the coronavirus (Covid-19), a trade group said on Thursday. The Associated General Contractors of America (AGC) based its finding on its new survey and on data from Procore, a construction-technology company. Procore analysed workers' hours. Based on that analysis, construction activity has returned to pre-coronavirus levels in 34 US states. Among eight large cities, Dallas, Texas, and Miami, Florida, are back to pre-pandemic levels. Some construction companies are adding new workers, the AGC said. According to its survey, 21% are adding employees. That compares with 25% that were letting workers go between March and May. In June, only 8% of construction companies were forced to furlough or lay off workers, the AGC said.

[253]US housing starts rebound in May By Tracy Dang 18-Jun-20 06:33 HOUSTON (ICIS)--US privately owned housing starts in May rose after three consecutive months of declines, ***measured*** on a seasonally adjusted annual rate, the US Census Bureau said in a report. Year on year, new home construction was down. Building permits fell month on month, and housing completions fell. The housing market is a key consumer of chemicals, driving demand for a wide variety of chemicals, resins and derivative products such as plastic pipe, insulation, paints and coatings, adhesives, and synthetic fibres, among many others. The American Chemistry Council (ACC) estimates each new home built represents some $15,000 worth of chemicals and derivatives used in the structure or in the production of component materials.

[254]June EPS demand improving in the US, but remains below pre-crisis levels By Zachary Moore 17-Jun-20 06:27 HOUSTON (ICIS)--US demand for expandable polystyrene (EPS) is improving as economic activity picks up and lockdown ***measures*** ease. However, overall activity and EPS consumption both remain below pre-crisis levels. Activity in the construction sector has improved as lockdown ***measures*** are eased, although there is some concern that most current activity revolves around the completion of existing projects, rather than the start-up of new projects. Projections from ICIS Analytics suggest that construction activity will rise above 2019 levels in 2021, although creditworthiness concerns may limit the number of new projects.

[255]Eurozone, EU construction continues dropping in April as lockdown limits production By Morgan Condon 17-Jun-20 19:06 LONDON (ICIS)--Construction throughout the EU plummeted in April as countries implemented quarantine restrictions to combat rising coronavirus infection rates, according to first estimates from EU statistics agency Eurostat on Wednesday. This has served to weigh on demand for chemicals used in the sector. Production in the construction sector decreased by 14.6% in the eurozone and by 11.7% in the wider EU area in April compared with the previous month and accounting for seasonal adjustment.

[256]China Jan-May real estate investment contracts 0.3% year on year By Fanny Zhang 15-Jun-20 14:22 SINGAPORE (ICIS)--China s real estate development investment in the first five months of 2020 slipped 0.3% year on year to Chinese yuan (CNY) 4.59tr ($647m), official data showed on Monday. The decline has eased from 3.3% recorded in January to April. Investment in house construction in January-May stood at CNY3.38tn, unchanged from the previous corresponding period. It was an improvement from the 2.8% fall in January-April 2020. Real estate developers house construction acreage in the five-month period increased 2.3% on year to 7.6bn square metres (sqm), slower than the 2.5% growth in January-April.

[257]Europe Melamine Q3 contract talks yet to begin, demand outlook remains uncertain By Melissa Hurley 11-Jun-20 23:54 LONDON (ICIS)--European melamine contract discussions for the third quarter could begin later than usual, as consumers find it challenging to plan volume requirements given the fragile state of the economy as lockdowns ease.

In the spot market, there is increased pressure, and prices have been assessed stable to softer this week. Demand outside contractual requirements is weak, given the demand issues experienced in the market.

The [258]construction industry has been adversely impacted by the coronavirus pandemic, although to a lesser extent than automotive, another key end market for petrochemicals.

[259]Europe PU feedstocks prices hit new lows as demand pickup lags By Fergus Jensen 11-Jun-20 20:28 LONDON (ICIS)--Incremental improvements in demand for polyurethane (PU) products have slowed downward pressure on the Europe isocyanates and polyols markets where supply is abundant, and producers are now hoping for a reversal in the coming months. June contracts for polyols, toluene diisocyanate (TDI), and crude and pure methylene diphenyl diisocyanate (MDI) were all settled below May contract levels, and in some cases at hit new record lows. According to one Europe-based reseller, the construction market in NWE was now at 90% of activity, compared with this time in 2019. Demand for adhesives and wood binding has also improved, as well as that for insulation panels and spray foam, among others.

[260]US MDI, TDI demand remains sluggish even as overall economic activity picks up By Zachary Moore 11-Jun-20 06:27 HOUSTON (ICIS)--Demand for US methylene diphenyl diisocyanate (MDI) and toluene diisocyanate (TDI) remain sluggish even as the broader macro-economy is observing some pick-up in activity. Localities throughout the US are gradually easing lockdown ***measures***, leading to some improvement in broader economic indicators. The construction sector has been performing better than most of the other major sectors of polyurethane demand, although participants feel that the success of the sector may be temporary.

Much of the activity in the sector is being driven by work to complete projects that had been underway prior to the recent crisis. There are concerns that activity might slow down once these projects are completed. US housing starts fell 29.7% year on year in April 2020, according to data from the US Census Bureau.

[261]US epoxy players monitoring demand amid economic reopening By Tarun Raizada 10-Jun-20 05:21 HOUSTON (ICIS)--US epoxy is facing some uncertainty in June amid the economic reopening. Q2 demand has softened during the pandemic, with typical seasonal trends not materialising so far. There is stronger demand from architectural do-it-yourself (DIY) and packaging coatings, which is being more than offset by softer demand from architectural do-it-for-me (DIFM), automotive and industrial coatings. The US building and construction sector could prove to be far more resilient than the automotive sector. But the pandemic is creating a volatile backdrop for chemical companies as they navigate the road to recovery. Epoxy resins are used as adhesives on metals and construction materials, as well as in coatings and automobiles.

[262]Asian MA afloat on some buying, but demand uncertainties loom By Ai Teng Lim 05-Jun-20 09:52 SINGAPORE (ICIS)--As post-coronavirus production recovery commences gingerly across Asia this week, buying tempo also picked up in Asia s maleic anhydride (MA) market to keep spot prices afloat. But with longer-term global economic outlook still clouded by many uncertainties, from geopolitical tensions to macro-level demand-supply imbalances, it remains to be seen if the buying could sustain for long.

[263]North American PS sales drop 21.8% year on year in April By Zachary Moore 05-Jun-20 05:49 HOUSTON (ICIS)--North American total sales and captive use of polystyrene (PS) fell by 21.8% in April 2020 compared with the same month of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting. The coronavirus outbreak and subsequent containment ***measures*** caused a sharp drop in overall economic activity in April, impacting production and sales of PS across most consumption segments.

[264]US manufacturing contracts again in May but overall economy expands - ISM By Tracy Dang 02-Jun-20 06:53 HOUSTON (ICIS)--US manufacturing activity contracted for the third consecutive month in May, but at a slower pace from April, the Institute of Supply Management (ISM) said on Monday. The overall economy returned to expansion after a month of contraction, the report said.

Three months into the manufacturing disruption caused by the coronavirus pandemic, comments from the panel were cautious (two cautious comments for every one optimistic comment) regarding the near-term outlook, said Tim Fiore, chair of the ISM.

[265]European plasticizers see slightly better demand in June, but still very mixed By Jane Massingham 04-Jun-20 23:24 LONDON (ICIS)--The first days of June are continuing to portray a rather mixed picture in terms of demand for plasticizers. Various countries are seeing lockdown restrictions that are allowing some businesses to return to work. One seller noted it is still challenging and said: Demand is not so great and continues to be like that, but it is building up slowly and should be better as June progresses and July should be more. The automotive sector continues to be the hardest hit but there are sectors of the construction industry starting to come back.

[266]Europe chemicals to gain from EU green deal spending plans - bank By Tom Brown 04-Jun-20 21:10 LONDON (ICIS)--European chemicals players are expecting to see increased business momentum on the back of the EU s green deal expected to unlock hundreds of billions of euros of investment in sustainability projects, according to Credit Suisse. A virtual conference organised by the bank hosted management teams from 20 chemicals, ***agriculture***, packaging and cement firms address investors, with all chemicals firms present noting expectations for an increase in sales on the back of the mooted EU green investment plan.

However, little visibility on uplift from the ***measures*** is expected over the next 12-18 months.

[267]Thailand greenlights $9bn airport project to BBS consortium By Fanny Zhang 04-Jun-20 14:48 SINGAPORE (ICIS)--Thailand s cabinet approved a bid by BBS consortium to develop a $9bn U-Tapao Airport and Eastern Aviation City project at the country s southeastern coast, according to local media reports.The winning bid was approved on 2 June and the government is expected to sign the contract with BBS consortium on 19 June, these reports added. The announcement follows the passage of $58bln economic support package on 31 May by Thailand s parliament to ease the impact of the coronavirus on the economy and people.

[268]Australia launches A$680m stimulus for residential construction By Pearl Bantillo 04-Jun-20 12:33 SINGAPORE (ICIS)--Australia has launched a stimulus package worth Australian dollar (A$) 680m ($470m) to boost activity in the construction sector, which was hit by the coronavirus pandemic. Dubbed the HomeBuilder program , the funds will help support 140,000 direct jobs in the residential construction sector, Australian Prime Minister Scott Morrison said on Thursday.

Under the programme, all eligible owner-occupiers will receive a grant of A$25,000 either to build a new home or renovate an existing home. Construction must start within three months of the contract date. Based on eligibility criteria for applicants and price caps on new home builds (A$750,000) and renovation (A$150,000-750,000), the government expects to hand out 27,000 of such grants under the programme.

[269]INTERVIEW: US construction outlook far more positive than automotive - Huntsman CEO By Joseph Chang 03-Jun-20 06:56 NEW YORK (ICIS)--The US building and construction market is recovering and proving far more resilient than the automotive sector, the CEO of Huntsman Corp said on Tuesday. In homebuilding, DIY [do it yourself] and OSB [oriented strand board] are doing quite well. It s down from a year ago but nowhere near what we expected a month or two ago, said Peter Huntsman, CEO of Huntsman Corp, in an interview with ICIS amid the American Chemistry Council (ACC) virtual annual meeting.

Building products, furniture, insulation, and OSB are showing some resilience, he added. Huntsman is a major producer of methylene diphenyl diisocyanate (MDI), heavily used in the construction market in insulation, binding and coatings, and in the automotive sector in bumpers, conveyor belts and other parts, as well as coatings. Polymeric MDI is used as a binder in OSB, an engineered wood used in construction. Pure MDI is used in coatings, adhesives, sealants and elastomers (CASE).

[270]Covestro volumes down sharply in April-May, improvement expected for June By Tom Brown 29-May-20 00:46 LONDON (ICIS)--Covestro's core volumes dropped 30% in April and May, but order book levels point to an improvement in June, according to the company and analysts at Baader Bank. April automotive sector customer demand fell 60% in the EU and North America, with furniture market demand falling 45% year on year a 30% increase in medical polycarbonates (PC) demand unable to offset the scale of the falls elsewhere.

Overall polyurethanes (PU) volumes fell 40% in April while moves to channel PC material to less affected markets mitigated the volume decline in that division to 20%. Coatings, adhesives and sealants (CAS) sales dropping at a similar level, Baader said, citing an investor call chaired by Covestro CEO and CFO, Markus Steilemann and Thomas Toepfer, respectively.

[271]INSIGHT: Asia phenol market unlikely to recover until 2021 By Angeline Soh 25-May-20 19:02 SINGAPORE (ICIS)--Asia s phenol market is unlikely to make a full recovery in the second half of this year as the coronavirus pandemic has caused end-market demand to plummet. The International Monetary Fund (IMF) has predicted the global economy will shrink by 3% this year, describing the current crisis as the worst the world has faced since the Great Depression in the 1930s.

There has been a boom in end-use products heavily used during the pandemic such as packaging, disinfectants like hand sanitisers, and face masks. However, other segments like automobile and construction have been underperforming.

[272]China downplays pollution issue; still hopes to meet emission targets By Fanny Zhang 25-May-20 16:40 SINGAPORE (ICIS)--China has not emphasized pollution issues at its parliamentary sessions this year, toning down its commitment to emissions targets, as it places top priority to getting businesses back to normal amid the coronavirus pandemic.

Employment, poverty alleviation, control on financial risk, consumption growth and business recoveries are key topics of discussions at the country s biggest political gathering in Beijing, which kicked off on 22 May. The National People s Congress (NPC) and the Chinese People s Political Consultative Conference (CPPCC) are holding their annual meeting until 28 May.

[273]US May oxo-alcohols prices continue to trend weaker By Larry Terry 22-May-20 06:23 HOUSTON (ICIS)--Weaker pricing for US May oxo-alcohols free market contract ranges continues to be more evident, but the magnitude of declines is not yet clear. Major downstream construction- and automobile-coatings demand has yet to gain any seasonal momentum, with easing coronavirus strictures still in the early stages.

[274]US PVC contracts for June nominated higher as demand creeps back amid lower operating rates By Bill Bowen 22-May-20 06:09 HOUSTON (ICIS)--US producers of polyvinyl chloride (PVC) have separately nominated June contracts higher by 3 cent/lb ($66/tonne) as lower operating rates limit supply and demand begins to creep back. The announcements come as a bit of a surprise and some market participants say that the outcome will certainly depend on how demand recovers as coronavirus lockdowns ease.

US spot export prices have fallen sharply in recent weeks as coronavirus precautions destroyed demand in key exporting markets, including China, Turkey, India, Malaysia, Peru and Argentina, among others.

[275]US existing home sales fall to lowest level in 10 years By Stefan Baumgarten 21-May-20 22:55 HOUSTON (ICIS)--US existing-home sales fell to their lowest level in April since July 2010 amid the lockdowns and restrictions authorities imposed from mid-March through April to contain the coronavirus (Covid-19) pandemic.

Existing home sales fell 17.8% from March to a seasonally-adjusted annual rate of 4.33m in April, and they were down 17.2% year on year from April 2019, the National Association of Realtors (NAR) reported on Thursday.

[276]Weak soda ash demand in Asia may continue to offset output cuts in China By Helen Lee 20-May-20 16:31 SINGAPORE (ICIS)--Asia s soda ash market remains under pressure amid rising inventory pressure in China, on the back of weak downstream demand due to extended social isolation ***measures***. Supply remained more than sufficient despite ongoing and impending shutdowns at several soda ash plants in China.

China s domestic demand was just as downbeat on account of liquidity issues and high inventories faced by downstream glass producers on the back of poor performance in the construction/real estate sector.

[277]BASF to work with a China university on infrastructure solutions By Fanny Zhang 20-May-20 13:50 SINGAPORE (ICIS)--BASF and China s Harbin Institute of Technology (HIT) have signed a cooperation agreement to jointly conduct research on material solutions for sustainable infrastructure applications, according to a statement from BASF.

According to the agreement, research teams from BASF and the HIT will work together on the testing of new applications for BASF s advanced materials to cut emissions and energy costs to the construction industry.

[278]Long-term outlook for Asia airport construction still strong - Fitch By Fanny Zhang 15-May-20 16:25 SINGAPORE (ICIS)--Long-term prospects for Asia s airport construction funded by public investment are expected to remain largely intact despite the ongoing coronavirus pandemic that crippled the aviation market, credit ratings firm Fitch said in a report.

We remain optimistic about the eventual recovery of the aviation sector in the medium to long term, and hence, continue to be bullish on the growth of Asia s airports sector, it said.

[279]China real estate development investment down 3.3% in Jan-Apr By Fanny Zhang 15-May-20 14:50 SINGAPORE (ICIS)--China s real estate development investment totalled yuan (CNY) 3.3 trillion in January-April, a decrease of 3.3% from the same period in last year, the National Bureau of Statistics (NBS) said on Friday. Investment in housing projects stood at CNY2.4tn in January-April, down by 2.8% year on year.

In January-April, real estate developers house construction acreage increased 2.5% on year to 7.4bn square metres (sqm), down from a 2.6% expansion in January-March period.

[280]US plasticizers ranges holding steady amid weak fundamentals By Larry Terry 15-May-20 07:18 HOUSTON (ICIS)--US diisononyl phthalate (DINP), dioctyl terephthalate (DOTP) and dioctyl phthalate (DOP) prices were unchanged amid continued pressure from softer April propylene and flat-to-weaker downstream demand so far in May. Some near-term upward price pressure may stem from higher 2-ethylhexanol (2-EH) spot prices in east Asia this week. The effect was expected to be mostly nominal, but enough to exert some counter pressure.

[281]Europe May ethanolamines talks ongoing amid mixed downstream demand, balanced supply By Jane Gibson 14-May-20 00:57 LONDON (ICIS)--May ethanolamines contract talks continued in Europe this week - with sellers looking for rollovers and buyers seeking lower prices.

[282]China PO prices rise in traditional off-season By Jady Ma 14-May-20 23:05 SINGAPORE (ICIS)--Propylene oxide (PO) prices in China have gained ground on higher feedstock prices and firm fundamentals, although the industry has entered its traditional off-season. On 14 May, PO prices in east China were assessed at yuan (CNY) 9,400/tonne, up by 20.1% compared with the prices on 17 April, according to ICIS data

[283]US MMDI prices slide on falling downstream demand By Zachary Moore 14-May-20 06:46 HOUSTON (ICIS)--US prices for monomeric methylene diphenyl diisocyanate (MMDI) were assessed 4 cents/lb ($88/tonne) lower, as demand remains poor during the economic slowdown created by the coronavirus outbreak and subsequent containment ***measures***.

Construction demand has been weak, as many projects have slowed or suspended operations owing to economic uncertainty, along with public health concerns.

RESOURCES

China's government is expected to focus on large-scale infrastructure and other development projects as ways to bolster economic growth and generate employment, especially more so now because of the fall out of the coronavirus pandemic.

ICIS has compiled a list of key existing projects that different provincial authorities have announced.

More than half of these are construction and infrastructure projects, while some are manufacturing plants and research and development (R&D) initiatives.

The source for the interactive is local NDRC. The list is incomplete and will be updated regularly by ICIS. Changes will happen as the government authorities and companies revise their development plans.

Construction in China - Asia s biggest and the world s second-largest economy - slumped at an annualized double-digit rate in the first quarter of 2020 as overall economic output shrank for the first time in two decades amid the coronavirus pandemic.

In 2019, the sector accounted for 7.2% of the country s GDP.

Eurozone Construction PMI August 2020

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[***England and Wales High Court (Commercial Court) Decision: Viegas & Ors v Cutrale & Ors [2021] EWHC 2956 (Comm) (05 November 2021)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:641W-GXF1-JDG9-Y06B-00000-00&context=1516831)

Baltic Legal Updates

November 9, 2021 Tuesday

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**Length:** 53308 words

**Body**

London:England and Wales High Court (Commercial Court) has issued the following Decision on (05 November 2021):

Case No: CL-2019-000603

& CL-2019-000727

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

Royal Courts of Justice

Rolls Building, Fetter Lane,

London, EC4A 1NL

Date: 05/11/2021

Before :

THE HONOURABLE MR JUSTICE HENSHAW

- - - - - - - - - - - - - - - - - - - - -

Between :

CL-2019-000603

MR FLAVIO DE CARVALHO PINTO VIEGAS and 1,516 others

Claimants/Respondents

- and -

(1) MR JOSÉ LUIS CUTRALE

(2) MR JOSÉ LUIS CUTRALE (Jnr)

(3) SUCOCÍTRICO CUTRALE LTDA (a company incorporated in Brazil)

Defendants/Applicants

CL-2019-000727

AND BETWEEN:

MR JOSÉ ANTONIO RUIZ SANCHES and 30 others

Claimants/Respondents

- and -

(1) MR JOSÉ LUIS CUTRALE

(2) MR JOSÉ LUIS CUTRALE (Jnr)

(3) SUCOCÍTRICO CUTRALE LTDA (a company incorporated in Brazil)

Defendants/Applicants

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(A) INTRODUCTIONThe Defendants apply, under CPR Part 11, to challenge:

i) the validity of service and jurisdiction in respect of the Third Defendant (“Sucocítrico Cutrale”); and

ii) jurisdiction in respect of the First Defendant (“Cutrale Snr”) and the Second Defendant (“Cutrale Jnr”).Sucocítrico Cutrale is a Brazilian company. Its principal business is producing orange juice in Brazil for export. Cutrale Snr and Cutrale Jnr are Brazilian citizens. They are shareholders in Sucocítrico Cutrale and sit on its ‘Family Board ’ , to which I refer in more detail below.

There are two claims before the court. Claim CL-2019-000603 (the “Viegas claim”), originally issued on 27 September 2019, is pursued on behalf of 1495 individuals, 21 companies, and one foundation. Claim CL-2019-000727 (the “Sanches claim”), issued on 22 November 2019, is pursued on behalf of 30 individuals and one company.

The claims concern an alleged cartel between several Brazilian companies which produce orange juice, including Sucocítrico Cutrale. The Brazilian Association of Citrus Exporters (ABECITRUS) is also alleged to have been involved. The Claimants are orange farmers who are all domiciled in Brazil. The claim relates to alleged antitrust infringements committed in Brazil and said to have restricted competition in markets in Brazil, causing harm to the Claimants there. There are a number of sets of extant proceedings in Brazil relating to the same alleged cartel. However, the Claimants claim to be entitled to maintain these proceedings in England and Wales on the bases that:

i) although Sucocítrico Cutrale is a Brazilian company, it has its central administration in London and is therefore domiciled in the UK pursuant to Article 63(1)(b) of Regulation 1215/2012 (“Brussels Recast”);

ii) alternatively, the Claimants were entitled to serve Sucocítrico Cutrale, pursuant to CPR 6.3(c)/6.9(2) at a “place within the jurisdiction where [it] carries on its activities; or any place of business of the company within the jurisdiction”.

iii) Cutrale Snr is domiciled in England; and

iv) Cutrale Jnr is domiciled in Switzerland and the claims against him are so closely connected with the claims against Sucocítrico Cutrale and Cutrale Snr that it is expedient to hear and determine them together so as to avoid the risk of irreconcilable judgments, pursuant to Article 6 of the Lugano Convention.The Defendants ’ position is in outline as follows:

Sucocítrico Cutrale

i) Sucocítrico Cutrale has its “central administration” in Brazil and is therefore not domiciled in the UK for the purpose of Article 63(1)(b) of Brussels Recast. There is therefore no right to bring proceedings against the company in England under Article 4(1). The court must apply common law principles to determine jurisdiction (see Article 6(1)).

ii) Alternatively, the claims against Sucocítrico Cutrale should be stayed under Articles 33 and/or 34 of Brussels Recast because of the ongoing proceedings in Brazil concerning the alleged cartel.

iii) The Claimants were not entitled to serve Sucocítrico Cutrale at an address within the jurisdiction, and so the company has not been validly served.

iv) Alternatively, applying common law forum non conveniens principles, Brazil is the proper place for the claims against Sucocítrico Cutrale and the court should not exercise jurisdiction against it. The claims against Sucocítrico Cutrale should be stayed even if (contrary to the Defendants ’ primary case) Cutrale Snr is domiciled in England. Cutrale Snr has confirmed that he would submit to the jurisdiction of the Brazilian court. The risk of inconsistent judgments in England and Brazil therefore carries little weight because it would be caused by the Claimants ’ unnecessary pursuit of litigation in England. In such circumstances, the court may stay the claims against the foreign defendant notwithstanding the presence of a UK domiciled anchor defendant (Vedanta Resources plc v Lungowe [2020] AC 1045 at §§40, 67, 75, 83-85, 87).

Cutrale Snr

v) Cutrale Snr is not domiciled in the UK. There is therefore no right to bring proceedings against him under Article 4(1) of Brussels Recast.

vi) Further or alternatively, the court should stay the claims against Cutrale Snr pursuant to Article 34 of Brussels Recast because of the ongoing proceedings in Brazil.

vii) Although Cutrale Snr was served in the jurisdiction, applying common law forum non conveniens principles Brazil is the proper place for the claim. Accordingly, the court should decline jurisdiction.

Cutrale Jnr

viii) If neither Sucocítrico Cutrale nor Cutrale Snr is English domiciled there is no basis to assume jurisdiction against Cutrale Jnr.

ix) If Cutrale Snr is English domiciled but the claims against Sucocítrico Cutrale are to proceed in Brazil, the criteria under Article 6 of the Lugano Convention are not met because it would be more expedient for the claims against Cutrale Jnr to be heard in Brazil alongside the claims against Sucocítrico Cutrale.

x) Further or alternatively, the court should stay the claims pursuant to a reflexive application of Article 28 of the Lugano Convention because of the ongoing proceedings in Brazil.For the reasons set out below, I have come to the conclusion that the Defendants ’ application succeeds in part. The court lacks jurisdiction over Sucocítrico Cutrale. However, the court does have jurisdiction over Cutrale Snr and Cutrale Jnr and there is no proper basis on which to stay the claims against them.

(B) BACKGROUNDThe Claimants allege a cartel between several Brazilian orange juice production companies in the period January 1999 to January 2006. They reserve the right to allege infringement of Brazilian competition law in respect of a longer period (Particulars of Claim §45, suggesting in particular that the alleged cartel may have commenced in 1993). The Claimants describe it as having been a long-running, secretive, and hard-core cartel involving powerful and wealthy individuals and companies involved in the international orange juice export market, which had profound consequences for thousands of independent Brazilian orange farmers, including more than 1,500 who are claimants in these proceedings.

The companies alleged to have participated in the cartel are: (1) Sucocítrico Cutrale; (2) Bascitrus Agroindustry S.A ; (3) Cargill Agrícola S.A ; (4) Fischer S.A Agroindústria (formerly Citrosuco Paulista S.A ); (5) Citrovita Agroindustrial Ltda; and (6) Louis Dreyfus Commodities Agroindustrial Coinbra-Frutesp S.A (draft Particulars of Claim §41). ABECITRUS is also alleged to have been involved (e.g §§41, 60.1(d)).

The great majority of Sucocítrico Cutrale ’ s Brazilian orange business is for export to international markets, principally in the form of concentrate for orange juice. 98% of all the oranges grown in Brazil are for export.

The pleaded particulars of breach include the following:

i) Agreements to divide orange farmers between the companies in the alleged cartel by purchasing only from allocated farmers and/or offering uneconomic prices to farmers allocated to other alleged cartel members (Particulars of Claim §60.1). ABECITRUS is alleged to have carried out an auditing role (§60.1(d)).

ii) Fixing the prices at which the alleged cartel members purchased oranges (§60.2).

iii) Requiring farmers to harvest and transport oranges and not compensating them sufficiently for doing so (§60.3).

iv) Delaying negotiations of contracts with orange farmers, sometimes until oranges were ready for harvest (§60.4).

v) Purchasing oranges “on the spot market at the ‘farm gate ’ at distress prices” (§60.7).

vi) Engaging in various conduct which damaged the businesses of orange famers and/or exerted a negative effect on prices, including reducing the volume of oranges purchased from orange farmers (§60.5), delaying entry of orange deliveries into alleged cartel members ’ ***processing*** plants (§60.6), wrongly refusing to accept harvested oranges on the pretext that they were overripe (§60.8), breaching contracts with farmers (§60.9) and procuring breach of contract by employees of farmers (§60.10).

vii) A general allegation that the above breaches were “underpinned by the practice of exchanging competitively sensitive information at frequent meetings among senior executives of the Cartel members and through their trade association ABECITRUS” (§60).

The alleged conduct is said to have violated the following provisions of Brazilian law: Articles 170 and 173(4) of the Federal Constitution, Articles 20 and 21 of Law No. 8.884/1994 (the “Former Antitrust Law”), Article 36 of Law No. 12529/201 (the “Current Antitrust Law”) and Articles 186 and 187 of the Civil Code (§§61-62). The Claimants claim compensation for various heads of loss pursuant to Articles 186 and 402 of the Civil Code (§§70-72).The Defendants criticise the original particulars of the claims against Cutrale Snr and Cutrale Jnr, suggesting that the provisions of Brazilian company law and antitrust law on which the Claimants rely do not found causes of action against shareholders or directors. Shortly before the hearing before me, the Claimants supplied ‘Re-Draft ’ Particulars alleging that Cutrale Snr and Cutrale Jnr “participated in… the unlawful practices and conduct” and are therefore liable under Articles 186-187 of the Civil Code (§§65 and 68). The Defendants contend that these contain no adequate particulars of the asserted participation of these individuals in the alleged breaches, and that the claims are a thinly disguised attempt to identify an ‘anchor defendant ’ in England.

Brazil ’ s competition authority, CADE, started an investigation into the alleged cartel in September 1999 on the basis of reported anti-competitive conduct, according to its published document “consisting of a) establishing or practicing an agreement with a competitor; b) split the market; c) impose hindrances to the operations of a competing company or supplier; d) discriminate supplier through differentiated price fixing”.

On 12 January 2006, Paulo Machado, former Commercial Director of Coinbra-Frutesp, a competitor of Sucocítrico Cutrale, signed a Leniency Agreement with the Federal Government. According to CADE, the information that Machado provided “constituted undeniable evidence of breach of the economic order”. CADE documents indicate that the Machado Leniency Agreement provided “new and compelling facts” about “the existence of a series of meetings and exchanges of information between the [d]efendants, in which important competitive issues and variables would be discussed, such as: price, production, sales volume, as well as understandings about the division of suppliers (orange growers), with a view to standardizing market practices and artificially appropriating profits, to the detriment of orange growers”. The Agreement also included “names of individuals who would have participated in the alleged illicit agreements, which are the subject of the investigation”.

On 24 February 2006, CADE added Cutrale Snr and Cutrale Jnr to CADE ’ s administrative cases “due to the presence of evidence of conduct in breach of the economic order”.

CADE raided an office of Sucocítrico Cutrale in 2006 in an operation codenamed “Fanta”, during which materials relating to the alleged cartel were discovered and seized. In addition, on 5 September 2006 an indictment was filed against Cutrale Snr in the 9th Criminal Court of São Paulo (Proceeding no 1.270/06) by the Ministério Público do Estado de São Paulo (State of São Paulo Prosecutor ’ s Office). The indictment accused him of criminal participation in a cartel and price fixing. Cutrale Snr had been Commercial Director of Sucocítrico Cutrale until 2003, and General Manager (Chief Executive) from 2003 until 2008.

16. All three Defendants eventually entered into negotiated ‘cease and desist ’ regulatory settlements (known as Termos de Compromisso de Cessação or “TCCs”) in 2016 and 2017, pursuant to which substantial administrative fines were paid. Article 184 of CADE ’ s Internal Rules states that “In case of an investigation referring to a deal, collusion, manipulation, or arrangement among competitors, the Terms of Commitment for Termination of Conduct shall necessarily contain the recognition of involvement in the conduct under investigation by the committed party. ” A consent decree was entered into by CADE, Sucocítrico Cutrale and Cutrale Jnr in November 2016, to which Cutrale Snr subsequently acceded in 2017. The TCC includes the following:

“I. Summary Description of Conduct

The APPLICANTS acknowledge that information raised by their commercial team in Brazil on the citrus market, in particular with independent oranges producers and traders, may have been shared with competitors in the context of sectoral discussions about this market, as well as equivalent information obtained from the market by its competitors during the period investigated.

[…]

IV. Association

The conduct referred to in Clause I may have occurred at sectoral meetings at the Associação Brasileira de Exportadores de Cítricos (ABECITRUS) or any other occasional contacts in Brazil.

V. Duration of Conduct

It is understood that this conduct lasted in sporadic moments during the period from January 7, 1999 to January 24, 2006. ”

Clause 2.1 states that the signatories acknowledge the facts described in the “History of Conduct”. The ‘voting decision ’ report by one of CADE ’ s commissioners, in effect acting as rapporteur, after quoting the text set out above, said:

“86. Thus, I understand that the existence of collusive conduct has been proven. In the case of a cartel, that is, an offense per object, proven the materiality of the conduct, it is not necessary to analyze additional elements such as the effects, since the harmful potentiality is presumed of the anticompetitive object itself, as already stated by the CADE ’ s Tribunal.

87. According to art. 85, paragraph 9, of Law 12.529/11, the administrative proceedings are suspended in relation to the Applicants, so that I will individualize the conduct only of the Defendants who have not executed TCC with CADE and who were not excluded from the defendants list. ” (footnotes omitted)CADE recorded that “the evidence obtained in the case file unequivocally proved the participation of the Defendants listed below and their executives in the cartel in the national market for frozen concentrated orange juice”. As to “conduct conclusions”, CADE stated that violations of the economic order were “confirmed by the parties which committed to the Terms of Commitment for Termination, combined with the other evidence in the case files”. In its analysis of the material in the case file, CADE described this as “the typical case of classic hard-core cartels considered to be the most serious breaches of the economic order”.

For parties that entered into Cease and Desist Agreements, CADE agreed not to further “proceed with the individualization of their participation in the investigated conduct”.

There is a dispute between the parties as to whether the TCC is binding on, or of evidential value against, the Defendants in the present proceedings.

In 2006, at a time when he faced criminal charges in Brazil in relation to the alleged cartel, Cutrale Snr moved to an address in Taunton, Somerset (the “Taunton home/address”), before moving to Montpelier Street, Knightsbridge, London (the “Knightsbridge house”). His wife and daughter also moved to England. The Claimants allege that, since then, Sucocítrico Cutrale - a private company ultimately owned by the Cutrale family - has been run in terms of its entrepreneurial management from London, particularly from offices at 25 Park Lane (the “Park Lane Office”). This is strongly denied by the Defendants, as appears below.

(C) SUCOCÍTRICO CUTRALE: DOMICILEThe Claimants allege that Sucocítrico Cutrale has its “centre of administration in England, notably carried out from premises at 3rd floor, 25 Park Lane, London, W1K 1RA” i.e the Park Lane Office (Re-Draft Particulars §13).

(1) Legal frameworkThe Claimants must satisfy the Court that they have a “good arguable case” — in the sense that they have “the better of the argument” on the materials available to the court (see, e.g , Tugushev v Orlov [2019] EWHC 645 (Comm) § 59 per Carr J) — that Sucocítrico Cutrale was domiciled in England when the claims were issued. If the court is so satisfied, no issue of forum conveniens arises, and the claims can proceed as of right under Article 4 of Brussels Recast subject to the possibility of a stay pursuant to Article 34.

As to what is meant by a ‘good arguable case ’ and having ‘the better of the argument ’ , in Goldman Sachs International v Novo Banco SA [2018] UKSC 34, Lord Sumption (with whom the other members of the Supreme Court agreed) explained that, following Brownlie v Four Seasons Holdings Inc [2017] UKSC 80 § 7, it means:

“(i) that the claimant must supply a plausible evidential basis for the application of a relevant jurisdictional gateway; (ii) that if there is an issue of fact about it, or some other reason for doubting whether it applies, the court must take a view on the material available if it can reliably do so; but (iii) the nature of the issue and the limitations of the material available at the interlocutory stage may be such that no reliable assessment can be made, in which case there is a good arguable case for the application of the gateway if there is a plausible (albeit contested) evidential basis for it. ” (§ 9)The Court of Appeal in Kaefer Aislamientos SA v AMS Drilling Mexico SA [2019] EWCA Civ 10 elucidated these three limbs, explaining as follows:

i) In applying limb (i) the question is whether the claimant has discharged the burden of showing a plausible evidential basis indicating that he has the better argument (but not ‘much ’ the better argument); this does not require proof on the balance of probabilities and is a context specific and flexible test (Kaefer §§ 71-76).

ii) Limb (ii) (“if there is an issue of fact about it, or some other reason for doubting whether it applies, the court must take a view on the material available if it can reliably do so”) is:

“… an instruction to the court to seek to overcome evidential difficulties and arrive at a conclusion if it 'reliably' can. It recognises that jurisdiction challenges are invariably interim and will be characterised by gaps in the evidence. The Court is not compelled to perform the impossible but, as any Judge will know, not every evidential lacuna or dispute is material or cannot be overcome. Limb (ii) is an instruction to use judicial common sense and pragmatism, not least because the exercise is intended to be one conducted with 'due despatch and without hearing oral evidence' …. It should be borne in mind that it is routine for claimants to seek extensive disclosure (as was done on the facts of the present case) from the defendant in the expectation (and hope) that the defendant will resist, thereby opening up the argument that the defendant has been uncooperative and is hiding relevant material for unacceptable forensic reasons and that this should be held against the defendant. Where there is a genuine dispute judges are well versed in working around the problem. For instance, it might be possible to decide an evidential dispute in favour of a defendant on an assumed basis and ask whether jurisdiction is nonetheless established. Equally, where there is a dispute between witnesses it might be possible to focus upon the documentary evidence alone and see if that provides a sufficient answer which then obviates the need to grapple with what might otherwise be intractable disputes between witnesses. ” (Kaefer § 78)

iii) Limb (iii) (if “the nature of the issue and the limitations of the material available at the interlocutory stage [are] such that no reliable assessment can be made” then “there is a good arguable case for the application of the gateway if there is a plausible (albeit contested) evidential basis for it”) arises where the court is unable to form a decided conclusion on the evidence before it and is therefore unable to say who has the better argument (Kaefer § 79). As to this situation:

“… In [WPP Holdings Italy Sarl v Benatti [2007] EWCA Civ 263] Lord Justice Toulson stated that the Court could still assume jurisdiction if there were 'factors which exist which would allow the court to take jurisdiction' … and in [Antonio Gramsci Shipping Corp v Recoletos Ltd [2012] EWHC 1887 (Comm)] Teare J asked whether the claimant's case had 'sufficient strength' to allow the court to take jurisdiction (ibid paragraph [48]). The solution encapsulated in limb (iii) addresses this situation. To an extent it moves away from a relative test and, in its place, introduces a test combining good arguable case and plausibility of evidence. Whilst no doubt there is room for debate as to what this implies for the standard of proof it can be stated that this is a more flexible test which is not necessarily conditional upon relative merits. ” (Kaefer § 80)Article 63 of Brussels Recast provides:

“1. For the purposes of this Regulation, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its:

(a) statutory seat;

(b) central administration; or

(c) principal place of business. ”The test under Article 63(1)(b) was considered by Andrew Smith J at first instance in Vava & Ors v Anglo American South Africa Ltd (No 2) [2013] Bus LR D65, [2013] EWHC 2131 (QB) (“Vava No. 2”), and then, on appeal, by the Court of Appeal in Young v Anglo American South Africa Ltd & Ors (No 2) [2014] EWCA Civ 1130, [2014] Bus LR 1434 (“Young”). Andrew Smith J ’ s judgment included the following significant passages about where a company, AASA, had its central administration:

“61. Such administrative services as AASA requires are provided under a Master Services Agreement dated 4 April 2011 by AOL, whose employees are based in South Africa. It covers company secretarial services, finance and performance management services, tax services, treasury services, corporate communications services and corporate finance services. It also covers Executive Director Services, which comprise … “leadership, advice and support which may include but not be limited to: Regulatory affairs; transformation; corporate communications; government relations; strategic implementation; and protection of shareholder interests ie attending Board meetings, Strategy sessions”. However, AASA does not rely in support of its case about where it had its central administration on the fact that these secondary services were provided by AOL in South Africa.

62. Mr Layton submitted that, on a proper autonomous interpretation of article 60 in light of the European jurisprudence, the place where a company has its “central administration” is “the place where in reality a company's major decisions are taken” or where “the main entrepreneurial decisions are taken which determine the activity of the company”; that therefore the place of central administration is not simply where a company's board and general meetings are held; that it is where “the people who devise the company's strategy, who take the big picture decisions are located and do their strategising and decision-making”; and that it is “most probably not … where formal rubber-stamping of decisions is undertaken of entrepreneurial decisions which are handed down from above, or where second-order decisions are taken which merely implement the big picture decisions handed down from above”. The decisions that determine where a company has its central administration are not, Mr Layton submitted, necessarily taken by the company itself, and might be taken by others for various reasons: because decision-making might be “usurped” by a parent company or other entity; because it might be delegated by the company; or simply because of “the circumstances of a company within a group”. ...

63. In order to illustrate the point, Mr Layton invited consideration of hypothetical situations: if, for example, it were decided to dispose of the shares in a subsidiary such as AOL. It is unrealistic to suppose, he argued, that such a decision would in reality be taken by AASA: the effective decision would be taken by AA plc in London and any part played by AASA in South Africa would be “formal rubber stamping” and executing documents to implement the decision. Mr Philipps did not dispute that AASA would not make a decision of this kind otherwise than in accordance with AA plc's wishes, but submitted that this does not mean that AASA does not control its own decisions. But he had a second submission that to my mind also answers the point: Mr Layton's example is speculative, and does not assist in ascertaining the place where AASA in fact had its central administration at the times when these proceedings were brought. He recognised that, if at some time in the future AASA were to acquiesce in AA plc or another manifestation of the Group in England making decisions on its behalf, the place of AASA's central administration might then move to be in England. But I need not consider in what circumstances it would move: it is not part of the factual enquiry that article 60(1)(b) requires.

64. It is not entirely clear whether the claimants take issue with AASA about whether secondary management services such as those provided by AOL do or might bear upon where AASA has its central administration. At one point it appeared that they did not: Mr Layton cited in this context the judgment of Silber J, who referred (at para 30) to the case of the German Supreme Court of 23 January 2008, [2008] NJW 2797, in which it said that “mere secondary management tasks such as accounting and settlement of tax matters are irrelevant for determining the seat of the head office”, and who said (at para 58) that the services provided by AOL “although important for AASA, do not appear to relate to managerial or entrepreneurial issues”, adding that “This interpretation is derived not from domestic law but independently from European law” and that it was “so obvious as to leave no room for reasonable doubt”. ...

…

66. Mr Layton did not argue, and it could not cogently be argued, that the central administration of a wholly owned subsidiary is always located with its shareholder, but he contended that it is in this case, or rather that the claimants have a sufficient argument that it is. There are circumstances in which the English court has recognised that a subsidiary has renounced all control over its affairs to a parent company and the parent has “usurped” the functions of control over the subsidiary. The leading such case that shows that a company can be resident in a country without holding directors' meetings there is Unit Construction v Bullock, [1960] AC 351 …

…

70. In the end Mr Layton did not submit that in this case AASA's functions were usurped by AA plc or that the position here is comparable to that in the Unit Construction case. He was right not to do so: …

71. However, as I have said, the claimants put their main argument on a broader basis: that while a parent might make the decisions comprising the central administration of a company because it has usurped them or because the subsidiary has delegated its decision making to a parent, this can come about simply because in reality the parent company takes the decisions which determine the activities of the subsidiary. Mr Layton submitted that the place where a company has its central administration does not necessarily depend on anything done by the company or any organ or agent of the company: the question is where the “main entrepreneurial decisions … which determine the activity of the company” are taken, whether they be taken by the company, its parent or anyone else. I am unable to accept this proposition: to my mind the question where a company has its central administration clearly depends upon where the company itself carries out its functions, and unless the company can properly be said to act through another person or entity because of agency or delegation or on some other legally recognised basis, the actions of others do not determine the question. …”The Court of Appeal upheld his decision:

“34. The parties were correct to accept that the wording of Article 60 must be given an “autonomous” meaning, that is a meaning not based on the canons of construction of any particular Member State's system of law. In order to consider the correct interpretation of the wording it is necessary to look at the objectives of the Regulation as a whole, particularly as noted in the preambles to the Regulation, as well as the context of Article 60 within the Regulation and any official commentary on the text that is relevant.

35. Paragraph 11 of the preamble of the Regulation states that the “rules of jurisdiction must be highly predictable and founded on the principle that jurisdiction is generally based on the defendant's domicile…”. The same paragraph also stipulates that:

“…The domicile of a legal person must be defined autonomously so as to make the common rules more transparent and avoid conflicts of jurisdiction”.

…

37. It is clear that Article 60(1) is drafted so that a company … may have three different locations of domicile for the purposes of the Regulation, because, for that purpose, the domicile of a company may be the place of its “statutory seat” or its “central administration” or its “principal place of business”. Thus it is intended to give a claimant a wider choice of where he can sue a company using the general rule in Article 2(1) of the Regulation that “…persons domiciled in a Member State shall, whatever their nationality, be sued in the courts of that Member State. ” This analysis accords with the commentary in paragraph 28 of the official Explanatory Report of Professor Fausto Pocar on the revised Lugano Convention of October 2007. The revised Lugano Convention used the same wording as that of Article 60 of the Regulation. Professor Pocar also points out, at paragraph 30, that the choice of a “broad definition” was made to allow a company to be brought before a court in a state bound by the Convention (or, I would say, the Regulation) “with which [the company] has a significant connection, in the shape of its central administration, its principal place of business or its statutory seat”. ...

…

40. Given the need to differentiate between the three attributes of a company contemplated by the three phrases used in Article 60(1) , I would give the phrase “central administration” the same meaning as that which was given by commentators to the same phrase in what is now Article 48 TFEU, which grants the same right of freedom of establishment to companies and other legal persons and associations as to natural persons who are nationals of Member States of what is now the EU. Thus I agree with the interpretation given by Dr Ulrich Everling in 1964 to the “central administration” of a company in that context as being the place where “the company organs take the decisions that are essential for the company's operation”. In my view his emphasis that it is only the organs of that company that counted and it was irrelevant “whether the company depends upon the decisions of a parent company which has its domicile outside the Community” is correct. His interpretation is, effectively, the same as that used in the commentary of Dr Hans von der Groeben and Dr Jürgen Schwarze on Article 48 TFEU, 43 although they also refer to the place where “entrepreneurial management effectively takes place”. …

41. Even more persuasively, the German Federal Supreme Court (Bundesgerichtshof) adopted this line of interpretation, citing the work of Professor Dr Kropholler, when it considered Article 60(1)(b) in the context of a jurisdiction dispute concerning a company in its Ruling XII ZB 114/06 of 27 June 2007. The analysis of the German Federal Supreme Court was followed by the German Federal Employment Tribunal (Bundesarbeitsgericht) in its decision 5 AZR 60/07 of 23 January 2008, which also concerned Article 60. The court drew a distinction between “essential business decisions” and “mere secondary management tasks such as accounting and settling of tax matters”, which were irrelevant for the purposes of determining the seat of the “head office”. That analysis was in turn followed by the District Court ( Landgericht) for Frankfurt am Main in its decision 2 – 08 S 25/09 of 3 March 2010.

42. The phrase “central administration” in what is now Article 48 TFEU (then Article 58 of the EEC Treaty) was also considered by the CJEU in R v HM Treasury ex parte Daily Mail and General Trust PLC. Advocate General Darmon referred with approval to Dr Everling's interpretation of “central administration”. The judgment of the Court itself does not directly comment on those words.

43. As already noted, the interpretation of “central administration” has been the subject of decisions in the English courts. The most recent to which we were referred was that of Tomlinson J in Alberta Inc v Katanga Mining. One of the issues in the case was whether the first defendant, which was a company incorporated in Bermuda, resident in Canada for tax purposes and which had its principal office in London and had a 75% interest in a valuable copper and cobalt mine in the Democratic Republic of Congo, was domiciled in England for the purposes of Article 60(1). Tomlinson J held that the company had its “central administration” in London because “those who have the serious responsibilities in the company have their place of work” in London. With respect to Tomlinson J, who did not have the benefit of the German commentaries or case law for his consideration, I think it does not necessarily follow that the place where those who have serious responsibility in the company work is the place where the “central administration” of the company will be. The correct interpretation of Article 60(1)(b) is to find the place where the essential decisions are taken by the company through its organs for that company's operation and where the company takes its “entrepreneurial” decisions. The place of work of those who have “serious responsibility” for decisions and the place where the essential decisions of the company are made could be different. It is always going to be a question of fact.

44. … The suggestion of HHJ Chambers QC at paragraph 12 of his judgment in King v Crown Energy Trading AG that “administration” has something of the “back office” about it and the statement in paragraph 13 of the judgment that the place of a company's “central administration” can be determined by “a simple listing of those with important responsibilities in the company” is equally unhelpful and, in my view, should be disregarded. …

45. Overall, then, I conclude that the correct interpretation of “central administration” in Article 60(1)(b), when applied to a company, is that it is the place where the company concerned, through its relevant organs according to its own constitutional provisions, takes the decisions that are essential for that company's operations. That is, to my mind, the same thing as saying it is the place where the company, through its relevant organs, conducts its entrepreneurial management; for that management must involve making decisions that are essential for that company's operations. As Andrew Smith J pointed out at [71] of his judgment, that location will be where the company (or other entity) has its “central administration” for the purposes of Article 60 and that will therefore be a jurisdiction where, for the purposes of the Regulation, the company has its domicile and so can be sued under the jurisdictional rule of Article 2. Therefore I agree with Andrew Smith J's conclusion on the issue of the interpretation of Article 60(1)(b). ”I agree with the Defendants that a company can only have one place of “central administration”. The ordinary meaning of “central administration” connotes a single place and not multiple places; and the Court of Appeal in Young referred to the need to “find the place …” (§43).

Young also indicates that:

i) the relevant date is the date proceedings were issued (§§1, 7);

ii) the analysis must be directed at the company in question, regardless of whether it depends on the decisions of a parent company domiciled elsewhere (§40); and

iii) secondary management tasks such as accounting and settling of tax matters are not relevant (§41)I am not persuaded by the Claimants ’ submission that a key distinction needs to be drawn between (a) the making of high-level strategic decisions and (b) managerial decisions which implement strategy, with only (a) forming part of the company ’ s “central administration”. The Claimants relied, at least in part, on the references to implementation in the submissions recorded in §§ 61, 62 and 63 of Andrew Smith J ’ s decision. However, the judge did not accept those submissions as reflecting the test, nor himself express the test in terms of a distinction between strategic and implementation decisions. Nor does the Court of Appeal ’ s formulation, referring to “the decisions that are essential for that company's operations”, that being the same as the conduct of its “entrepreneurial management”, necessarily exclude all managerial decisions falling short of the setting, as opposed to the implementation, of corporate strategy.

I asked during the hearing where the “central administration” test had originated, and the Claimants on the third day of the hearing provided a helpful note on that topic. Very briefly, the Brussels Convention of 1968 used the concept of the ‘seat ’ of a company, to be determined by Member States ’ own rules of private international law. The UK provided for a definition of that term in section 42 of the Civil Jurisdiction and Judgments Act 1982 using the concept of central management and control. (The Court of Appeal in Young later found the case law relating to this provision to be unhelpful when considering the new rule under the Brussels Regulation.) National laws took different approaches, and so Article 60(1) of the Brussels Regulation 44/2001 introduced a new autonomous rule using the three-part test which now applies.

32. Andrew Smith J in Vava (No. 2) noted that the central administration concept had previously been used in the context of freedom of establishment under EU law, and that the German Federal Court of Justice had held case law developed in that context to inform the proper application of Article 60 (§ 12). Similarly, the Court of Appeal in Young noted that the concept had appeared in Article 58 of the EEC Treaty, later Article 48 EU and Article 54 TFEU and equated its meaning in the two contexts. The Pocar report on the Lugano Convention noted at § 31 that although the need addressed was different, it was thought appropriate to use the same connecting factors for civil jurisdiction purposes as applied in the freedom of establishment context. In the latter context, Advocate General Darmon in Case 81/87 R v HM Treasury ex p. Daily Mail and General Trust PLC [1989] 1 QB 446 (cited in Young § 42) said:

“7. In my view, the problem should be expressed in different terms. The concept of central management is difficult to pin down. Even where it designates the place at which the board of directors meets, it is not sufficient to provide a satisfactory connecting factor. As has been noted (J.-M. Rivier, 'General Report: The Fiscal Residence of Companies,' Studies on International Fiscal Law, vol. LXXIIa (1987), pp. 47, 75):

'Owing to the progress made by means of communication, it is no longer necessary to arrange formal board meetings. The telephone, telex and telecopier enable each director to state his point of view and to take part in the decision-making without being physically present in a given place. The board meetings each director will attend via television will soon form part of [a company's] everyday life. The board of directors can meet in a place chosen arbitrarily, which bears no real relation with the decision centre of the company.'

The place in which the board of directors meets cannot therefore constitute the sole criterion making it possible to designate with certainty in each case the place in which the central management is located. That designation cannot be arrived at by means of a formal legal assessment which does not take account of a number of factual elements the respective scope of which may vary according to the type of company involved.

8. In order to determine whether the transfer of the central management and control of a company constitutes establishment within the meaning of the E.E.C Treaty it is therefore necessary to take into consideration a range of factors. The place at which the management of the company meets is undoubtedly one of the foremost of those factors, as is the place, normally the same, at which general policy decisions are made. However, in certain circumstances those factors may be neither exclusive nor even decisive. It might be necessary to take account of the residence of the principal managers, the place at which general meetings are held, the place at which administrative and accounting documents are kept and the place at which the company's principal financial activities are carried on, in particular, the place at which it operates a bank account. That list cannot be regarded as exhaustive. Moreover, those factors may have to be given different weight according to whether, for example, the company is engaged in production or investment. In the latter case, it may be perfectly legitimate to take account of the market on which the company's commercial or stock exchange transactions are mainly carried out and the scale of those transactions. ”

The European Court of Justice did not itself address this issue. However, the Advocate General ’ s Opinion in these paragraphs expresses the view, which with respect I find logical, that particularly in cases where a particular location cannot readily be identified for a given decision-making body (there, the board of directors) it may be necessary to consider a range of relevant factors when deciding the place of the company ’ s central administration.In Case C-208/00 Uberseering BV v Nordic Construction Co Baumanagement GmbH (NCC) [2005] 1 WLR 315, again in the freedom of establishment context, Advocate General Ruiz-Jarabo Colomer used the expressions 'actual head office', 'actual centre of administration' and 'centre of management' to mean “the place where the running of the company takes place and where it concludes a substantial proportion of its dealings with third parties: see G Kegel, Internationales Privatrecht (1995), p 416)” (§ 2).

The Claimants cited one of the German cases decided under Article 60 itself referred to by the Court of Appeal in Young, namely the Bundesarbeitsgericht ’ s judgment of 23 January 2008 5 AZR 60/07 (lexetius.com/2008,895). The court considered the place of central administration of a defendant association whose purpose was to provide its members with long-term secured holiday rental rights to vacation homes and to look after them. The court found that the decision-making ***process*** required to fulfil the association ’ s purpose was primarily carried out by annual general meetings in Austria, during which the fundamental decisions were made. The general assembly decided, among other things, on the election of the board members, the accounts, the annual contribution and the business plan. The court stated that “[t]his is followed by the definitive will formation and entrepreneurial management of the defendant in Austria” (§ 21). The court went on to say that this conclusion was confirmed if one focused on the activities of the board of directors, which consisted of two members based in Austria and only one in Germany. The claimant had not presented any facts to show the latter director “is working independently to develop the will for the association or that it makes entrepreneurial decisions that go beyond the ordinary course of business. [His] mere participation in the board, the majority of which acts in Austria, is not sufficient to establish responsibility in Germany” (§ 22). The court added that dealing with bookkeeping and correspondence, sales, keeping the membership directory and dealing with tax issues were secondary administrative tasks with no significant influence on the will and entrepreneurial management of the association and could also be transferred to other contractors. I regard this decision as an illustration of the application of the ‘central administration ’ on particular facts - relating to an atypical company somewhat different from an ordinary trading enterprise - and not, for example, as making any general suggestion that a company ’ s members in general meeting should ordinarily be regarded as constituting its central administration.

(2) Facts

(a) Constitutional documentsThe starting point is Sucocítrico Cutrale ’ s constitutional documents, which set out the division of functions between the Partners, the Family Board and the Executive Board.

The 17th Amendment of Sucocítrico Cutrale ’ s Articles was in force when the claims were issued, and its provisions were broadly similar to those in the 16th and 15th Amendments. It includes the following provisions.

Article 6 provides that the company ’ s bodies are:

i) “The Members ’ Meeting, in an assembly” (referred to in the present application as the “Partners”);

ii) “The Board of Directors” (also referred to as the “Family Board”); and

iii) “The Executive Board”The Members ’ Meeting or Partners comprised Cutrale Snr, his wife Rosana Cutrale, and their children Cutrale Jnr, José Henrique Cutrale and Graziela Cutrale.

The Board of Directors or Family Board comprised the same individuals.

Article 7.1 provides that the Members Meeting, i.e the Partners, is “the highest and ruling body in the company”, with responsibilities to:

“a) Appoint an attorney or attorneys ’ to receive the powers to open and close bank accounts;

b) Appoint an attorney or attorneys to receive the powers to negotiate suretyship bonds or any other banking guarantees;

c) Appoint an attorney or attorneys to represent the company in its institutional relations with Brazilian governments;

d) Appoint an attorney or attorneys to represent the company in relation to other companies, be them controlled or affiliates;

e) Deliberate the Articles of Organization and their changes (Article 1,071, V - Brazilian Civil Code);

f) Discuss the merging, consolidation and dissolution of the company or the discontinuation of its liquidation;

g) Discuss the appointment or destitution of liquidators and review their accounts;

h) Discuss the approval of the management accounts and how to use income of the period (Article 1,078, I - Brazilian Civil Code). ” (in translation)

Article 7.2 provides for the partners to hold general meetings at least once a year. By Article 14.1:

“The partners reserve the right to decide and regulate on any matter of interest of the Company and its businesses, to the extent permitted by law and these Articles of Incorporation. …”

(I have quoted all documents written in Portuguese using the English translations provided for the hearing.)Clause 8 (“Management”) provides in subparagraph (1) that the Family Board ’ s duties shall be to:

“a) establish the company ’ s regulations and goals;

b) establish the corporate governance relations;

c) approve and ensure the execution of the company ’ s yearly budget proposal, as well as changes to it, and declare it fulfilled at the end of the fiscal year;

d) establish the institutional guidelines for the company ’ s management;

e) elect Executive Officers and any of their substitutes who will be part of the Executive Board, which will manage the company for the members, according to the Board of Directors ’ institutional regulations;

f) authorize, as per each case, the grant of suretyships, indorsements or any other guarantees for third parties, as per Clause 11 below. ”As to the Executive Board, clause 8(2) and (3) state:

“8.2 The Executive Board, composed of managers, members or non-members elected by the Board of Directors, with representation powers found in the respective designation acts, in this case with the designation of Executive Officer, to whom it will fall the duty of using the corporate name as per Article 1,064 of the Brazilian Civil Code.

8.3 The actions of the managers who will compose the Executive Board will be carried out within the limits of their authority, as determined by the Articles of Organization and obligate the company, as per the exact terms of Article 47 of the Brazilian Civil Code. ”Clause 8.6 provides that:

“No manager, regardless of level or degree or competence, may exceed the value limits established in budgets, plans or schedules determined by the Board of Directors.

8.6.1 In these budgets, plans or schedules, for each expense item, there will be the supervision of the Officer exercising the financial duties and approval by the respective Officer of each company department. If, at any moment, the respective Officer of the department notices that the expenses may exceed their financially expected amounts, the aforementioned Officer will be notified and the expenses will be submitted to the Board of Directors for approval. 8.6.2 If, eventually, in order to exceed this restriction, an officer formalizes the same negotiation in several instruments in amounts lower than the limit, but whose sums exceed it, the company may deem the negotiations invalid, terminating the contracts, as this act may be considered a serious employee error within the terms of the law and as established in item 8.5 above. …”Clause 9 deals with the Family Board (Board of Directors), which clause 9.1 states is “the collegiate decision-making body of the Company”. Clause 9.5 provides that the Family Board is responsible for:

“a) Determining the company ’ s institutional and strategic policies and guidelines;

b) Determining the company ’ s investment policies, deciding on the Executive Board ’ s proposals;

c) Calling for and presiding over members ’ meetings;

d) Propose changes in the Articles of Organization to the Members ’ Meeting;

e) Electing and removing any officers that will make up the Executive Board and any other company manager;

f) Proposing an increase in capital by issuing new membership shares, due to either investments or profit appropriation;

g) Deciding on the acquisition and sale of real estate, mortgage or any other charges on company properties; and on granting suretyships, always for the benefit of the company, appointing officers to take the appropriate acts;

h) Deciding on the amount and form of the Directors ’ pay;

i) Deciding the amount and form of the Officers ’ pay and their materials as per Article 1,071 and its paragraphs;

j) Authorizing the opening and closing of bank accounts by an attorney designated in the Members ’ Meeting, and their usage may be attributed to attorneys specially appointed by the Board of Directors, being granted special and specific authority to do so and always acting in pairs;

k) The Board of Directors may establish that specific accounts or negotiations with banks and/or financial institutions may only be used or implemented as per prior statement by a Director, according to each case;

l) Deliberating on taking Executive Board accounts, proposing the usage of the results to the Members ’ Meeting;

m) Approving or executing the company ’ s yearly budget proposal, or the budget corresponding to another period, and its changes;

n) Determining that the budget was met at the end of the fiscal year;

o) Proposing the merger, consolidation and dissolution of the company, or the termination of its state of liquidation;

p) Authorizing the request for court-supervised reorganization or out-of-court reorganization;

q) Authorizing the company to issue monthly, quarterly, or semi annual budget sheets and use them as basis to determine the distribution of then-existing profits, or in anticipation of eventual profits;

r) Choosing or removing independent auditors (Article 142, paragraph IX, Law 6,404/76). ”Clause 9.6(a) provides that the Family Board will hold regular meetings once a year, within four months after the end of the fiscal year, with special meetings held when called by the Chairman.

The Claimants note that each member of the Family Board is described as a member, director and manager (‘administratrador ’ ) of Sucocítrico Cutrale in filings with the Brazilian Commercial Registry, JUCESP.

Clause 10 deals with the Executive Board, composed of individuals elected by the Family Board (clause 10.1). Clauses 10.2 and 10.5 provide that:

“10.2 The company ’ ordinary management is incumbent upon the Executive Board, by Executive Officers, who are responsible for implementing the Board of Directors ’ deliberations.

10.3 The Executive Board will meet on a quarterly basis, regardless of convocation. Its meetings will be recorded in minutes that will properly reproduce its decisions and that will be submitted to the appraisal of the Board of Directors. The Board of Directors may, at any time, convene an extraordinary meeting of the Board of Directors, establishing the agenda for this meeting.

10.4 Execution of deliberations of the Executive Board will be the responsibility of the Executive Officers, with each one acting within the scope of his area of activity and, according to the acts of his designation …

10.5 The Executive Board, by a joint act of the Executive Officer who is exercising the financial attributions and the Executive Officer who is exercising the powers of legal defense, will grant the term of office to the attorneys-in-fact appointed at the Partners ’ Meeting, as established in Clause 7, item 7.1, letters “a,” “b, “c,” and “d”, above. ”Clause 10.6 then states:

“10.6 In this regard, it will be the responsibility of the Executive Officers:

a) To proceed in accordance and in strict compliance with legality and demand that everyone in the company: managers, employees, contracted third parties, fulfill, and require the fulfillment of the legality and juridicity of all acts, enforcing the laws, regulations, contracts, conventions, and agreements;

b) To follow the institutional guidelines given by the Board of Directors;

c) To ensure strict compliance with the rules for the defense of competition, accounting for the consequences of non-compliance in the areas of their responsibility;

d) To ensure strict compliance with labor standards; safety, medicine, hygiene, and health at work standards; accounting for the consequences of non-strict observance in the areas of their responsibility,

e) To ensure strict compliance with fiscal, tax and social security rules, accounting for the consequences of non-strict compliance in the areas of their responsibility;

f) To ensure strict compliance with legislation for the protection, preservation, and use of soil and natural resources and the environment, accounting for the consequences of non- strict observance in the areas of their responsibility;

g) To establish the organizational and functional structure for staff under their supervision, in the area of their Board and submit it to the Board of Directors for approval so that it becomes effective;

h) To appoint Managers, Supervisors, and Coordinators to carry out assignments in the area of operation of their Board, determining their functions;

i) To admit and dismiss personnel employed by the company in the area of responsibility of their Board, always following the plans, projects and policies of labor relations approved by the Board of Directors, being responsible for the good standing and legality of these acts;

j) To hire service providers, individuals, or legal entities, for activities in the area of responsibility of their Board, always following the plans, projects, and policies of labor relations and service provision approved by the Board of Directors, being responsible for the good standing and legality of these acts;

k) To by themselves, or by a proxy appointed, always respecting indications formulated at the Partners ’ Meeting (Clause 7, item 7.1 , letters “a” to “d”) and the private powers of the Board of Directors, represent the company, actively and passively before any of the powers of the Republic, States, and Municipalities, in any of their agencies, ministries, departments, secretariats, offices and sub-offices, including before, local governments, public and mixed economy companies, public service concessionaires, institutes, including social security, administrative courts, and similar bodies;

l) To appoint attorneys-in-fact, always respecting indications formulated at the Partners ’ Meeting (Clause 7, item 7.1 , letters “a” to “d”) and representatives, for acts related to or arising from their field of activity in the company, granting them and establishing the powers and scope of representation;

m) No administrator, of any level, may hire or authorize contracting with providers or suppliers of goods or services with individuals who are relatives up to the third degree of employees of the company, or, in case of legal entity provider, who are administrators of it, with the Officers, Managers, Supervisors or Coordinators knowing of the existence of any such hiring being obliged to suspend the execution of that contract, if it is in the area of responsibility or administration, and immediately report the fact to the Board of Directors. …

n) The acts of creation, alteration, modification, and extinction of establishments, branches, offices, and representations will be decided in a joint meeting between Officers, one being the Officer of the area where the establishment in question is inserted, the Officer who is exercising the financial attributions, and the Officer who is exercising the legal defense attributions, who will be responsible for implementing the decision taken, which will be appropriately recorded in the minutes of this Officers ’ meeting and registered in the trade registry bodies. ...

10.7 The Officers are, individually, responsible for those who are included in the act of their election and their Instrument of Investiture. ”There are also relevant provisions in Deeds of Appointment of key officers of Sucocítrico Cutrale. In particular:

i) The Deed for the Fruit Procurement Director, after setting out the directors ’ general responsibilities in common with all directors (which include acting in accordance with the law), states the Fruit Procurement Department ’ s Purpose (“To acquire oranges under competitive market conditions, aiming to meet the needs and schedules of the company ’ s industrial units”), values and organizational priorities (starting with “Quantitative and qualitative fulfilment of goals, price and ***measures*** implemented by company policy” and “Respect and seriousness in the relationship with orange producers, whether suppliers of the company or otherwise”). The Deed states that the Department will be managed by one Director and two Commercial Supervisors, who will work together at the same level. They will have joint liability for all acts performed on behalf of the company, especially in relation to payments made, meeting targets and compliance with guidelines set by the company. The guidelines will be determined by the Family Board, to whom the Managers must report on any clarifications. The Deed also includes these particular reporting requirements:

“(e) Information will be provided as follows:

(i) Managers, including those in the field, will record their messages and observations, etc., in the voice channel each morning;

(ii) At the end of each working day, the Director will make a written report of all conversations and information received throughout the day, and will also add to those topics recorded in the morning, and will pass this report on the Board of Directors.

(iii) Also daily, even after the report has been completed, the Operational Supervisors will inform the Board of Directors the position of orange purchases for the day. ”

ii) The Import and Export Deed includes operational details about the company-wide Sales Plan, which is to be prepared and submitted to the Family Board who are then to decide on it. Paragraph 14 states that ‘conditions ’ , including prices (§ 13), cannot be deviated from without Family Board approval.

iii) The Deeds contain similar provisions about the company-wide Harvest Plan and its associated budget. The Harvest Plan must be submitted to the Family Board for their decision and strictly executed; with Family Board permission for any deviation and immediate reporting of any non-compliance.

iv) Five Deeds have provisions that are identical to each other, requiring the respective Department to submit an annual budget and monthly cash flow statement of operating expenses for approval to the Family Board, alongside detailed calculations; with permission to be obtained from the Family Board for any deviation and immediate reporting to them of any non-compliance.

v) The Financial Director Deed gives the director (then Mr Cervato) a range of responsibilities, subject to high level oversight by the Family Board, which include (for example) appointing managers in his department and fixing their duties, appointing and dismissing staff in accordance with the labour relations policies and plans approved by the Family Board, contracting service providers in accordance with the labour relations and service provision plans and policies approved by the Family Board, and (whilst observing the exclusive powers of the Family Board) representing the company before a wide range of types of governmental authorities and tribunals. Clause 14 of the Deed gives the director various specific powers, including as follows:

1. The Fiscal and Tax Department shall be assigned the financial management and control of the Company ’ s finances, the information system, the accounts, finance and taxation, execution of the annual budget and monitoring of execution by the other Departments of the budgets, programmes and plans approved by the Board of Directors [i.e the Family Board].

2. Provide for and check the adequate level of reserves for contingencies in legal and administrative proceedings. He shall be assisted by the Legal and Administrative Director for that purpose.

3. Represent the Company before the Department of Federal Revenue, in all its departments, delegations and sub-delegations, assuming responsibility in respect of the National Legal Persons Register (CNPJ) for the relevant purposes.

4. Represent the Company before banks and financial institutions, either in person or through representatives appointed in the manner laid down by Clause Nine, section 9.5, letter “j” of the Articles of Association.

5. Manage and allocate the Company ’ s economic and financial liquid assets.

…

9. Draw up and submit to the Board on an annual basis, together with the other Company departments, the general expense and income budget comprising the Annual Plan, the Harvest Plan, stocks of products, purchasing plan, selling plan and calculations and prepare the consolidated annual balance sheet/income statement and respective cash flow statement. Once approved by the Board of Directors, the Departments shall operate within the premises established, the Financial, Fiscal and Tax Department being responsible for checking the expenses and income in accordance therewith, having to warn any of the Departments in the event of non-compliance and inform the Board of Directors thereof immediately.

10. If it proves necessary to amend the Budgets and Plans approved by the Board of Directors during execution thereof, they shall be immediately submitted to the Board of Directors and, once approved, shall be forwarded immediately to the Financial, Fiscal and Tax Department. Such submission for approval by the Board of Directors and the response thereof may take place by email.

11. This Department shall keep the Board informed on a monthly basis by means of two reports forming the financial file in addition to the other forms to be established on the development of implementation of the Annual Plan in force.

…

14. Ensure that the transfer of resources to be deposited in the bank accounts and the release of “normal” payments only take place following the approval of one of the members of the Board of Directors using the electronic tool provided by the MCS (Menu Cutrale System) Portal known as TEA - Authorized Electronic Transfer. In ***exceptional*** situations, the Chairman of the Board or a Member thereof may authorize the Financial Director or the Financial Manager to give such approval by instructing the IT Manager. ”

(b) Evidence of the position in practiceSome broad context is provided by the evidence of Mr Cervato, the former Financial Director, that:

i) Sucocítrico Cutrale ’ s headquarters are at its registered office in Araraquara in the state of São Paulo, and its management team is based there;

ii) the company has significant farming operations in Brazil: a substantial proportion of its oranges come from the company ’ s own farms in the states of São Paulo and Minas Gerais. It owns and operates five industrial juicing plants in Brazil. It has port facilities in Santos in the state of São Paulo. In addition to the Araraquara headquarters, Sucocítrico Cutrale has six further offices, all in Brazil;

iii) Sucocítrico Cutrale employs over 20,000 people in Brazil and had a turnover of over US$ 1 billion in 2019;

iv) the company does not own or lease any premises or employ any staff outside of Brazil; and

v) Sucocítrico Cutrale ceases to be responsible for almost all of the exported juice when it is loaded onto ships at Santos, Brazil. Sale and distribution are handled by three separate companies (which source primarily, but not exclusively, from Sucocítrico Cutrale).Only a limited number of documents have been produced showing how the company is managed in practice. Indeed, this is a source of complaint by the Claimants. The Defendants ’ evidence indicates that the Family Board only minutes decisions where there is a requirement for them to do so under Brazilian law: for example, real estate transactions, delegations of authority and amendments to the Articles of Association. Other discussions and decisions are not minuted. None of the notes of meetings of the Partners are described as minutes. The only minutes taken and filed at JUCESP for the Executive Board are on matters required to be minuted pursuant to Article 10.6(o) (on the creation, alteration, modification and extinction of establishments, branches etc). The Claimants make the point that this apparent limited minuting of decisions is inconsistent with the requirement in Article 10.3 for the Executive Board to record its meetings in minutes which properly record its decisions and will be submitted to the Family Board. The Defendants produced a set of sample minutes from a meeting of the Family Board with the Executive Board, in which the substance of the discussions was redacted, though the headings indicate that there were discussions of new investments, and issues relating to the fruit supplies, sales, ***agricultural***, finance, labour relations and legal divisions. The Defendants also produced redacted minutes of one Family Board meeting in 2008.

Of the documents that have been produced, the Claimants draw attention to the following examples of decisions taken at Family Board or Partners ’ meetings:

i) minutes of a Special Meeting of the Board of Directors on 9 August 2019, which indicate that it was decided to sell a property in the State of São Paulo (the sale of property being part of Sucocítrico Cutrale ’ s corporate purpose pursuant to Article 3);

ii) a Members ’ Resolution Act Authorisation for the acquisition of equity and real estate on 29 November 2018, which appointed Cutrale Jnr and Henrique Cutrale to represent Sucocítrico Cutrale in all acts related to the acquisition of equity and real estate;

iii) a Private Instrument of Resolution of the Board of Directors on 22 February 2017 and Minutes of the Forty-Fifth Meeting of the Board of Directors on 6 March 2015, by which the Family Board appointed various Executive Directors to their relevant Departments; and

iv) as to Partners ’ meetings, a Deliberation Act in Members Meeting on 1 June 2019 and an Act of Resolution in Members Meeting on 1 October 2019, by which payments of dividends out of the company to the shareholders were approved.The Claimants refer to the following documentary examples of Executive Board activities:

i) a meeting of the Executive Board on 15 April 2015 which included a decision to do with regulatory compliance, including express mention that one activity in one branch involved repair and maintenance of machinery in use;

ii) a meeting of the Executive Board on 3 August 2015, where a decision was taken to establish a branch of the company in a place in São Paulo state; and

iii) a meeting of 23 January 2017 where the location of a branch was changed; and

iv) a meeting on 24 January 2017 at which the activities of certain branches were extinguished.The Defendants ’ witness evidence includes the following points about the management of Sucocítrico Cutrale:

i) Sucocítrico Cutrale ’ s management team is based in Araraquara and totals around 60 employees.

ii) The Executive Board is comprised of the Finance Director, ***Agricultural*** Director, Industrial Director, Legal Director, Director of Import and Export, Director of Labour Relations, and the Fruit Procurement Director.

iii) The Executive Board has weekly meetings in Araraquara (although its members speak to each other on a daily basis).

iv) The Family Board meets periodically with the Executive Board. In the four years from January 2016 to December 2019 a total of 12 meetings took place, i.e three per year. In the same period there were seven further meetings of the Family Board without the Executive Board i.e fewer than two a year on average.

v) Meetings of the Family Board (Board of Directors) have been led by Cutrale Jnr since Cutrale Snr suffered health complications in November 2018.

vi) The Executive Board, supported by Sucocítrico Cutrale ’ s broader management team in Brazil, is responsible for the overwhelming majority of the decision-making in respect of the company; and it would not be realistic or practical for the Family Board or its members (who meet relatively infrequently, are spread around the world and have extensive other business interests) to have the level of involvement in decision-making that the Claimants suggest.

55. Cutrale Snr states in his first witness statement that:

“Throughout my life, Sucocítrico Cutrale has always been and remains a family business, created, built and run strategically, firstly by my father and later by the family, which today incorporates my wife, my two sons and my daughter. Since the beginning, the company was formally and effectively directed by my father, who established the broad corporate strategy; and by the directors and employees of each individual business, who managed the operational and commercial day to day decisions. ”

“My responsibility since 2008 has been chairing meetings of the company's Family Board. The Family Board typically meets three or four times per year and consists of myself, my wife and my sons and daughter. ”

He provides further detail in this second witness statement. Here, as well as in other instances below, it is necessary to set out an extract at some length in order to convey the full flavour:

“10. On a day to day basis, Sucocítrico Cutrale is run by a team of senior executives (the “Executive Board”) and, below them, a senior management team. They are all full-time, highly qualified and highly experienced senior professional managers with a lot of experience working for Sucocítrico Cutrale - they are experts in their respective areas of responsibility

11. The Executive Board is of course ultimately responsible to the Family Board, whose role it is to oversee the business in the interests of its shareholders.

12. As a member of the Family Board, I am one of five family members responsible for formal governance and oversight. Since becoming unwell in late 2018, I have been much less involved in such matters but before that, I would consult with some members of the Executive Board from time to time - particularly when I was in Brazil - and, together with the other Family Board members, set the broad strategy and direction of Sucocítrico Cutrale ’ s business. Since late 2018, my role has been almost entirely confined to attending Family Board meetings a few times a year.

13. The Family Board usually formally meets about 3 or 4 times a year with the Executive Board and on fewer occasions without the Executive Board. At the meetings involving the Executive Board, we consult with the executives on key strategic issues and their issues and their views as to how we tackle them. When the executives do not join, one or more of the Family Board will usually have spoken to them beforehand. It is then for us as the Family Board to discuss any proposals - for example, setting budgets or business objectives for the coming quarter. There are also some matters that require formal board approval for legal reasons, and we deal with those matters and minute them at our meetings (for example, real estate transactions, delegations of authority and amendments to the Articles of Association).

14. I have attended Family Board meetings in person in Orlando, London, Sao Paulo and Araraquara over the past two years. We are, however, often not all in the same place at Family Board meetings and we often do them by phone or by video conference. Sometimes we don ’ t all join a meeting, because of other commitments, and when that happens authority is sometimes delegated to particular members of the Family Board if necessary.

15. Outside of formal meetings with the executives, conversations also take place between members of the Family Board and some of the executives. These discussions are to make sure the Family Board is aware of what is happening on the ground so the Family Board can exercise proper governance and oversight. While members of the Family Board may express views in these discussions for the relevant executives to take into account, the general purpose is not for the Family Board to participate in day-to-day decision making, which is the responsibility of the executives and their teams.

16. Before I fell ill in November 2018, I would speak to different people at different levels of frequency:

a. Before late 2018, I was the family member most focused on the finances, and I would speak to Mr José Luiz Cervato, the Finance Director (now retired), to talk about the financial performance of Sucocítrico Cutrale against the budget, every week or so; and

b. I would also sometimes speak to other members of the Executive Board, but usually less frequently and not with any predictable regularity. How often we had these discussions depended on their individual role and the issues I wanted to talk about, and sometimes simply whether we happened to cross paths with Sucocítrico Cutrale premises (although discussions that took place when we simply crossed paths tended to be more social that professional).

17. Since falling ill in November 2018, I have had only a handful of conversations with executives, and my sons José Luis Júnior and José Henrique have stepped into my shoes on this.

18. Whilst my sons will sometimes be updated on Sucocítrico Cutrale ’ s day-to-day performance by way of discussion with the executives, increasingly, automated software tools are being used to make it easier for the management team in Brazil to keep the Family Board and Executive Board members updated on the company ’ s performance. It is not the job of the Family Board to analyse all such information, but it is made available to enable the Family board to exercise oversight.

19. I turn now to address some remarks that Mr Evans makes … about matters he says I undertake from Burlingtown ’ s offices in London:

a. I do not manage Sucocítrico Cutrale ’ s bank accounts. This is the responsibility of Sucocítrico Cutrale ’ s Finance Director and his team, who are based in Brazil; and

b. I do not negotiate contracts with buyers or producers, or conduct business with the other enterprises on behalf of Sucocítrico Cutrale. This is the responsibility of Sucocítrico Cutrale ’ s Executive Directors and their teams, who are based in Brazil.

20. I see Mr Evans presumes that my daughter, Graziela Cutrale, carries out certain activities related to Sucocítrico Cutrale, including the handling of the companies current account and making business decisions relating to Sucocítrico Cutrale …, from Burlingtown ’ s offices in London. This is not correct, Graziela has no role in the daily operations of Sucocítrico Cutrale. As I note above, the Finance Director and his team manage the company ’ s banks accounts, from which over 60,000 payments are made by Sucocítrico Cutrale every month.

21. Sucocítrico Cutrale has over 20,000 employees and had an annual turnover of more than one billion US dollars in 2019. The suggestion that I single-handedly control a business of that size and am primarily responsible for making the key decisions is ludicrous - I don ’ t know how one person could perform such a role, especially at 74 years of age with health issues.

22. My family also has many other businesses around the world, as was indicated in my previous statement; it simply would not be possible for the family (let alone one individual) single-handedly to make the key decisions necessary for the running of each one of those businesses. To run these businesses well and successfully, with more than 40,000 employees in 24 countries, we have to have high quality local executives and managers who are experts in their fields and have the power and responsibility to make the decisions. In the ordinary way, those executives and managers are subject to the board oversight and governance that exists in any normal business of this scale. ”Cutrale Snr describes the basic roles and locations of his family members as follows:

“30. In overseeing my portfolio of business interests, I rely heavily on my wife Rosana, and my sons and daughter, José Luis Cutrale Jnr, José Henrique and Graziela.

31. José Henrique started working at Sucocítrico Cutrale in Brazil in 1988. He remains a member of the Family Board. He is predominantly based in the United States of America, where he manages the family's business interests there (including Citrus Products Inc).

32. Graziela became a part of the family business in 2006, when she moved to the United Kingdom and started running the Burlingtown UK Limited distribution business where she is Managing Director. Like José Henrique, Graziela remains a member of the Family Board.

33. José Luis Júnior began working at Sucocítrico Cutrale in Brazil in 1987. He was initially Junior Assistant of the Executive Board. My wife Rosana, José Henrique, Graziela, José Luis Júnior and myself are now the members of the Sucocítrico Cutrale Family Board. José Luis Júnior is based in Switzerland.

34. My sons and my daughter were born in and spent their childhoods in Brazil.

35. I have residential properties that I use in Araraquara and Sao Paulo (Brazil), Orlando (United States) and London (United Kingdom). In a typical year I probably spend around 100 days in the United States, 100 days in Brazil and 90 days in the United Kingdom, with the balance of my time being spent in other countries. ... ”Cutrale Snr explains elsewhere that Cutrale Jnr lives in Geneva and José Henrique Cutrale lives in Orlando, Florida. Rosana and Graziela Cutrale live in London. The Defendants ’ evidence also explains that Graziela works from the Park Lane Office most business days, and Cutrale Snr manages his business interests, in part, from the Park Lane Address when in London - which he was for half of 2019, and where he had secretarial assistance.

58. Mr Cervato, the former Financial Director, states:

“45. Operational decisions relating to Sucocítrico Cutrale are made by the company ’ s management, which is comprised of a senior management team and various area managers. In total, Sucocítrico Cutrale ’ s management team consists of approximately 60 employees.

46. As at the final date of my role as Finance Director of Sucocítrico Cutrale, being 31 May 2020, in addition to myself, Sucocítrico Cutrale ’ s senior management team consisted of:

(a) Valdir Guessi (***Agricultural*** Director);

(b) Otavio Gottardi Abujamra (Industrial Director);

(c) Marcio Ramos Soares de Queiroz (Legal Director);

(d) Fernando Cardoso (Director of Import and Export);

(e) Carlos Otero de Oliveira (Director of Labour Relations); and

(f) José Roberto Ambrosio (Fruit Procurement Director).

47. Examples of operational decisions under the remit of the senior management team include:

(a) the acquisition of raw-materials, ***agricultural*** inputs and services;

(b) executing agreements for buying oranges;

(c) decisions about salary increases and promotions;

(d) the issuance of powers of attorney for representation of the company in Court or before the Government;

(e) the issuance of insurance agreements and loan agreements; and

(f) commercialising products in the domestic market and in the international market (insofar as Sucocítrico Cutrale sells directly to final customers, as described above) and executing the related agreements.

48. Such decisions are almost exclusively made in Araraquara, where … Sucocítrico Cutrale ’ s management team is based.

49. Sometimes, prior to pursuing a particular course of action, I or other members of the Sucocítrico Cutrale management team contacted a member of the Cutrale family and we operated within the general business plan agreed with the Family Board (Board of Directors) ... However, the vast majority of operational decisions were made without first consulting a member of the family.

50. In my role, I typically spoke with a member of the Cutrale family around once per week.

51. Members of the senior management team spoke with each other several times over the course of a typical day, both in meetings and on an ad hoc basis as required in the course of our work.

Strategic and/or entrepreneurial decisions52. Strategic and/or entrepreneurial decisions relating to Sucocítrico Cutrale are referred to the company ’ s boards. Sucocítrico Cutrale has two boards, namely:

(a) The Family Board (also referred to as the Board of Directors of Sucocítrico Cutrale) - which consists of José Luis Cutrale, Rosana Falconi Cutrale, José Luis Cutrale Júnior, José Henrique Cutrale and Graziela Cutrale.

(b) The Executive Board - which, until my departure on 31 May 2020, consisted of me and the members of the company ’ s senior management team listed at paragraph 46 above.

…

57. Meetings involving both the Family Board (Board of Directors) and the Executive Board have taken place approximately three or four times each year for the past three years. Of the 12 meetings held since 2016, four have been held in Brazil, four have been held in London, and four have been formally in Orlando (with the location chosen in each case depending on where was most convenient for the family members attending). ...

58. Meetings of the Executive Board are held weekly and are generally not minuted. As noted at paragraph 51 above, prior to my departure on 31 May 2020, I and the other members of the company ’ s senior management team (who make up the Executive Board) also spoke with each other several times over the course of a typical day, both in meetings and on an ad hoc basis.

59. Examples of meetings that take place including members of the Executive Board include:

(a) the regular planning meeting of the management teams responsible for ***agricultural***, procurement and ***processing*** issues. This meeting is attended by Executive Directors of Sucocítrico Cutrale and relevant members of their staff. The purpose of this meeting is to organize the flow of oranges according to the available volumes, quality and requirements of customers. These meetings take place once a week almost exclusively at the Sucocítrico Cutrale headquarters in Araraquara.

(b) daily operational meetings among Executive Directors and managers regarding subjects such as finance, supply and legal issues.

60. On the whole, and with the above in mind, it is my view that the overwhelming majority of the decision-making in relation to Sucocítrico Cutrale takes place in Brazil. In the case of strategic and/or entrepreneurial issues that are referred to the Family Board (Board of Directors), decision-making may take place outside Brazil if it is more convenient for the members of the Family Board (Board of Directors) to meet elsewhere. As noted in paragraph 57 a minority of Sucocítrico Cutrale ’ s Family Board (Board of Directors) meetings take place in London. ”

59. In his second witness statement, Mr Cervato said on this topic:

“14. The operational decisions taken by Sucocítrico Cutrale ’ s Executive Board in Brazil enable the company to function. They cover a broad range of activities necessary for the company ’ s operations, and a few specific examples are as follows:

a. purchasing and coordinating the raw materials and industrial equipment required to run the ***processing*** plants (see, for example, the redacted purchase contract and service agreement in relation to underwater maintenance signed by Otavio Gottardi Abujambra, at JC2-[29]-[63];

b. the running of the complex logistics network (see, for example, the redacted contract for the supply of gas, signed by Otávio Gottardi Abujambra, at JC2-[64]-[73]);

c. the ongoing assessment of the business ’ s facility requirements and, where necessary, the purchase and leasing of property and development of real estate (see, for example, the redacted contract for the purchase of rural property, signed by Valdir Guessi, at JC2- [74]-[93]);

d. the construction and maintenance of buildings (see, for example, the redacted construction service agreement, signed by Otávio Gottardi Abujambra, at JC2-[94]-[124]);

e. coordinating collective labour protection for employees (see, for example, the redacted collective labour agreement, signed by Carlos Otero de Oliveira, at JC2-[125]-[151]);

f. ensuring the wellbeing of employees and coordination of human resources matters (see, for example, the redacted contract for health insurance, signed by Carlos Otero de Oliveira, at JC2-[152]-[215]);

g. carrying out necessary financing activities (see, for example, the redacted guaranteed account contract, signed by me, at JC2-[216]- [244]); and

h. coordinating the internal audit function and engaging with external auditors (see, for example, the redacted external audit proposal, signed by me, at JC2-[245]-[264]).

15. All research, preparation, negotiation and execution associated with such activities is likewise the responsibility of the company ’ s management team in Brazil. I describe these as “operational” matters but these activities are obviously essential to the commercial success of the company and involve decisions necessary for the company to develop, adapt and prosper in a competitive market.

16. As I explained in Cervato-1, in the vast majority of cases, operational decisions are made by Sucocítrico Cutrale ’ s management team without any prior consultation with the Family Board ... For completeness, I noted in Cervato-1 that members of the Sucocítrico Cutrale management team would “sometimes” consult the Family Board prior to making decisions ... Mr Evans, however, asserts that members of the Family Board “were consulted in relation to the administration of Sucocítrico on a frequent basis”... This overstates and mischaracterises the involvement of the Family Board in the day-to-day running of the company. ...

17. There are several reasons why the executive board in Brazil do not consult the Family Board members as frequently as Mr Evans implies. The main reason is that it would be impractical to involve the Family Board members in such a manner given Sucocítrico Cutrale ’ s scale. I provided a detailed description of the scope of Sucocítrico Cutrale ’ s business and the scale of its operations in Brazil in Cervato-1 ... Another important reason is that the company ’ s management team in Brazil is often confronted with the need to take decisions quickly. It would be impossible to operate the business successfully and efficiently if it was necessary to involve the Family Board in all such decision making, which in any event would not make sense, having an experienced, qualified executive board with the necessary powers to run the business.

Strategic and/or entrepreneurial decisions

18. In Cervato-1, I observed that certain decisions, which I described as “strategic and/or entrepreneurial decisions”, are referred to the company ’ s boards - i.e the Executive Board and the Family Board ... I then proceeded to provide a summary of their respective functions, and a description of when, where and how they meet ...

19. The Executive Board, I noted, meets weekly and has a broad range of responsibilities under Sucocítrico Cutrale ’ s Articles of Association, including responsibility for financial, supply of raw materials, orange juice production, labour, hygiene, health and safety, tax, social security, regulatory and legal matters ... It also has broad residual powers vested in it as the body responsible for the “ordinary administration of the company”.

20. The Family Board, I noted, meets less regularly - around three or four times a year with the Executive Board also present … and once or twice a year for each of the last three years without the Executive Board present … I believe that at meetings without the Executive Board present the Family Board largely deal with matters where the Articles of Association or Brazilian law require approval from the Family Board.

21. The Family Board has a broad range of responsibilities under Sucocítrico Cutrale ’ s Articles of Association …. In contrast to the Executive Board, however, the functions attributed to the Family Board are generally matters of governance and oversight, with its primary roles being to:

a. set overall parameters within which the Executive Board and management team in Brazil may run the business (including objectives, policies and governance rules); and

b. sign off on matters that require the approval of the Family Board for statutory and legal reasons (such as the opening and closing of bank accounts, the granting of guarantees, sureties and endorsements, mergers and acquisitions, amendments to the company ’ s Articles of Association and certain real estate transactions).

22. While certain members of the Family Board are updated regularly regarding the business (as discussed further below), the Family Board ’ s main involvement from a decision-making perspective concerns certain key strategic decisions. Moreover, the Family Board ’ s involvement with respect to these decisions would usually be reserved for the final stages of the decision-making ***process***, when information has already been collected and the feasibility of the proposed decision has been considered by the relevant members of the Executive Board, at which point the decision would be discussed with members of the Family Board and presented at a formal board meeting.

23. If I were to summarise the relationship between the Executive Board and the Family Board, I would describe the Executive Board as the body that actually makes decisions, and the Family Board as an oversight body that sets the overall parameters within which such decisions are made and authorises them where specifically necessary. That is not to say that members of the Family Board do not interact with members of the Executive Board and express views in the context of those discussions (as explained further below), but I reject any suggestion that decision-making is controlled by the Family Board more generally or that the business is in fact run by the Family Board. ”Mr Cervato also notes, in relation to budgeting and finance that:

“In line with [the Articles of Association], a budget is approved at meetings of both the Family Board and Executive Board. During these meetings, the Family Board may challenge aspects of the Executive Board ’ s proposals, but not to the extent that it could be said that the Family Board is the body that drives the ***process*** or makes the underlying budgeting decisions. On the contrary, when I was Finance Director, overseeing the allocation of capital within the business was my responsibility. ” (§ 25)Mr Cervato indicates that members of the Family Board are nonetheless kept regularly informed on a range of matters, as required by the Articles, adding:

“In terms of how this is achieved in practice, members of the Family Board will often be updated on Sucocítrico Cutrale ’ s performance by means of telephone calls or face-to-face discussions (almost always in Brazil). Increasingly, however, automated software tools are being used to make it easier for the management team in Brazil to provide information on the company ’ s performance to the Family Board members. ” (§ 34)

62. Mr Abujamra, the Industrial Director, states:

“14. In brief. … my role as Industrial Director of Sucocítrico Cutrale involves supervising the entire industrial ***process*** for the manufacturing of orange juice and orange by-products. This role includes:

a. supervision of product quality at all stages of the production ***process***;

b. production planning and control;

c. planning and control of transport logistics from the juice ***processing*** plants to the shipping ports of Santos and Guarujá;

d. control of the maintenance of existing facilities and equipment;

e. proposal and implementation of improvement and expansion projects relating to the industrial ***process***;

f. responsibility for any unforeseen restoration projects (for example, where damage is caused to a ***processing*** plant); and

g. responsibility for budgeting with respect to those areas falling within the industrial ***process*** (for example, budgeting for the maintenance of the ***processing*** plants).

15. As Industrial Director, I report to Sucocítrico Cutrale ’ s Board of Directors, which I will refer to as the “Family Board” for the purposes of this statement. My role involves both formal reporting to, and consultation with, the Family Board.

16. José Henrique Cutrale is my primary contact within the Family Board. Since my appointment as Industrial Director, José Henrique Cutrale has always been the member of the Family Board who deals with matters relating to the industrial operations of the business.

…

18. In my role, decisions normally made by me may include, by way of example:

a. negotiating the purchase of industrial equipment;

b. determining the quantity of oranges to be ***processed*** at a given ***processing*** plant;

c. determining the extent to which rail or road logistics should be used for transporting our products;

d. resolving unforeseen events - for example, there was recently a fire at one of our ***processing*** plants, which resulted in the need to determine the appropriate adjustments to our industrial ***process*** in the short term and to ensure that appropriate remedial steps were taken immediately, such as restoration of the damaged plant;

e. determining which ***processing*** plants should open and when for the season; and

f. determining the staffing required for the factories and terminals.

…

21. … I can confirm that for the area of the business for which I am responsible, the vast majority of operational decisions are made without first consulting a member of the Cutrale family. ”

Mr Abujamra adds that:

“24. For clarity, these discussions are not the forum for making operational decisions (such as those described at paragraph 18 above), which it is my job to make or oversee independently, although José Henrique Cutrale will naturally express his views from time to time and, given his role as a Family Board member, it is my responsibility to take those views into account. These discussions are also not the forum for obtaining approvals; the Family Board provide approvals at meetings convened for that purpose following consultation with members of the Executive Board and others. ”

63. Finally, the ***Agricultural*** Director, Mr Guessi, states:

“13. … my role as ***Agricultural*** Director involves the management of Sucocítrico Cutrale ’ s farms. This role includes:

a. Managing Sucocítrico Cutrale ’ s own farms and those leased to Sucocítrico Cutrale (the “Farms”) including, for example, overseeing the planting and growing of the orange trees, overseeing the purchase of all materials (fertiliser, insecticides, etc.) and the correct application thereof, the hiring of staff at the Farms and overseeing the work of the managers of those farms;

b. Budgeting and planning with respect to the harvest;

c. Responsibility for the logistics of transporting the oranges from the Farms to Sucocítrico Cutrale ’ s ***processing*** plants; and

d. Monitoring Sucocítrico Cutrale ’ s ***agricultural*** real estate portfolio to ensure that it meets the needs of the business, which involves identifying and taking opportunities to purchase and/or sell ***agricultural*** land; and

e. Responsibility for obtaining certificates of sustainability from organizations such as Rainforest Alliance, SAI Platform, Global Gap, etc..

14. In my role, I report to Sucocítrico Cutrale ’ s Board of Directors, which I refer to here as the “Family Board” for convenience. This role involves both formal reporting to, and consultation with, the Family Board, and periodic discussions with José Luis Cutrale Júnior, who is the member of the Family Board who deals with matters concerning ***agricultural*** operations

…

19. … in order to meet the needs of the business, a proportion of the oranges used to produce orange juice are sourced from Sucocítrico Cutrale ’ s own farms. As such, sometimes it makes commercial sense to acquire new farmland, and sometimes it makes sense to sell farmland …

20. As regards the involvement of the Family Board in the acquisition and/or disposal of real estate, all such transactions must be approved by the majority of shareholders pursuant to Sucocítrico Cutrale ’ s Articles of Association. However, while the Family Board is required to formally approve real estate transactions, it is my responsibility to identify, recommend and execute them. This typically involves engaging with real estate brokers, who present potential opportunities to me. I then consider these opportunities in the context of the business of Sucocítrico Cutrale and, if I believe they make commercial sense, I propose them to José Luis Cutrale Júnior (as the member of the Family Board who deals with ***agricultural*** matters) along with proposed parameters for negotiating the transaction.

21. If José Luis Cutrale Júnior is comfortable with my proposals, I then proceed with the negotiation directly with the vendor. If the negotiation is successful, the transaction would then be formally presented to the Family Board for approval.

…

25. … I can confirm that for the area of business for which I am responsible, the vast majority of operational decisions are made without first consulting a member of the Cutrale family. ”

64. No evidence has been provided from other members of the Family Board, or from the Fruit Procurement Director. However, Mr Cervato in his second witness statement says, as regards reporting lines:

“37. It is important to note that different Executive Board members typically interact with different members of the Family Board depending on the area of the business for which they are responsible. For example, the directors Fernando Cardoso (the Director of Import and Export), Carlos Otero de Oliveira (Director of Labour Relations) and Otávio Gottardi Abujamra, (the Industrial Director) speak primarily with José Henrique Cutrale, as the Family Board member who tends to have contact with the areas with which they are most closely related. The directors José Roberto Ambrósio (the Fruit Procurement Director) and Valdir Guessi (the ***Agricultural*** Director), meanwhile, primarily speak with José Luis Cutrale Júnior as the Family Board member who tends to exercise oversight of the areas for which they are responsible. The director Márcio Ramos Soares de Queiroz (Legal Director) and I, however, would historically speak with José Luis Cutrale. The reason for which both Márcio Ramos Soares de Queiroz and I had more direct contact with José Luis Cutrale than the other directors is because, prior to his illness, José Luis Cutrale was the member of the Family Board that was most closely engaged with our areas of responsibility within the company. After José Luis Cutrale became ill, however, José Luis Cutrale Júnior and José Henrique Cutrale succeeded him in this regard. ”

(c) Location of Family Board decisionsThe Defendants have provided evidence of the location of meetings of the Family Board and meetings involving both the Family Board and the Executive Board.

66. Mr Cervato states that, of the 12 joint meetings held since 2016, four have been held in Brazil, four have been held in London, and four have been formally held in Orlando (with the location chosen in each case depending on where was most convenient for the family members attending). He sets the information about in tabular form as follows:

Meetings Executive Board and Family Board

Date

Place

15-16/02/16

Araraquara

23-24/05/16

Londres

17-18/10/16

Orlando

20-21/02/17

Araraquara

16-17/05/17

Londres

12-13/10/17

Londres

07-08/03/18

Araraquara

10-11/05/18

São Paulo

29-31/08/18

Orlando

17-18/01/19

Londres

21-22/05/19

Orlando

15-16/10/19

Orlando

67. As regards meetings of the Family Board, Mr Cervato explains that because its members are regularly dispersed around the world, they may attend the meetings via telephone or video conference from various locations. The minutes are generally taken by Sucocítrico Cutrale ’ s General Counsel, and the meetings are therefore recorded at the company ’ s headquarters in Araraquara. He exhibits a table reflecting records filed at JUCESP. This states the place of all meetings from 2008 to 2015 inclusive as being Araraquara or, in one case, Guarujá. For meetings since 2016 it records the following:

Meetings of Family Board alone

Date

Place

15/02/2016

Araraquara

24/02/2016

Araraquara

05/12/2016

Araraquara

14/02/2017

Araraquara

13/10/2017

Unknown

29/11/2018

London

09/08/2019

London

As the Claimants note, since there was a meeting of the Family Board and Executive Board in London on 13-14 October 2017, it is likely that the Family Board meeting on 13 October 2017 noted above as having an ‘unknown ’ location took place in London.

68. The location of those meetings which occurred in London was the Park Lane Office. That office is the registered address and place of business of a different company Burlingtown UK Limited (“Burlingtown”), which holds the lease of the Park Lane Office. Burlingtown ’ s business is the import, ***processing***, and wholesale distribution of orange juice. It had a turnover of approximately US$ 140 million in 2018 and has 22 salaried employees. It owns and operates a juice distribution terminal at the port in Bristol. Both Cutrale Snr and Rosana are directors of the company. All the employees based at the Park Lane Office are employees of Burlingtown, and none of their salaries are charged to Sucocítrico Cutrale. The evidence indicates that Sucocítrico Cutrale and Burlingtown do not share accounting, treasury, cash management, HR or other back office functions. At the time the claim forms were issued, Sucocítrico Cutrale and Burlingtown did not form part of the same corporate group. However, after the present claims were issued, Sucocítrico Cutrale became a subsidiary of Burlingtown (and ultimately of Burlingtown International BV, of which Cutrale Snr and Rosana are also directors). Five other companies have their registered offices at the Park Lane Office, but none of these is Sucocítrico Cutrale.

(3) DiscussionThe Claimants ’ essential contention is that:

i) the place of Sucocítrico Cutrale ’ s “central administration” is the place where Cutrale Snr, the Partners and the Family Board take their decisions, and

ii) that place is London, where Cutrale Snr lives and where half of the ten Family Board meetings in the two years prior to when the claims were issued have been held.The Claimants say Sucocítrico Cutrale is a patriarchal business with Cutrale Snr at its heart, and that entrepreneurial control of this privately owned family business is by the controlling mind Cutrale Snr, leading his family. That is constitutionally reflected in Sucocítrico Cutrale ’ s “relevant organs”: both the Family Board and the Partners comprised the Cutrale family at all material times. Cutrale Snr had a 99% shareholding and corollary 99% vote on the Family Board until well into 2019. Cutrale Snr leading his family, qua those relevant organs, makes the strategic decisions regarding Sucocítrico Cutrale, as one would expect given that his and their business and money are at stake.

The Claimants also highlight what they describe as the highly centralised arrangements reflected in (a) the reporting requirements imposed on the Fruit Procurement Director, referred to above, and (b) the evidence that the Cutrale family ’ s businesses operate a bespoke “enterprise resource planning system” developed by Sucocitrico. Mr Warner of Burlingtown states that “[a]mongst other things, sharing the ERP system in this way facilitates the traceability of the orange juice supplied by the Cutrale family ’ s distribution businesses from source to sale, which is in customers ’ best interests”. The Claimants say these factors indicate the family ’ s control, and reflect the fact that none of the key decision-makers (the family) are resident in Sucocítrico Cutrale ’ s place of business, Brazil.

The Claimants submit that the types of decisions made by the Executive Board and its members fall short of the entrepreneurial decisions which, under the case law discussed above, comprise a company ’ s “central administration”. They highlight the references in Articles 8 and 9 to the Family Board ’ s role in setting strategy, policies, regulations, goals, guidelines and budgets; and in electing the members of the Executive Board; and the high level powers conferred on the Partners under Articles 7 and 14. The Claimants make the point that many of the Executive Board responsibilities set out in Article 10.6 concern formal, internal and compliance matters falling short of entrepreneurial management, with nearly one third concerning compliance with ‘formalities ’ , and others requiring the Executive Board to follow guidelines set by, or seek approval from, the Family Board.

Similarly, the Claimants cite the references in the Defendants ’ witness evidence to the family running the company strategically, as distinct from the operational and day to day decisions taken by the Executive Board and its officers. They submit that the witness statements provided by the officers who have given evidence indicate that the ultimate decisions on major matters rest with the Family Board. The Claimants point out that, unlike a typical European company, Sucocítrico Cutrale (a) has no clear separation between ownership and governance or management and (b) has no Chief Executive Officer or Managing Director: instead, Cutrale Snr is the de facto chief executive. It is not possible, they say, to identify any other person with power to take autonomous decisions in relation to the company as a whole.

The Claimants also suggest that the restructuring in 2019, by which Sucocítrico Cutrale became a Burlingtown subsidiary, reflected the long-standing centrality of London to the Cutrale global operation. The shares in Sucocítrico Cutrale were originally owned directly by members of the family. In April 2019 they were redistributed between family members and then (as to 99%) transferred to Burlington International BV, with a further transfer to Burlingtown UK Limited occurring in December 2019. At the same time, amendments to the Articles of Association (the 17th Amendment) had the effect that executive officers ’ duties were constrained by the Deeds of Appointment referred to later, underlying (the Claimants say) the centrality of the control exercised from London by the Family Board.

Persuasively as these submissions were advanced, I am unable to accept them.

To begin with, I consider that they take too narrow a view of the concept of “central administration”, as elucidated in Young and the decisions which it cites. As a starting point, I note that the Court of Appeal in Young § 41 cited decisions of courts in Germany drawing a distinction between essential business decisions, on the one hand, and mere secondary management tasks such as accounting and settling of tax matters on the other. The Claimants suggest that, over and above such secondary matters, day to day decisions in general are unlikely to form part of central administration, otherwise in companies carrying on business in different countries it may be impossible to identify the place of central administration. They suggest the real focus must be on identifying where strategic and other high-level decisions are taken.

I would accept that there may very well be day to day management activities that go beyond secondary matters of the kind mentioned above, but which do not rise to the level of essential business decisions (or ‘entrepreneurial management ’ ). However, Young, and the decisions it cites, do not in my view confine the latter concept to questions of high level strategy. The “ordinary management” of Sucocítrico Cutrale, conferred by Articles 8(e) and 10.2 on the Executive Board and its officers, is capable of forming at least part of the company ’ s “central administration”. The activities of the Executive Board referred to in Articles 10.2 and 10.6, the Deeds of Appointment and the evidence referred to in §§ 58, 59, 62 and 63 above taken as whole, involving managing the company on a day to day, week to week and month to month basis (by contrast with the very infrequent meetings of the Family Board), do in my view include the making of decisions essential to the company ’ s business, i.e entrepreneurial management. I do not accept the Claimants ’ characterisation of the roles played by the Executive Board and its individual officers as confined to ordinary day to day decisions with a large focus on purely administrative and personnel matters. Notwithstanding the evidence of Sucocítrico Cutrale ’ s electronic reporting systems, it is clear from the evidence of the company ’ s officers that there was no day to day reporting to the Family Board for decision-making purposes, still less to Cutrale Snr (or Rosana or Graziela) in London. One would expect any company of the size of Sucocítrico Cutrale to have a sophisticated reporting system, and the existence of an information system which Cutrale Snr and other Family Board members can access does not mean that they were taking all or most of the company ’ s essential business decisions.

The functions of the Family Board (and probably the Partners as such) also form part of the central administration of Sucocítrico Cutrale. In other words, both the Partners/Family Board and the Executive Board are engaged in the making of essential business decisions/entrepreneurial management.

The question then becomes whether it is possible to identify a location where these activities are carried on.

There is no doubt on the evidence that the Executive Board manages Sucocítrico Cutrale in and from Araraquara, Brazil.

The situation in relation to the Family Board and Partners is more complex. The evidence and pattern of meeting locations referred to in §§ 66-67 above indicates that the Family Board in reality meets on an itinerant basis, in no fixed or usual location. In 2018, for example, the Family Board is stated to have met (with or without the Executive Board) twice in Brazil, once in London and once in Florida. In 2019, it is stated to have met twice in London and twice in Florida. The Claimants stress that, as noted earlier, the locations listed reflect where the meetings were minuted, whereas the meetings may actually have occurred remotely with participants joining from various locations. However, to my mind that merely serves to underline the difficulty in identifying any particular location at which the Family Board can be said to operate. The emphasis placed on predictability in recital 15 to Brussels Recast (“The rules of jurisdiction should be highly predictable and founded on the principle that jurisdiction is generally based on the defendant ’ s domicile”) suggests that jurisdiction should not readily be found to exist based on where particular board members happen to be located at various times. The comments of Advocate General Darmon in Case 81/87 R v HM Treasury ex p. Daily Mail and General Trust PLC, quoted in § 32 above, are also apposite here.

Further, it does not appear to me critical that three members of the Family Board live in London, even on the footing that (as the Claimants note) the majority of the voting power is held by individuals resident in London. If the focus is where the Family Board meets, as such, then the position is as indicated above. If one instead focusses on the Family Board ’ s managerial activities outside meetings, then the evidence summarised in §§ 62 (quoted paragraph 16), 63 (quoted paragraph 14) and 64 above indicates that, at least by the time the claim was issued, the key reporting lines by Executive Board officers were not to Cutrale Snr, Rosana or Graziela but, rather, to Cutrale Jnr (based in Switzerland) or Jose Henriques (based in Florida). I do not accept the Claimants ’ suggestion that Cutrale Jnr and Jose Henriques are in turn bound to report and refer to London (particularly to Cutrale Snr) for decisions. There is no evidence to that effect, and it seems to me implausible: the size and complexity of the business make it unlikely that all or most important decisions were at the relevant time ultimately made by Cutrale Snr, and much more likely that both other family members and the Executive Board and its officers themselves exercise significant decision-making powers.

In these circumstances, I do not consider it accurate to suggest that the place where the Family Board takes part in the central administration of Sucocitrico Cutrale is London. A fortiori, when one considers that both the Family Board/Partners and the Executive Board carry out the central administration of the company, London cannot realistically be said to be the place where that occurs.

The Claimants make the point that the law, as summarised in Young, does not permit a conclusion that there is no place of central administration and control, adding that they need only show the better of the argument. However, on the facts of the present case, if there is a single place of central administration for Sucocitrico Cutrale it is in my judgment Araraquara, Brazil for the reasons given above.

I have borne in mind the guidance given in Kaefer about how such matters should be resolved where relatively limited documentation is available, and whether there would be any scope for drawing inferences against Sucocitrico Cutrale in this regard. The court there noted that jurisdiction challenges are invariably interim and will be characterised by gaps in the evidence, and judges should exercise pragmatism including in the ways identified in Kaefer § 78. In the present case, although the court has not been provided with many minutes of meetings of the relevant corporate organs, the combination of the provisions of the Articles, such minutes as have been provided, the other documents which have been exhibited as part of the evidence (e.g those exhibited to Sr Cervato ’ s second witness statement) do provide a broad flavour of the operations, and in my view are consistent with the evidence set out in the Defendants ’ witness statements. That evidence also seems to me consistent with the inherent probabilities, given the nature and scale of the company ’ s operations as indicated below.

Viewing the matter more broadly, I also agree with the Defendants that it is counterintuitive to suggest that Cutrale Snr, in London, has the has primary responsibility for making the key decisions in a business with 20,000 employees, an annual turnover of over US§ 1 billion (comprising, I was told, some 25% of the world ’ s orange juice production), a 60-person management team in the headquarters in Araraquara, overseeing operations including dealings with thousands of suppliers and very substantial ***processing*** plant, and an Executive Board meeting weekly: particularly following the reduction in Cutrale Snr ’ s role after his health problems from November 2018. Moreover, the fact that essential business decisions must have continued to take place during the five-month period when Cutrale Snr was wholly off work for health reasons tends to confirm the view that he did not have the personal conduct of its “central administration”. It is true that Cutrale Snr retained the chairmanship of the Family Board, and attended board meetings, during 2019, as well as the restructuring meetings in April 2019. However, viewed in the context of the governance and management of Sucocitrico Cutrale as a whole, I do not consider that these limited matters indicate that the company ’ s central administration was in London.

In relation to the restructuring specifically, I note that this essentially concerned the ownership structure of the group rather than the management of Sucocitrico ’ s business, and Mr Cervato ’ s evidence is that it was a matter of practical convenience that Cutrale Snr should represent Sucocítrico Cutrale at these meetings since he had to attend in any event as a shareholder in his own right; and the Defendants ’ Part 18 response indicates that the meetings were formal with no commercial discussion taking place. I do not agree with the Claimants ’ characterisation of the 2019 restructuring as reflecting the high level of control from London over Sucocítrico Cutrale ’ s business. The restructuring took place in April 2019, with Cutrale Snr only recently out of hospital, taking a reduced role, and reduced his stake in the company to 35%, albeit it appears that it took effect only in December 2019 when stamped by JUCESP. I also do not consider the amendments to the Articles of Association made in April 2019 are material in the present context. Substantially similar clauses, including in relation to executive officers ’ deeds of appointment (e.g §§ 8.2 and 10.4) had already been present in the Articles of Association since at least the 15th amendment in 2013. Moreover, as the Defendants point out, the delineation of directors ’ responsibilities is explicable simply on the basis that Brazilian law requires it: Article 143 of the Brazilian Corporations Law (Law 6404/1976) requires bylaws to establish, among other things, “the assignments and powers of each director”.

For all these reasons, I conclude that the Claimants do not have the better of the argument that Sucocítrico Cutrale is domiciled in England & Wales.

(D) SUCOCÍTRICO CUTRALE: SERVICE

The Claimants alternatively submit that Sucocítrico Cutrale has been validly served in London, even if not domiciled there, and the court is entitled to assume jurisdiction over it on that basis.

(1) Legal frameworkA company, such as Sucocítrico Cutrale, which is not incorporated or registered in England, may be served pursuant to CPR r. 6.3(c)/6.9(2) (subpoint 7) at:

“Any place within the jurisdiction where the corporation carries on its activities; or any place of business of the company within the jurisdiction. ”The relevant time is the date of purported service of the claim forms (e.g Chopra v Bank of Singapore Ltd [2015] EWHC 1549 (Ch) at §101). The Claimants bear the burden of proof (see, e.g , SSL International plc v TTK LIG Ltd [2011] EWCA Civ 1170, [2012] 1 WLR 1842 (CA) at §68).

In Actiesselskabet Dampsksib “Hercules” v Grand Trunk Pacific Railway Company [1912] 1 KB 222, the Court of Appeal held that a Canadian company which raised loan capital through an office in England, in order to fund its activities in Canada, was carrying on business here:

“Undoubtedly the defendants have officers here who act on their behalf at a fixed residence and who circulate advertisements of the defendants in their name; but it is contended that we ought to hold that they are not carrying on the business of the company, because the business carried on here is not that of running or managing the railway, but of raising money by means of the issue of bonds and debentures, which money is to be used by the company in Canada. In my judgment it is impossible to draw any such distinction. I think that in doing what it did the London board was carrying on the business of the company, and that it makes no difference that they pay no rent for the office in which they carry it on. The office is the office of the company; the business is advertised in every way as being carried on at the office. (p227 per Vaughan Williams LJ)

“We have only to see whether the corporation is “here”; if it is, it can be served. There are authorities as to the circumstances in which a foreign corporation can and cannot be said to be “here”; the best test is to ascertain whether the business is carried on here and at a defined place. In the present case the company has a paramount, and also a subsidiary, object: its paramount object is to make and run a railway in Canada, to do which a great many things must first happen: it has a subsidiary object, namely, the raising of money to carry out its paramount object. Is this company so carrying on here that subsidiary object as that the company is carrying on business here? I am of opinion that it is. This company makes contracts in this country for the purpose of raising loan capital; it is here by its agents who make such contracts on its behalf and at a fixed place. The cardinal factors are that the company does acts within the jurisdiction which are part of its business as a company, and does them at a fixed place within the jurisdiction. The raising of this loan capital is part of the company's business, and it is done here by a London committee constituted of the directors resident in England. They are the company's agents in this country for that purpose. The result is that the defendant company is resident here and is carrying on business here so as to be capable of being served with a writ. ” (ibid., per Buckley LJ)In Adams v Cape Industries [1990] Ch 433 the Court of Appeal stated the relevant principles as follows:

“(1) The English courts will be likely to treat a trading corporation incorporated under the law of one country ('an overseas corporation') as present within the jurisdiction of the courts of another country only if either

(i) it has established and maintained at its own expense (whether as owner or lessee) a fixed place of business of its own in the other country and for more than a minimal period of time has carried on its own business at or from such premises by its servants or agents (a 'branch office' case), or

(ii) a representative of the overseas corporation has for more than a minimal period of time been carrying on the overseas corporation's business in the other country at or from some fixed place of business.

(2) In either of these two cases presence can only be established if it can fairly be said that the overseas corporation's business (whether or not together with the representative's own business) has been transacted at or from the fixed place of business. In the first case, this condition is likely to present few problems. In the second, the question whether the representative has been carrying on the overseas corporation's business or has been doing no more than carry on his own business will necessitate an investigation of the functions which he has been performing and all aspects of the relationship between him and the overseas corporation.

(3) In particular, but without prejudice to the generality of the foregoing, the following questions are likely to be relevant on such investigation:

(a) whether or not the fixed place of business from which the representative operates was originally acquired for the purpose of enabling him to act on behalf of the overseas corporation;

(b) whether the overseas corporation has directly reimbursed him for (i) the cost of his accommodation at the fixed place of business; (ii) the cost of his staff;

(c) what other contributions, if any, the overseas corporation makes to the financing of the business carried on by the representative;

(d) whether the representative is remunerated by reference to transactions, e.g by commission, or by fixed regular payments or in some other way;

(e) what degree of control the overseas corporation exercises over the running of the business conducted by the representative;

(f) whether the representative reserves (i) part of his accommodation, (ii) part of his staff for conducting business related to the overseas corporation;

(g) whether the representative displays the overseas corporation's name at his premises or on his stationery, and if so, whether he does so in such a way as to indicate that he is a representative of the overseas corporation;

(h) what business, if any, the representative transacts as principal exclusively on his own behalf;

(i) whether the representative makes contracts with customers or other third parties in the name of the overseas corporation, or otherwise in such manner as to bind it;

(j) if so, whether the representative requires specific authority in advance before binding the overseas corporation to contractual obligations.

This list of questions is not exhaustive, and the answer to none of them is necessarily conclusive. …Every case of this character is likely to involve 'a nice examination of all the facts, and inferences must be drawn from a number of facts adjusted together and contrasted:' La Bourgogne [1899] P 1, 18, per Collins L.J

Nevertheless, we agree with the general principle stated thus by Pearson J. in F. & K. Jabbour v. Custodian of Israeli Absentee Property [1954] 1 W.L.R 139, 146:

'A corporation resides in a country if it carries on business there at a fixed place of business, and, in the case of an agency, the principal test to be applied in determining whether the corporation is carrying on business at the agency is to ascertain whether the agent has authority to enter into contracts on behalf of the corporation without submitting them to the corporation for approval . . .'

On the authorities, the presence or absence of such authority is clearly regarded as being of great importance one way or the other. A fortiori the fact that a representative, whether with or without prior approval, never makes contracts in the name of the overseas corporation or otherwise in such manner as to bind it must be a powerful factor pointing against the presence of the overseas corporation. ”

(pp530-531, subparagraph breaks interpolated)It has been held that the court may have regard to the criteria identified in Adams when applying CPR r.6.9(2) (see Chopra at §§96, 99; Noble Caledonia Ltd v Air Niugini Ltd [2017] EWHC 1095 (QB) at §§32-35, 44, 49-52; White Book note 6.9.3).

The Court of Appeal in SSL International¸ after citing Adams, said:

“I do not consider that the holding of occasional board meetings in this country can satisfy this requirement. … The fact that approvals were given here for expenditure to be incurred by TTK in India is not the carrying on business in this country. I add that, if it were, most holding companies would be held to be carrying on business in every country in which they had established a subsidiary. ” (§ 66, per Stanley Burnton LJ, with whom the other members of the court agreed)In Teekay Tankers Ltd v STX Offshore & Shipping Co. [2015] Bus LR 731, [2014] EWHC 3612 (Comm) §51 Hamblen J concluded that an overseas company, STX, which had been registered with Companies House as “having established a UK establishment in the United Kingdom” pursuant to s. 1046 of the Companies Act 2006 had thereby established a place of business here for CPR 6.9(2) purposes, even if no business activities had yet been carried out (§ 48). Hamblen J also made the following alternative findings:

“50. If, contrary to my finding, registering and opening a UK establishment is insufficient then the next question is whether STX has a place of business in the UK as a matter of fact having regard to all the evidence.

51. The authorities show that “any place of business” is to be construed broadly. It extends to a place where the overseas company conducts business activities, even if incidental. For example, in South Sea India Shipping Corp Ltd v Export-Import Bank of Korea [1985] 1 WLR 585 a Korean bank established an office in London for the purposes of gathering information on the United Kingdom, providing information on the activities of the bank for the purpose of promoting economic relations, and conducting other liaison activities. The Court of Appeal concluded that the company had established a place of business in the United Kingdom, even though it did not conclude any banking transactions in London. On the other hand, “an address with which the company has no more than a transient or irregular connection” will not be sufficient. See the Lakah Group case at [41] per Gray J as endorsed by the Court of Appeal at [8] (of the subsequent judgment).

…

53. In my judgment the evidence as a whole does establish that STX was carrying out business activity and had a place of business at the material time. In particular: (1) In its OS IN01 form STX declared that it had opened a UK establishment as from 12 February 2014 which was conducting the business of a “liaising office”. This is at least prima facie evidence that STX did carry out such business activities from its London address. Mr Kang describes this as a “notional date”, but it is not. It is a formal statement of fact made as a matter of public record.

(2) Mr Kang states that he has authority on behalf of STX “to negotiate the leasing of the Office premises, manage the expenses of the Office, and otherwise deal with its accounts and enter into contracts for accommodation and cars”.

(3) Mr Kang also states that since October 2013 the only STX entity which wished to have and was prepared to pay for an office in London was STX.

(4) STX held itself out, on its website, as having a “London Office” at Saint Magnus House. Mr Kang, his colleague Mr Bae (Deputy President and Europe Offshore & Shipbuilding Marketing Chief) and a secretary work at that office.

(5) Mr Kang accepts that STX's London address is identified on the website “to facilitate contact for anyone wishing to get in touch with these companies”. STX has established an office, with which it has more than a transient connection, at which people wishing to do business with STX are able to make contact. Providing a local point of contact is itself a business activity for a company which seeks to win contracts internationally.

(6) STX's London Office has entered into contractual arrangements relating to its activities in London, including opening a bank account and agreeing to take over the lease of its office. These are business activities.

(7) STX's case relies on form rather than substance. It acknowledges that STX's London address will be a place of business, but contends that this will not occur until the lease is fully signed off and visas have been transferred. This timing issue arises because the lease and visas were held by STX Corporation, a holding company. These were in the ***process*** of being transferred over to STX at the material time, but it was already the fact that STX was the only STX company interested in operating the London office.

54. For all of those reasons, I find, if necessary, that as a matter of fact the London address is a “place of business”, at which STX was validly served pursuant to s.1139(2)(b) of the Companies Act 2006 and/or CPR r. 6.9(2) para 7. ”As to the ‘more than a minimal period of time ’ criterion, in the earlier case Dunlop Pneumatic Tyre Company, Limited v Actien-Gesellschaft Fur Motor Und Motorfahrzeugbau Vorm. Cudell & Co. [1902] 1 KB 342 (CA), the exhibition of tyres on a temporary stand for a mere nine days was a sufficient period. Collins MR said:

“… It was argued by the counsel for the defendants that, in determining the question of residence or no residence, length of time is an essential element. I agree that it is an element to be considered; but it was, as I understood, admitted that, if a foreign corporation were to announce their intention of carrying on their own business, and were to carry it on, at a certain place in this country for a limited period, the mere fact that they so carried it on only for a limited period would not prevent the company from being considered as resident within the jurisdiction for that period. The period of nine days is not necessarily a negligible quantity; it may in many cases be a very substantial period. In the case of an exhibition, such as the show in the present case, which is largely resorted to by manufacturers for the purpose of exhibiting a particular class of goods, and by customers desirous of purchasing such goods, as much business in the kind of goods exhibited might probably be done in nine days as in as many months in an ordinary town. …” (pp.347-348)

(2) FactsThe Claimants say the evidence shows Sucocítrico Cutrale ’ s business has been transacted at the Park Lane Address for more than a minimal period up to and including the date of service; it is a place where Sucocítrico Cutrale carries on its activities, by representatives (Cutrale Snr and Graziela) and indeed Sucocítrico Cutrale ’ s own organs (a fortiori other ‘carrying on activity ’ cases)

The Claimants submit that numerous meetings were held at the Park Lane Office at which business was carried on, including the entering into contracts with third parties (cf Actiesselskabet Dampsksib “Hercules” referred to above). They make the following points.

i) At least twelve meetings took place at the Park Lane Office in the approximately two years prior to the date of service:

a) five Family Board meetings, as noted earlier;

b) four meetings of the Partners, on 2 April, 20 April, 1 July and 1 October 2019: the first and second regarding amendments to Sucocítrico Cutrale ’ s Articles, and the third and fourth involving decisions concerning shareholder payments; and

c) three meetings on 1, 2 and 20 April 2019 in relation to Sucocítrico Cutrale subsidiaries, which Sucocítrico Cutrale attended as a shareholder, with Cutrale Snr attending on behalf of Sucocítrico Cutrale.

ii) In the April 2019 shareholder meetings, Cutrale Snr was authorised to and did in fact sign the amendments to the Articles of Association of two subsidiaries (Cutrale Empreendimentos and Santalice), on Sucocítrico Cutrale ’ s behalf. The amendments involved the acquisition of shares by Sucocítrico Cutrale and otherwise significantly affected Sucocítrico Cutrale ’ s interests in the subsidiaries. They were a binding contract between Sucocítrico Cutrale and the other shareholders. The meetings were many years in the making.

iii) Family Board meetings held at the Park Lane Address involved decisions about business relating to third parties. For example, the sale of Sucocítrico Cutrale properties, a matter forming part of the purpose of Sucocítrico Cutrale pursuant to Article 3 of its Articles, was decided upon and organised at the 9 August 2019 meeting of the Family Board. The Claimants submit that where meetings relate to company organs, the situation is a fortiori a case in which activity is carried on by an agent, as such meetings unambiguously show Sucocítrico Cutrale carrying on its activities.Further and in any event, the Claimants submit that Cutrale Snr and Graziela were Sucocítrico Cutrale representatives who made contracts in the name of the company with third parties and had authority to carry out business without reference to the company. This followed from their Powers of Attorney which made them representatives of the company pursuant to Article 9.1 of the Articles.

i) Following the transfer of ownership on 18 December 2019 (more than one month before date of service), Cutrale Snr was granted Power of Attorney to represent Sucocítrico Cutrale before its subsidiaries and before other companies. The Claimants say this reflected a continuation of Cutrale Snr ’ s ability in fact to bind Sucocítrico Cutrale with subsidiaries and other companies; as occurred when he was authorised to represent Sucocítrico Cutrale at the April 2019 meetings with subsidiaries.

ii) Cutrale Snr and Graziela both had long-standing Powers of Attorney to operate Sucocítrico Cutrale ’ s bank accounts (an activity that involves dealings with and entering into contracts with third parties, without need for prior specific authority). Cutrale Snr was granted Power of Attorney to do so by the Board of Directors on 24 August 2010. Graziela was granted similar powers by the Board of Directors on 4 December 2015, 5 December 2016 and 13 October 2017.

iii) The Claimants say the fact Cutrale Snr and Graziela are also servants of Sucocítrico Cutrale makes the situation a fortiori other ‘carrying on activity ’ cases: the business being conducted was unambiguously Sucocítrico Cutrale ’ s.The Claimants submit that this business was carried on from the Park Lane Office, being a fixed place of business. The meetings referred to above clearly took place there. As regards activities by Cutrale Snr and Graziela, including pursuant to powers of attorney, the Claimants submit that:

i) Cutrale Snr played an active role in the management of Sucocítrico Cutrale, a flagship company in his source to sale orange juice empire. Cutrale Snr is domiciled in London, and Burlingtown ’ s Chief Financial Officer, Mr Warner, states:

“…. when Mr Cutrale is in London, he manages his business interests, in part, from the Park Lane Address. Cutrale suffered health complications in 2018 and now works restricted hours, so I see him less than I used to. When Cutrale is at the Park Lane Address, I predominantly speak to him about Burlingtown, including Chiquita, general economic matters and sometimes his personal affairs, as this is all I have sight of …”

The Claimants note that Cutrale Snr has the benefit of secretarial assistance whilst at the Park Lane Office, and suggest that as Cutrale Snr is domiciled in London (as to which I conclude below the Claimants have the better of the argument) with a family home nearby, it is inconceivable he would not have managed Sucocítrico Cutrale ’ s business at the Park Lane Address, including pursuant to the Powers of Attorney he held continuously since 24 August 2010. This applies a fortiori to Graziela as she worked at the Park Lane Address most working days.

ii) The Claimants also invite the inference that Cutrale Snr transacted business on behalf of Sucocítrico Cutrale with related (but still distinct third party) companies at the Park Lane Office. In addition to the business transacted with subsidiaries in April 2019 referred to above, the Park Lane Office was the obvious location for Sucocítrico Cutrale ’ s activities in relation to Burlingtown UK Ltd. The ERP System there contained all the relevant information needed for such engagements. Further, the Park Lane Office is Burlingtown UK Ltd ’ s headquarters and the obvious place to meet to transact. Cutrale Snr ’ s and Graziela ’ s work patterns are also consistent with this.As to the ‘more than a minimal period of time ’ requirement, the Claimants submit that this is satisfied having regard to:

i) the April 2019 meetings alone (numerous meetings spread over a month, shortly prior to the date of service), and

ii) the full scope of the evidence, including the twelve meetings at the Park Lane Office in the approximately two years prior to the date of service, the length of time Cutrale Snr and Graziela held Powers of Attorney, the likelihood of them conducting business pursuant to those powers, and their patterns of work at the Park Lane Office whilst domiciled in England with homes nearby.The Defendants ’ evidence includes the following points in relation to the Park Lane Office, relevant to factors set out in Adams:

i) It is not a fixed place of business established and maintained by Sucocítrico Cutrale at its own expense: see § 68 above.

ii) The office is leased by Burlingtown and used for Burlingtown ’ s business.

iii) Sucocítrico Cutrale does not pay for the lease of the Park Lane Office or the cost of the staff.

iv) Sucocítrico Cutrale does not make any other contributions to the financing of the business at the Park Lane Office.

v) There are no persons based at the Park Lane Office who are remunerated by Sucocítrico Cutrale, by reference to transactions, by commission, by fixed payments, or at all.

vi) Sucocítrico Cutrale exercises no control over Burlingtown. Prior to the corporate restructuring in December 2019 they were not part of the same corporate structure. After December 2019, it is Sucocítrico Cutrale which became the subsidiary company.

vii) No space at the Park Lane Office is “reserved” for Sucocítrico Cutrale, and none of the permanent staff employed at the Park Lane Office conducts business for Sucocítrico Cutrale.

viii) The signage at the Park Lane Office is that of Burlingtown and Chiquita Holdings Ltd and staff email addresses, business cards, and stationary use Burlingtown branding. As an exception, for practical reasons, the Head of Sustainability and CSR has an @cutrale.com email address because his job is to liaise with customers of Burlingtown in relation to the whole juice supply and distribution ***process***, and with the family ’ s own businesses in Continental Europe and North America. He does not work for or contract on behalf of Sucocítrico Cutrale. The Chief Information Officer has (along with a Burlingtown email address) an @cutralegroup.com email address, but that suffix relates to the group as a whole rather than specifically to Sucocítrico Cutrale.

ix) The Park Lane Office is used by Burlingtown to operate its own business. None of the Burlingtown employees is involved in negotiating or authorised to enter into contracts on behalf of Sucocítrico Cutrale. Cutrale Snr does not negotiate contracts with buyers or producers or conduct business with other enterprises on behalf of Sucocítrico Cutrale.

x) In April 2019, Cutrale Snr signed certain transactional documents on behalf of Sucocítrico Cutrale necessary to effect a one-off corporate restructuring: this was ***exceptional***, and took place in London for convenience because Cutrale Snr was still in the early phases of recovery following his urgent hospitalisation in London.

(3) DiscussionI do not consider the Claimants to have the better of the argument that Sucocítrico Cutrale has a place of business falling within CPR 6.9(2).

First, the Park Lane Office is not a place which Sucocítrico Cutrale has established and maintained at its own expense as a fixed place of business of its own. Sucocítrico Cutrale has neither established nor maintained the Park Lane Office at all, still less as a place of business of its own. The office has been established and maintained by Burlingtown, at its own expense, as a fixed place of business for Burlingtown. The facts that the office also serves as the head office for another family company (Chiquita Holdings Limited) and the registered office of four further companies, and that members of the Cutrale occasionally use the office for purposes connected with Sucocítrico Cutrale, do not convert it into an office established or maintained by Sucocitrico.

Although in the present case the Claimants rely on activities of Sucocítrico Cutrale ’ s own organs and officers, as opposed to those of mere representatives, the fact that none or virtually none of the ten indicia listed in Adams (§§ (3)(a) to (j) of the summary of principles) applies is nonetheless a strong pointer against the Park Lane Office being a place of business of Sucocítrico Cutrale. Although those indicia are pre CPR and largely directed at instances of representative or agency offices, they are nonetheless of some assistance in assessing the contention that the Park Lane Office was a Sucocítrico Cutrale place of business. The Claimants note that Burlingtown received financing from Sucocítrico Cutrale through share dividends and interest payments; and, further, that since Sucocítrico Cutrale permitted Burlingtown to use the ERP system at its office in London, Sucocítrico Cutrale may also have shared other resources with Burlingtown. Those points do not in my view change the fundamental nature of the Park Lane Office.

Secondly, I do not consider that representatives or organs of Sucocítrico Cutrale, whether the Family Board or individual members of it (including Cutrale Snr), have been carrying on Sucocítrico Cutrale ’ s business at the Park Lane Office as a fixed place of business, or transacting Sucocítrico Cutrale ’ s business at or from the Park Lane Office.

Insofar as the Claimants rely on the few Family Board and Partners ’ meetings which occurred there during the years leading up to when the claims were issued, these amount to no more than occasional board meetings, particularly when set in the context of the location of those bodies ’ other meetings. Moreover, most of those meetings, as well as the meetings in which Cutrale Snr represented Sucocítrico Cutrale as a shareholder in subsidiaries ’ meetings, related essentially to internal Cutrale group matters that could only in the most tenuous sense be regarded as part of the carrying on of Sucocítrico Cutrale ’ s business. The position does not in my view resemble even the incidental business carried on in England in South Sea India Shipping Corp Ltd, cited by Hamblen J in Teekay Tankers. The company there had established a UK office of its own specifically in order to carry on activities which could realistically be regarded as forming part of its business. Occasional meetings to discuss matters such as payments to shareholders, and amendments to the company ’ s own and its subsidiaries ’ Articles, do not seem to me to constitute the establishment of a fixed place of business.

Equally, there is no evidence or indication that Cutrale Snr or Graziela in practice exercised their powers of attorney by operating Sucocítrico Cutrale ’ s bank accounts or otherwise negotiating or transacting Sucocítrico Cutrale ’ s business from the Park Lane Office, either habitually or at all: and Cutrale Snr ’ s evidence quoted in § 55 (quoted paragraphs 19-20) above is to the contrary. A Part 18 response from the Defendants indicates that they are not aware of any payments made or authorised by Cutrale Snr or Graziela Cutrale for Sucocítrico Cutrale at the Park Lane Address between 27 September 2017 and 27 January 2020, and that the bank accounts were managed by Mr Cervato and related employees to whom he granted a Power of Attorney with this specific purpose. Given the clear evidence considered in section (C) above about how Sucocítrico Cutrale ’ s business is in fact run, I do not consider it appropriate to draw any inference that Cutrale Snr or Graziela have themselves been involved in transacting business on Sucocítrico ’ s behalf from the Park Lane address.

The Claimants further invite the inference that Cutrale Snr and Graziela received remuneration from Sucocítrico Cutrale for their role as directors, and note that the Defendants accept that those two individuals benefitted from dividends as shareholders while in London and working at the Park Lane Office. Even if they were remunerated as directors (of which there was no specific evidence), the nature of their activities in London did not in my view result in the Park Lane Office being a place of business of Sucocítrico Cutrale in London. Equally, no real conclusion can be drawn from Cutrale Snr having the assistance of a secretary when working at the Park Lane Office. Cutrale Snr had a wide range of business interests, of which Sucocítrico Cutrale was only one, and his use of a secretary does not give rise to the inference that the office was a place of business of Sucocítrico Cutrale.

Accordingly, I conclude that the Claimants do not have the better of the argument that the court has jurisdiction over Sucocítrico Cutrale by virtue of service pursuant to CPR 6.3(c)/6.9(2).

(E) CUTRALE SR: DOMICILEThe Claimants submit that there is overwhelming evidence that Cutrale Snr was domiciled in England when the claims were issued. The Defendants deny this.

(1) Legal frameworkPursuant to Article 62(1) of Brussels Recast, the question of Cutrale Snr ’ s domicile is to be determined by the application of English law.

For the purposes of civil and commercial matters in England, domicile is defined in paragraph 9 of Schedule 1 of the Civil Jurisdiction and Judgments Order 2001 (“CJJO 2001”). This provides, so far as relevant:

“(2) An individual is domiciled in the United Kingdom if and only if –

(a) he is resident in the United Kingdom; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.

[…]

(6) In the case of an individual who –

(a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and

(b) has been so resident for the last three months or more,

the requirements of sub-paragraph (2)(b) … shall be presumed to be fulfilled unless the contrary is proved.

(7) An individual is domiciled in a state other than a Regulation State if and only if—

(a) he is resident in that state; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with that state. ”The two limbs of paragraph 9(2) - “residence” and “substantial connection” - are cumulative. It is not necessary to address “substantial connection” unless “residence” has been established (Bestolov v Povarenkin [2017] EWHC 1968 (Comm) at §24). The relevant date for consideration of whether Cutrale Snr is domiciled in the UK is the date of issue of the claim forms (ibid §25).

The key principles for determining ‘residence ’ were more recently set out in Bestolov v Povarenkin [2017] EWHC 1968 (Comm) and Tugushev v Orlov [2019] EWHC 645 (Comm). In Bestolov, Simon Bryan QC (sitting as a Judge of the High Court) stated:

“(1) It is possible for a defendant to reside in more than one jurisdiction at the same time.

(2) It is possible for England to be a jurisdiction in which a defendant resides even if it is not his principal place of residence (i.e even if he spends most of the year in another jurisdiction).

(3) A person will be resident in England if England is for him a settled or usual place of abode. A settled or usual place of abode connotes some degree of permanence or continuity.

(4) Residence is not to be judged according to a “numbers game” and it is appropriate to address the quality and nature of a defendant ’ s visits to the jurisdiction.

(5) Whether a defendant ’ s use of a property characterises it as his or her “residence”, that is to say the defendant can fairly be described as residing there, is a question of fact and degree.

(6) In deciding whether a defendant is resident here, regard should be had to any settled pattern of the defendant ’ s life in terms of his presence in England and the reasons for the same.

(7) If a defendant visits a property in England on a regular basis for not inconsiderable periods of time, where his wife and children live, in order to see his wife and children (including where the centre of the defendant ’ s relationship with his children is England), such property has the potential to be regarded as the family home or his home when in England, which itself is evidence which may go towards supporting the conclusion that England is for him a settled or usual place of abode, and that he is resident in England, albeit that ultimately it is a question of fact and degree whether he is resident here or not, having regard to all the facts of the case including any discernible settled pattern of the defendant ’ s life or as it has also been put according to the way in which a man ’ s life is usually ordered. ” (§ 44)In Tugushev, Carr J cited with approval the above summary from Bestolov, and also cited inter alia the decision of the Court of Appeal in Varsani v Relfo Ltd [2010] EWCA Civ 560. The court there considered the question of residence where a defendant claimed to be domiciled in Kenya (the location of his business) but came to stay for four to eight weeks a year at a London address where his wife, children, parents and sister lived. Etherton LJ stated:

“27. Whether a defendant's use of a property characterises it as his or her 'residence', that is to say the defendant can fairly be described as residing there, is a question of fact and degree…. In the present case, the Edgware house is owned by the defendant and his wife, and is the place where his wife, children, mother, father and sister permanently live. It is the place which the defendant has affirmed in court proceedings is not only his 'residence' but his 'home'. While such affirmation is not conclusive, it is plainly highly material. The defendant visits that home every year to see his family, staying for not inconsiderable periods of time, as and when his work in Kenya permits him to do so. It is, in an obvious and very real sense, his 'family home'. Taking those facts together, it seems to me quite impossible to contend that the defendant does not reside at the Edgware house at all…….

28. The deputy judge was also entitled, and indeed correct, to conclude that the Edgware house was the defendant's 'usual' residence for the purposes of CPR r 6.9 As I have said, Mr Jacob conceded that it is possible to have more than one 'usual' residence. That is also borne out by the distinction between 'usual residence' and 'principal' place of business and 'principal' office in CPR r 6.9 which, contrary to Mr Jacob's submission, I consider the deputy judge was right to take into account.

29. I do not accept Mr Jacob's submission that, in determining whether a residence is a 'usual' residence within CPR r 6.9 , the test to be applied is essentially one of merely comparing the duration of periods of occupation, taking little account of the nature or 'quality' of use of the premises, and ignoring altogether that the premises are occupied permanently by the defendant's family and that the premises can fairly be described as the family home. Mr Jacob's suggested approach is too narrow and artificial. I agree with Mr Peter Shaw, counsel for Relfo, that the critical test is the defendant's pattern of life. …'Tugushev may be said to illustrate the point that the issue is not merely one of numbers of days spent. As noted in §§ 145-147 of Carr J ’ s judgment, Mr Orlov spent the majority of his time in Russia, but the numbers needed to be considered alongside the nature and quality of the visits in question. On the facts as a whole, Carr J concluded that Tugushev had the better of the argument that Mr Orlov was domiciled in England.

The following further points emerge from the authorities:

i) Where a defendant has spent certain periods of time in hospital in England for treatment, his presence during that period may not have the necessary quality to satisfy the residence test: it depends on how the hospital stay fits in with he or her overall pattern of life. In Panagaki v Apostolopoulos [2015] EWHC 2700 (QB) §§41-49, a hospital stay in England was held not to tend to establish residence here, in circumstances where the individual had never lived in England and Wales previously and, but for an accident, would not have done so. She had chosen to be treated at a particular hospital in England as being, in her view, the most appropriate one in Europe for her condition. Singh LJ added:

“I accept Miss Deal's submission that the claimant has not been staying in hospital as a substitute for her home as might be the case if, for example, a person is detained under the Mental Health Act 1983. In my view the fact that the transfer to hospital took place across national borders is in some ways liable to distract attention away from the natural way of looking at things. Take, for example, a person who lives in England, who is badly injured in an accident in England and has to spend a long time in hospital for treatment in England. The natural way of looking at their residence would be to say that it was still their home, not that the hospital had become their home. That is where he or she was living and that is where he or she would move back to as soon as the need for treatment in hospital has come to an end. In the present context too in my view the claimant was not resident at the hospitals concerned and therefore was not resident at the material date in England and Wales. ”

ii) When considering the meaning of ‘ordinary residence ’ , Lord Scarman in R v Barnet LBC, Ex p Shah [1983] AC 309 (cited in Tugushev at § 123) noted that:

“All that the law requires is that there is a settled purpose. This is not to say that the “propositus” intends to stay where he is indefinitely; indeed his purpose, while settled, may be for a limited period. Education, business or profession, employment, health, family, or merely love of the place spring to mind as common reasons for a choice of regular abode. And there may well be many others. All that is necessary is that the purpose of living where one does has a sufficient degree of continuity to be properly described as settled. ” (p.344)

iii) Ownership of property in England or responsibility for council tax or utility bills does not necessarily indicate residence: again, it depends on the facts - see Bestolov § 34:

“In High Tech International v Oleg Vladimirovich Deripaska [2006] EWHC 3276 (QB) reliance was placed upon the above passage in relation to the visits of Mr Deripaska, an extremely wealthy Russian citizen domiciled in Russia who was also alleged to be domiciled in England. Although he owned two valuable homes in England (one in Weybridge and one in Belgrave Square), his visits were almost always for business purposes and were described as “flying visits”. The days totalled together between two and three months a year, although as Eady J noted at [16], the pattern of his visits was “much more fragmented than that which emerged from the evidence in Cadwalder, Foote Cone or Lysaght. ” Eady J identified, rightly in my view, that residence is not to be judged according to a “numbers game” and that “it is appropriate to address the quality and nature of the visits in question” (para 24) (my emphasis). At paragraph [25] he stated,

“Although Mr Deripaska owns two very substantial properties in England, is responsible for the council tax and utility bills, and keeps them “ready for use” through staff employed for the purpose, it would not be right, in the case of a man so wealthy, to make the leap from property owning to “residence”. There is undoubtedly permanence and continuity in ownership and (indirect) occupation, but not necessarily when one comes to address “residence” or “abode”. There is certainly no regular pattern comparable to the situation in the earlier cases cited to me. Although Mr Hunter appeared to be suggesting that a presumption of residence arises from the mere fact of ownership, I find no authoritative support for this proposition. It seems to me that it must be a question of fact and degree in each case, according to the appropriate standard of proof. No doubt in many cases it would be relatively easy to draw an inference of residence from the possession of a substantial house in this jurisdiction. Here, however, the total picture permits no such inference. There are footholds in several jurisdictions which are there for convenience when it is necessary to hold business meetings. They may perhaps also have some incidental value as investments, but the uses to which they are put suggest to me that they are “stopovers” rather than homes in any conventional sense. Mr Deripaska's visits to England can generally be classified as merely ancillary to the conduct of his Russian businesses. ” (my emphasis)”

iv) As to the meaning of “substantial connection”, Briggs, Civil Jurisdiction and Judgments (7th ed, 2021) at §13.04 states:

“In the final analysis, the true meaning of ‘substantial ’ is gathered from its consequences. A connection to the United Kingdom is ‘substantial ’ if it suffices to make it appropriate that the courts of the United Kingdom exercise general jurisdiction, without the possibility of being able to stay proceedings in favour of a forum conveniens elsewhere, in any and all civil and commercial proceedings brought against the defendant. Bearing in mind the formidable consequences of finding that an individual has a domicile in the United Kingdom, the word ‘substantial ’ is not to be interpreted as though it means ‘not a lot more than minimal ’ . ”

Singh LJ in Panagaki at §51 considered that commentary to be of assistance in determining the meaning of ‘substantial connection ’ .The Defendants submit that where stays in the jurisdiction are intermittent and, on average, short lived (e.g 67-110 full days per year), that is not sufficient to establish residence: see OJSC Oil Company Yugraneft v Abramovich [2008] EWHC 2613 (Comm) at §487. That in my view over-simplifies the position. In the cited paragraph, Christopher Clarke J said:

“I am not persuaded that Yugraneft has much the better of the argument on whether at the date of the issue of the claim form Mr Abramovich was resident in England and Wales. On the contrary it appears to me that, despite his ownership of Chelsea and his property in Lowndes Square, he was resident in Russia and not in England. Purchases of expensive property in England which, in the case of a man of ordinary wealth, would suggest settlement here, may have no such significance to someone for whom money is no object. Mr Abramovich ’ s use of the Lowndes Square property (intended to become a single property) does not indicate that in November 2007 it was his usual or settled place of abode. It was not then the place in which, even for limited periods, he habitually and normally resided for a settled purpose. It was a place to which he came when visiting London largely in order to indulge his extravagant hobby of owning a football club and watching it play football. Those visits were in 2007 limited in number and short in length. I do not ignore the position in 2005 and 2006 when the number of full days spent in England was higher (between 67 - 110), as was the average number of full days (1.40 - 2.68). But even then the stays were intermittent and, on average, short lived. Further the “numbers game”, which disputants in this area decry and then play or find themselves forced to play, does not take into account the changing circumstances of Mr Abramovich ’ s life and of his visits which, certainly by November 2007 were far from indicating sufficient permanence, continuity, or settlement to constitute residence. ”

In my view, this passage does not suggest any presumption that stays totalling 67-110 days a year either will or will not be indicative of residence: it makes clear that all depends on the facts, including the purpose and nature of the trips to England.Christopher Clarke J also noted in Yugraneft that:

“In High Tech [High Tech International v Deripaska [2006] EWHC 3276 (QB)] (para 30), Eady J noted that the independent actions of an individual ’ s family should not be taken to affect the assessment as to whether that individual is resident in England. That must particularly be so, it is submitted, in the case of someone who, at the date at which residence is to be determined, was a former wife. ”

I do not, however, read that passage as suggesting that close family connections are irrelevant when considering an individual ’ s place of residence or domicile. They have potential relevance to the question of settled purpose.

(2) FactsCutrale Snr ’ s evidence includes the following points:

i) He holds Brazilian and Italian citizenship.

ii) He regards himself as domiciled in Brazil.

iii) He had not, prior to these proceedings, given much thought to where he was domiciled (or what that concept means), except for tax purposes, for which he is domiciled in Brazil.

iv) He is an international businessman and has for most of his recent working life spent much of the year in Brazil, the US, Switzerland and Italy.

v) His business interests in the UK only represent a small portion of his global portfolio. He provides a list of a broad portfolio of business interests, starting with a very large joint venture interest in Chiquita, a producer of bananas and pineapples in Honduras, Costa Rica, Ecuador, Guatemala, Panama and Mexico. The other interests include businesses in Brazil, Mexico, Portugal, the US, Canada and Scandinavia. The portfolio further includes three orange juice distribution companies: Burlingtown UK Limited (based in the UK), Continental Juice BV (based in Continental Europe) and Citrus Products Inc (based in the US). These companies oversee the bulk import and sale of Sucocítrico Cutrale juice in their respective markets.

vi) Cutrale Snr uses two residential properties in Brazil, one in the United States, and one in London.On the other hand, Cutrale Snr and his wife have indicated in a significant number of official and/or formal documents that they are resident in the UK:

i) Cutrale Snr is currently stated as resident in England on the Companies House website for his directorship of four companies: Burlingtown International B.V , Burlingtown LLP, Burlingtown UK Ltd, and Chiquita Holdings Ltd.

ii) He declared his country of residence to be the United Kingdom in English corporate records as long ago as his appointment as director of Burlingtown UK Ltd in 2010.

iii) Rosana is stated to be resident in England on the Companies House website for the three Burlingtown companies of which she is a director.

iv) Following Cutrale Snr ’ s move to England after the Operation Fanta raid, on 6 March 2006 he changed his stated residence to an address in Taunton in a filing for Sucocítrico Cutrale at JUCESP.

v) As at 8 March 2019, Cutrale Snr ’ s and Rosana ’ s ‘country of origin ’ was listed as the ‘United Kingdom ’ , and they were stated as ‘resident abroad ’ , on the Brazilian Consultar Quadro de Sócios e Administradores (Information of Shareholders and Officers) for Sucocítrico Cutrale and Santalice Administração Ltda.

vi) The Claimants identify filings at JUCESP in Brazil in respect of 72 Board of Directors or Partners meetings, in relation to three different companies, in which Cutrale Snr listed his residency as either ‘UK Resident ’ or as ‘resident abroad. ’ Cutrale Snr has not suggested that he is resident ‘abroad ’ in Florida or Switzerland.

vii) Cutrale Snr and Rosana provide the Knightsbridge address as their correspondence address in corporate filings for Nordic Sea Transport K/S, a company incorporated in Denmark, of which they are shareholders.

viii) Cutrale Snr and Rosana are listed as resident at the Knightsbridge address in (a) a Sucocítrico Cutrale meeting on 15 December 2011; (b) a Cutrale Empreendimentos Ltda meeting on 6 October 2011; and (c) another Cutrale Empreendimentos Ltda meeting dated 31 May 2014.As to time spent the Defendants have produced, first, two pie charts giving percentage breakdowns of Cutrale Snr ’ s time since November 2016. The first indicates that from 1 November 2016 to 31 October 2018, he spent 26% of his time in the UK, 24% in the US, 19% in Brazil (though the Defendants have indicated that this should read 20%), 10% in Italy, 9% in Switzerland and 12% elsewhere. The second indicates that from 1 November 2018 to 31 December 2019 he spent 30% of his time in the UK for “***exceptional***” reasons, 20% in the UK for “usual business”, 20% in the US, 14% in Switzerland, 7% in Brazil, 6% in Italy and 3% elsewhere.

A Part 18 response from the Defendants lists dates on which Cutrale Snr entered and exited the UK from 1 November 2016 to 31 December 2019, including the total nights spent in the UK and elsewhere. In summary, this indicates that:

i) In November and December 2016, Cutrale Snr entered the UK 3 times, and spent 13 nights in the UK and 48 elsewhere, the longest UK stay being for 5 nights.

ii) In 2017, he entered the UK 24 times, and spent 106 nights in the UK and 259 elsewhere, the longest UK stay being for 12 nights.

iii) In 2018, Cutrale Snr entered the UK 16 times, and spent 64 nights in the UK for “usual or part business”, 61 days for ***exceptional*** health reasons and 240 elsewhere, the longest UK stay (excluding a 61 night stay for ***exceptional*** health reasons) being for 11 nights.

iv) In 2019, Cutrale Snr began the year in hospital in the UK, re-entered the UK 12 times, and spent 85 nights in the UK for “usual business”, 65 days for ***exceptional*** health reasons and 215 elsewhere, the longest UK stay (excluding a 65 night stay for ***exceptional*** health reasons) being for 20 nights.

v) Prior to the health problems which emerged in November 2018, the average length of stay in the UK was 4.3 days and the longest single stay 12 days.Cutrale Snr indicates in his first witness statement that “[i]n a typical year I probably spend around 100 days in the United States, 100 days in Brazil and 90 days in the United Kingdom, with the balance of my time being spent in other countries”, though a comparison with the first pie chart referred to above suggests that that recollection probably slightly understated the time typically spent in the UK and overstated that spent in the US and Brazil. Cutrale Snr states that since November 2018 he has spent more time in the UK than he would have otherwise done, because of his ill-health: at the time of his life-threatening health complications in November 2018 he was admitted to the intensive care unit in hospital and treated by doctors in a UK hospital for around two months. He also undertook part of his rehabilitation in the UK (as well as in Brazil, the US and Switzerland). More generally, Cutrale Snr explains that his family reside in different countries, and he spends time with them in various locations around the world.

As to the Knightsbridge house, the evidence indicates that:

i) In addition to the corporate records noted above, Cutrale Snr ’ s witness statements indicate he is habitually resident there when in London.

ii) Cutrale Snr and Rosana have co-owned the house since 16 August 2011.

iii) The telephone for the Knightsbridge address is registered in the name ‘Cutrale ’ .

iv) The Cutrales have a car kept in the garage driven by the same unidentified man across a number of days.

v) Utility bills are registered at the Knightsbridge address in Cutrale Snr ’ s and Rosana ’ s names.

vi) The Knightsbridge home is near the residence of Cutrale Snr ’ s daughter, Graziela, and his grandchildren.The Claimants submit that the following evidence indicates reasons for Cutrale Snr to have a settled purpose of living in England:

i) As noted earlier, on 5 September 2006 a criminal indictment was filed against Cutrale Snr in Brazil. Cutrale Snr has since declared himself as ‘resident abroad ’ and merely ‘in transit ’ in Brazil in numerous Board of Directors and Partners meetings that have taken place in Brazil. It may be inferred that he fled Brazil to England. He did not return to Brazil permanently even after the investigations there ended in 2015/16.

ii) Cutrale Snr ’ s daughter, Graziela, permanently lives in London with her three children (his grandchildren), and has done so since 2006, having accompanied her father after he left Brazil. She has naturalised into British citizenship, as appears from Companies House filings. By the time the claims were issued, she had lived in Bourne Street, near Sloane Square, for over seven years. As at 8 March 2019 Graziela stated in the Consultar Quadro de Sócios e Administradores (Information of Shareholders and Officers) for Sucocítrico Cutrale that her ‘country of origin ’ was the United Kingdom. She also stated she was resident in England/the United Kingdom in Companies House filings in relation to Burlingtown LLP and Burlingtown UK Ltd.

iii) Rosana co-owned the Knightsbridge address, and had clear business interests tying her to London through her directorships of the Burlingtown companies.

iv) Cutrale Snr is a family man, who runs a family business, and tends to buy residential property in places with a crucial family link. He states that in overseeing his portfolio of business interests, he relies heavily on his wife Rosana, and his sons and daughter.

v) Cutrale Snr runs Burlingtown International BV and Burlingtown UK Ltd, both flagship companies, from the Park Lane Address. These are very substantial businesses, with a turnover in 2018 of some US$140 million.

vi) By the time of his ill health, Cutrale Snr had already spent 64 days in the UK from January to October 2018. His case, the Claimants say, is in that respect unlike that of a fleeting visitor coincidentally in an English hospital. Against that, Cutrale Snr says in his second witness statement:

“At a time when I happened to be in London in November 2018, I was subject to a medical emergency, which involved major surgery in a London hospital. I am here providing this statement only because of the high quality of the NHS and its doctors. I also have doctors in Brazil, both in Araraquara and in Sao Paolo, who I visit when necessary. One of my doctors from Brazil even travelled to the United Kingdom when I was in intensive care to consult on my treatment. ”

vii) After Cutrale Snr was found fit to travel in March 2019 he chose to continue receiving medical care in England throughout 2019, up to and including when the claims were issued, by which point he was long past being incapacitated. He states that he visited the UK for follow-up appointments with his doctors. The fact that a Brazilian doctor came to London to consult on his treatment gives some reason to believe that Cutrale Snr could, had he so chosen, have received excellent healthcare in Brazil. He may, the Claimants suggest, have chosen to pursue his rehabilitation and receive medical care in England because he benefited from family support and pre-existing residence here. (I quote Cutrale Snr ’ s evidence on this point above.)

viii) The Defendants adduced very little evidence about Cutrale Snr ’ s homes outside the UK (e.g in Brazil and Switzerland) or the nature and quality of his residence there.

(3) DiscussionI consider the Claimants to have the better of the argument that Cutrale Snr is domiciled in England.

First of all, he has declared himself resident here in a variety of official/formal documents over a period of many years. Cutrale Snr does not explain how this came about if those declarations were inaccurate. One might speculate that, following events in Brazil in 2006, it was considered convenient to claim to be resident abroad. However, that would merely beg the question of whether the reasons for so declaring had also led Cutrale Snr actually to become resident in England.

In oral submissions, counsel for the Defendants cited Charlton v Funding Circle Trustee [2019] EWHC 2701 (Ch), where there was detailed evidence that the appellant and his family had emigrated to Australia in 2012, and that his co-director had run the company from then until 2015. Nonetheless, two filings with Companies House in 2013 and 2014 stated the appellant ’ s residence to be in the UK. Barling J noted that nothing in the evidence suggested that the appellant, rather than the co-director (who was running the company at the time) or an employee or contractor, had actually made the filing in question. Barling J stated that the evidence of permanent emigration by the appellant, his wife and children was detailed and unchallenged, and that there was no evidence of the appellant having a place of residence at any particular location in England and Wales. In those circumstances he affirmed the decision below that the appellant was not resident in England. I do not consider Charlton to assist the Defendants. It merely illustrates the point that documents may not be conclusive if all the other evidence is to the contrary, particularly if the likelihood is that the individual in question had no involvement in the filing of the documents. In Charlton there were two filed documents, almost certainly filed by third parties, which flew in the face of clear unchallenged evidence of emigration. In the present case, there are many documents indicating that Cutrale Snr is resident in the UK, and he makes no attempt in his evidence to disown or explain them. Moreover, as indicated below, there is other substantial evidence pointing towards Cutrale Snr being resident in the UK.

Secondly, the evidence of time actually spent in the UK is consistent with residence here, though I of course accept that it is not a ‘numbers game ’ and the reasons for time spent are at least as important as the amount of time. It is nonetheless notable that during both the periods indicated by the Defendants ’ pie charts, whilst the average length of stay was fairly short prior to Cutrale Snr ’ s hospitalisation, the UK is the single country where Cutrale Snr spent the most time.

Thirdly, it is relevant that the Knightsbridge house is not only owned by and run in the name of Cutrale Snr and his wife, but is also close to the long-time residence of their daughter Graziela, with whom Cutrale Snr left Brazil in 2006, and Cutrale Snr ’ s grandchildren. Further, albeit Cutrale Snr also has business activities in several other countries too, he, Rosana and Graziela all have links to the Burlingtown business run from the Park Lane Office.

Fourthly, in view of Cutrale Snr ’ s evidence that he was subject to a medical emergency while in England in November 2018, I do not consider that much importance can be attached to the fact that he was hospitalised here for several months in late 2018/early 2019. At the same time, I consider it likely there is some connection between the fact that he chose to spend time here after he became fit to travel again at the end of March 2019, and his existing house, family and business links in London; and that that is at least consistent with him being resident in England.

These various considerations, taken together, indicate in my view that when the claims were issued Cutrale Snr both (a) had been resident in England for a substantial time (well over 3 months) and (b) had, as a matter of fact, a substantial connection with England. It follows, pursuant to the CJJO 2001 Schedule 1 § 9, that he was domiciled here for the purposes of civil and commercial matters. The presumption based on 3 months ’ residence in § 9(6) reinforces the conclusion as to domicile but is not necessary in the present case.

(F) CUTRALE JR: ARTICLE 6(1) LUGANO CONVENTIONOn the basis of my conclusion that Cutrale Snr is domiciled in England, and subject to any stay of the proceedings (see section (G) below), the question arises whether the Claimants are also entitled to sue Cutrale Jnr (who is Swiss domiciled) in England and Wales pursuant to Article 6(1) of the Lugano Convention:

“A person domiciled in a State bound by this Convention may also be sued:

1. where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings”For the purposes of the present jurisdiction application, the Defendants do not contest that there is a serious issue to be tried as between the Claimants and Cutrale Snr. It is therefore not necessary to set out or consider the points which the Claimants have made about the merits of their claims, including the claims advanced against Cutrale Snr.

The Defendants do, however, submit that if Cutrale Snr is UK-domiciled but the claims against Sucocítrico Cutrale are stayed by this court and must therefore be pursued in Brazil (where they will be one of a number of claims against Sucocítrico Cutrale in respect of the alleged cartel), then it is not expedient to hear the claims against Cutrale Jnr in England. The claims against Cutrale Jnr should instead be pursued alongside the claims against Sucocítrico Cutrale in Brazil.

The Defendants submit that in Public Institution for Social Security v Al Rajaan [2020] EWHC 2979 (Comm) (“Al Rajaan”) I set out the following principles relevant to whether it is expedient to hear the claims in the UK where there is an inevitable bifurcation of proceedings between the UK and another State:

i) The burden is on the claimant seeking to rely on Article 6(1) to demonstrate a good arguable case that the test is satisfied, and thus that it has the better of the argument on the available material (§411).

ii) Article 6(1) could apply where the assumption of jurisdiction under it would reduce, even if it would not eliminate, the risk of irreconcilable judgments flowing from separate proceedings. However, when considering whether or not it is correct to assume jurisdiction under Article 6(1), it is correct to consider whether doing so would be likely materially to increase or decrease such risks (§420).

iii) What is “expedient” is not to be judged solely by reference to the nature or degree of the connection with the claims against the anchor defendant (§432). The requirement to “take account of all the necessary factors in the case file” (Case C-98/06 Freeport v Arnoldsson [2008] QB 634 at §41) is also not restricted solely to assessing the degree of connection between the claims against the anchor defendant and those against the proposed Article 6 defendants (§442). The court should apply Article 6 without any “rigid preconceptions as to the relevance or otherwise of closely connected claims that must be pursued in an overseas forum…” (§446).

iv) Article 6 is not to be applied in a mechanistic fashion without regard to “the broader aspects of the dispute as a whole or the policy aims which it seeks to promote” (§434).

v) The decision of JSC Aeroflot v Berezovsky & Ors [2013] 2 CLC 206 (CA), where the Court of Appeal held that the claimant was entitled to rely on Article 6(1), was distinguishable because the relevant defendant in that case was domiciled in Luxembourg - which was not a place where proceedings would have to be brought against any of the other defendants - so to require the claimants to have sued that defendant in Luxembourg would have involved further fragmentation of proceedings by involving an additional forum (on the facts, a fourth forum). However, where the alternative to the English court assuming jurisdiction under Article 6 is the pursuit of the claims in the same overseas forum as the claims against other defendants to which it is closely connected “the position may well be different” (§§439(ii), 445).I held that it was not expedient for the purposes of Article 6(1) for two of the defendants, M. Argand and M. Amouzegar, to be sued in the UK where there was an existing bifurcation of proceedings between the UK (where there was an anchor defendant) and Switzerland (due to Swiss exclusive jurisdiction clauses to the benefit of certain corporate defendants and an agreement on the part of a further corporate defendant to submit to the jurisdiction of the Swiss court). I concluded that the claims against M. Argand and M. Amouzegar were more closely linked to the Swiss proceedings and it was therefore more expedient for them to be brought in Switzerland (§§464-479).

The Defendants submit that if the claims against Sucocítrico Cutrale must be pursued in Brazil, it is more expedient for the claims against Cutrale Jnr to be pursued in that jurisdiction, even if the Claimants are entitled to sue Cutrale Snr as of right in England:

i) The clear centre of gravity of the claims is the allegations against Sucocítrico Cutrale. It is alleged that loss was caused to the Claimants by various unlawful collusive conduct perpetrated in Brazil by Sucocítrico Cutrale acting through its employees.

ii) The Claimants ’ claim for damages against Cutrale Jnr would require them to prove that he personally participated in unlawful collusive conduct that caused actionable loss. This is now effectively acknowledged by the Claimants in the Re-Draft Particulars, which assert that he “participated in… the unlawful practices and conduct” (§68). The case against Cutrale Jnr is therefore inherently intertwined with the wide-ranging allegations against Sucocítrico Cutrale. The court hearing the claims would need to determine which of these allegations against Sucocítrico Cutrale is made out and which of those Cutrale Jnr “participated in”.

iii) There are no pleaded allegations that Cutrale Jnr “participated” in exactly the same alleged acts as Cutrale Snr in the period January 1999 to January 2006. The Claimants also draw attention to the Defendants ’ evidence on this application about officers ’ reporting lines to Cutrale Jnr specifically. There is therefore no basis for the Claimants to argue that a trial of the individual liability of Cutrale Jnr would have greater factual overlap with a trial of the individual liability of Cutrale Snr (as compared with a trial of the primary claim against Sucocítrico Cutrale).

iv) Alternatively, even if the Claimants are correct that they can establish Cutrale Jnr ’ s liability purely on the basis that he is a shareholder and/or director of Sucocítrico Cutrale, it is still critical to the Claimants ’ case against Cutrale Jnr that they establish their claims against Sucocítrico Cutrale. The risk of inconsistency with the judgment of the Brazilian court against Sucocítrico Cutrale would therefore be a greater vice than the risk of inconsistency with the judgment of the English court against Cutrale Snr.

v) There is no suggestion in the Re-Draft Particulars that the claims against Cutrale Jnr have a closer connection with the claims against Cutrale Snr than Sucocítrico Cutrale: §4 gives equal weight to the closeness of connection between the two claims, alleging that the English court has jurisdiction over the claims against Cutrale Jnr because it is “so closely connected with the claims against the First and Third Defendants that it is expedient to hear and determine them together so as to avoid the risk of irreconcilable judgments”. In light of the reformulated allegation of individual participation by Cutrale Jnr (in the Re-Draft Particulars), it is clear that it would be more expedient for the claims against Cutrale Jnr to be heard in Brazil alongside the claims against Sucocítrico Cutrale.

142. I do not, however, consider the position of Messrs Argand and Amouzegar in Al Rajaan to be sufficiently analogous to the present case. The situation there was whether Article 6 jurisdiction would exist in a situation where a claimant is required, by reason of an exclusive jurisdiction clause (EJC) to sue a defendant in an overseas jurisdiction under Article 23 of the Brussels Recast, but seeks to pursue in this jurisdiction connected claims against another defendant. The context was therefore the allocation of jurisdiction as between the courts of Regulation states (i.e courts of a Brussels Recast or Lugano Convention state) in a case where an EJC required certain claims to be brought in a Regulation state other than the UK. In the present case, there is no relevant EJC, and any claims which the Claimants may choose to pursue against Sucocítrico Cutrale will not be claims brought in a Regulation state. I agree with the Claimants ’ point (made in a different context) that somewhat different policy considerations arise when considering the risk of inconsistent judgments within the European Union (or between Lugano States), compared to the position vis-à-vis so-called ‘third States ’ , and that the latter context does not involve the same particular impetus to remove obstacles to the single market and observe the principle of ‘mutual trust ’ between the courts of different Member States. Thus in Case 406/92 The Tatry [1999] QB 555, the ECJ held that the interpretation of Article 30(3) (previously Article 22(3) of the Brussels Convention) “must be broad and cover all cases where there is a risk of conflicting decisions, even if the judgments can be separately enforced and their legal consequences are not mutually exclusive” (§ 53), and that the term ‘irreconcilable judgment ’ is to be interpreted by reference to the objectives of the Brussels regime, namely “to improve co-ordination of the exercise of judicial functions within the Community and to avoid conflicting contradictory decisions, even where the separate enforcement of each of them is not precluded” (§ 55).Moreover, the position of Messrs Argand and Amouzegar presented the problem in an acute form. The claims against them were intricately connected with those against defendants whom, by reason of EJCs, the claimant could not sue in England; and there was no English defendant against whom the claims paralleled those made against Messrs Argand and Amouzegar. In the present case, however, whilst the claims against Cutrale Jnr are of course connected with those against Sucocitrico, they are also bound to involve important issues in common with the claims against Cutrale Snr which (subject to the issue of stay) are to be pursued in England.

In these circumstances, I consider the Claimants to have the better of the argument that the expediency threshold under Article 6 is reached, and that, subject to any stay, the Claimants are entitled to sue Cutrale Jnr alongside Cutrale Snr in these proceedings.

(G) STAYIn this section I consider whether, notwithstanding the court ’ s prima facie jurisdiction over Cutrale Snr based on domicile (Brussels Recast Article 4) and over Cutrale Jnr under Lugano Convention Article 6, the claims against them should be stayed pursuant to, respectively, Article 34 of Brussels Recast and Article 28 of the Lugano Convention.

I also consider whether the claim against Sucocítrico Cutrale should be stayed:

i) under Article 33 or 34 of Brussels Recast if, contrary to my earlier conclusion, Sucocítrico Cutrale is domiciled in England and Wales, and

ii) on forum non conveniens grounds if, contrary to my earlier conclusion, the Claimants have validly served Sucocítrico Cutrale here and are prima facie entitled to sue it here on that basis.

(1) Cutrale Snr: stay under Article 34 of Brussels Recast

(a) Applicable principlesArticle 34 of Brussels Recast provides:

“1. Where jurisdiction is based on Article 4 or on Articles 7, 8 or 9 and an action is pending before a court of a third State at the time when a court in a Member State is seised of an action which is related to the action in the court of the third State, the court of the Member State may stay the proceedings if:

(a) it is expedient to hear and determine the related actions together to avoid the risk of irreconcilable judgments resulting from separate proceedings;

(b) it is expected that the court of the third State will give a judgment capable of recognition and, where applicable, of enforcement in that Member State; and

(c) the court of the Member State is satisfied that a stay is necessary for the proper administration of justice. …”Recitals 23 and 24 state:

“(23) This Regulation should provide for a flexible mechanism allowing the courts of the Member States to take into account proceedings pending before the courts of third States, considering in particular whether a judgment of a third State will be capable of recognition and enforcement in the Member State concerned under the law of that Member State and the proper administration of justice.

(24) When taking into account the proper administration of justice, the court of the Member State concerned should assess all the circumstances of the case before it. Such circumstances may include connections between the facts of the case and the parties and the third State concerned, the stage to which the proceedings in the third State have progressed by the time proceedings are initiated in the court of the Member State and whether or not the court of the third State can be expected to give a judgment within a reasonable time.

That assessment may also include consideration of the question whether the court of the third State has exclusive jurisdiction in the particular case in circumstances where a court of a Member State would have exclusive jurisdiction. ”The provisions confer a power on a ‘second seised ’ court of a Member State to stay proceedings by reference to existing proceedings pending before the courts of a third state, i.e a non-Member State: Ness Global Services Ltd v Perform Content Services Ltd [2021] 1 WLR 1643 at §6.

Under Article 34 Brussels Recast and Article 28 Lugano Convention, actions are considered to be related when they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments arising from separate proceedings. In Municipio De Mariana v BHP Group Plc [2020] EWHC 2930 (TCC), Turner J suggested that the issue of whether claims are “related” is “inextricably bound up with the risk of irreconcilable judgments” and “may properly be subsumed into that concerning the risk of irreconcilable judgments” (§§161 and 163).

In an intra-EU/Lugano setting, the authorities require a broad common-sense approach: see, e.g , Sarrio SA v Kuwait Investment Authority [1991] 1 AC 32 (a case concerning Article 22 of the Brussels Convention, now Article 30 Brussels Recast), where Lord Saville rejected the distinction drawn by the Court of Appeal between primary issues of fact and issues of fact which the court in the pending proceedings may or may not decide but which are not essential to its conclusion. He said:

“… it seems to me that the words of the article itself militate against the suggested limitation. The actions, to be related, must be ‘so closely connected that it is expedient to hear and determine them together ’ to avoid the risk of irreconcilable judgments resulting from separate proceedings. To my mind these wide words are designed to cover a range of circumstances, from cases where the matters before the courts are virtually identical … to cases where although this is not the position, the connection is close enough to make it expedient for them to be heard and determined together to avoid the risk in question. … I am of the view that there should be a broad commonsense approach to the question whether the actions in question are related, bearing in mind the objective of the article, applying the simple wide test set out in article 22 and refraining from an over-sophisticated analysis of the matter. ” (p.41F)The hypothetical overseas judgment does not have to be binding on an English court in order for it to be irreconcilable: Jalla v Royal Dutch Shell Plc [2020] EWHC 459 at §241; Municipio de Mariana at §183.

Although an action can be said to be “related” even if there is no overlap between parties, the court must assess the degree of connection and make a value judgement (Research in Motion UK v Visto [2008] 2 All ER (Comm) 560, [2008] EWCA Civ 153 § 37). The court can assess the degree of risk of there being findings or observations that could lead to irreconcilable judgments (Rahman v GMAC Commercial Finance Ltd [2013] IL Pr 56 §19). For example, in Jalla, a case under the Recast Regulation, Stuart-Smith J declined a stay pending proceedings in Nigeria where “[a]lthough there is a significant overlap with the issues raised in the actions now before the Nigerian courts, it is far from complete” (§ 246), noting that the English court could take account of Nigerian judgments in due course.

The Court of Appeal in PJSC Commercial Bank v Kolomoisky [2020] Ch 783, [2019] EWCA 1708 (a Lugano and Brussels Recast case) considered the existing authorities on the meaning of ‘expedient ’ . The court noted that, after reviewing the existing authorities, Eder J in Nomura International Plc v Banca Monte Dei Paschi Di Siena SpA [2013] EWHC 3187 (Comm), [2014] 1 WLR 1584 had concluded that “… the focus of that wording is in my view what in principle is expedient which I read in the sense of genuinely desirable, not what is 'capable' or 'possible'. ” (Nomura § 57, quoted in Kolomoisky § 190). The Court of Appeal concluded that

“191. …The word ‘expedient ’ is more akin to ‘desirable ’ …that the actions ‘should ’ be heard together, than to ‘practicable ’ or ‘possible ’ , that the actions ‘can ’ be heard together. … [I]f what had been intended was that actions would only be ‘related ’ if they could be consolidated in one jurisdiction, then the Convention would have made express reference to the requirement of consolidation, as was the case in article 30(2) of the Recast Brussels Regulation.

192. Accordingly, on this threshold issue, we consider that the judge was right to conclude that the actions were related, even if they could not be consolidated, so that the judge did have jurisdiction to grant a stay in the present case. However, the fact that the actions could not be consolidated was relevant to the exercise of discretion … to which we now turn. ”

In the context of the exercise of discretion, the Court of Appeal said:

“210. Whilst Ms Tolaney is no doubt correct that neither Rix J [in Centro Internationale Handelsbank AG v Morgan Grenfell Trade Finance Limited [1997] CLC 870] nor Eder J [in Nomura] was laying down a rule of law, what Eder J's judgment demonstrates is that, absent some strong countervailing factor, the fact that proceedings cannot be consolidated and heard together will be a compelling reason for refusing a stay. The problem here is that the judge seems to have considered the exercise of discretion from the wrong end of the telescope: he concluded that the availability of consolidation would be a strong reason to grant a stay, but its unavailability would not in itself be a reason not to grant a stay. He thus erroneously failed to consider that, as Eder J had held, unavailability of consolidation will usually be a compelling reason to refuse a stay. There was certainly no strong countervailing factor in this case pointing in favour of a stay.

211. In our judgment, although the appeal of Mr Kolomoisky in Ukraine has been allowed and the matter remitted to the court of first instance, so that this court should proceed on the basis that the proceedings in Ukraine will continue and be pursued to judgment, the unavailability in the Ukrainian court of consolidation of the Bank's current claim with Mr Kolomoisky's defamation claim remains a compelling reason for refusing to grant a stay. In particular, the fact that the Bank's claim would have to be brought before the Ukrainian commercial court rather than before the Pechersky District Court in which the defamation proceedings are being heard means that if a stay were granted, the risk of inconsistent findings in these different courts would remain. Furthermore, we accept Lord Pannick's overall submission that, standing back in this case, it would be entirely inappropriate to stay an English fraud claim in favour of Ukrainian defamation claims, in circumstances where the fraud claim involves what the judge found was fraud and money laundering on an 'epic scale' and where, as we have concluded, the Bank has a good arguable case to recover the pleaded sum of US$1.9 billion. We consider that for those reasons, in exercising the relevant discretion afresh, this court should refuse to grant a stay.'In Euroeco Fuels Poland Ltd v Szsecin [2019] 4 WLR 156, [2019] EWCA Civ 1932, the Court of Appeal cited Kolomoisky with apparent concurrence, but stated that “I do not think that it can be said that two actions are ‘heard and determined together ’ if one takes place before Judge A, who gives a decision in (say) March, and the other takes place later before Judge B, who gives judgment in October” (§ 48). On the facts, the Court of Appeal held that, because there was no real prospect of the two actions being “heard and determined together” by the same judge in the same court with judgments given in both at the same time, there was no discretion to order a stay (§§ 52-53 per Bean LJ, § 64 per Baker LJ; § 66 per Lewison LJ).

Subsequent judgments at first instance have identified a tension between Kolomoisky and EuroEco Fuels (Poland) as to whether the power to stay depends on there being a procedural means by which the two actions could, in fact, be tried together. These judgments have treated Kolomoisky as representing binding authority on that point (see, e.g , Federal Republic of Nigeria v Royal Dutch Shell Plc [2020] EWHC 1315 (Comm) at §§76-77; Lopesan Touristik SA v Apollo European Principal Finance Fund III (Dollar A) LP [2020] I.L.Pr 45 at §47; Scor SE v Barclays Bank Plc [2020] 1 CLC 193 at §§15, 31; Municipio de Mariana at §§190-199; TRW Ltd v Panasonic Industry Europe GmbH [2021] I.L.Pr 13 at §94). For example, Turner J stated in Municipio de Mariana that the requirement that it would be “expedient” to hear and determine matters together requires “only that it is established that such a solution would be theoretically desirable regardless as to whether it would be achievable in practice” (§189).

As to the interests of justice, and the court ’ s exercise of discretion, the unavailability of consolidation is not of course conclusive against the grant of a stay under Article 34. The circumstances as a whole may nonetheless justify a stay: see e.g Federal Republic of Nigeria v Royal Dutch Shell Plc § 77(4) per Butcher J (cited in Mariana § 219):

“While I recognise that the impossibility of these proceedings being consolidated with the Italian proceedings is a factor militating against a stay under Article 30, I consider that in the present case it is outweighed by other considerations, and in particular by: (i) the degree of relatedness of the two proceedings; (ii) the reality of the risk of inconsistent decisions; (iii) the fact that the Italian proceedings are now considerably more advanced than the English proceedings; and (iv), which is connected with (iii), the fact that the Italian Courts and Italian legal teams are now immersed in the facts of the matter. ”

At the same time, as Stuart-Smith J pointed out in Jalla (§ 225), the unavailability of consolidation or other means of the cases being heard together will be a compelling reason against a stay absent some strong countervailing factor, not least because it will mean the risk of irreconcilable judgments will remain: i.e the fundamental purpose of an Article 34 stay will likely not be achieved.Recital 24 to Brussels Recast, quoted earlier, requires “all the circumstances of the case” to be considered and identifies particular matters including:

“connections between the facts of the case and the parties and the third State concerned, the stage to which the proceedings in the third State have progressed by the time proceedings are initiated in the court of the Member State and whether or not the court of the third State can be expected to give a judgment within a reasonable time. ”The Defendants point out that the courts may thus consider circumstances which would overlap with factors relevant to a forum non conveniens analysis or a discretionary stay at common law, citing statements at Gulf International Bank BSC v Aldwood [2020] 1 All ER (Comm) 334 at §§47, 89; Município de Mariana at §§204-207. As explained in the Explanatory Report by Dr Pocar on the Lugano Convention, “the doctrine of forum non conveniens … is alien to the legal tradition of most of the States bound by the Convention”; and to seek to reintroduce it, as such, via Article 34 would be inconsistent with Case 281/02 Owusu v Jackson [2005] QB 801. However, I did not understand the Defendants to suggest that reliance on forum non conveniens considerations would by themselves be sufficient to justify a stay under Article 34. Clearly the court must be satisfied that the requirements of Article 34 are made out; if so, recital 24 makes clear that it is entitled to have regard to the circumstances as a whole when deciding whether it would be in the interests of justice to order a stay, including the particular matters listed in recital 24.

As part of considering the proper administration of justice, in Easygroup Ltd v Easy Rent a Car Ltd [2019] 1 WLR 4630, the Court of Appeal indicated that the degree of overlap between the two sets of proceedings is a factor of great importance, but that even if the overlap is complete it may be outweighed by other factors (§ 67). The court considered that a delay of 3-4 years in the third country resulting from an appeal, together with the fact that unless the appeal succeeded there would be no proceedings there, would have been overwhelming factors against granting a stay (§ 70-71). In Jalla, Stuart Smith J considered that any stay was likely to be ***measured*** in years which would render the claims “almost intolerably stale” (§ 245), though it is fair to point out that there was a suggestion of up to 24 years ’ delay in that particular case (§ 242(iii)).

Even if all threshold conditions are satisfied, the court retains a discretion (implied by the word “may”) not to grant a stay (see also Dicey at §12-073 referring to “the power, but not the duty, to stay” proceedings; and §12-076 (in respect of Article 28 Lugano): the judge in the court seised second has “a power to stay the proceedings, and a power to dismiss the action to allow it to be brought in, and consolidated with the proceedings brought in, the action in the first court, but it imposes no duty to do either”). This discretion allows the court, for example, to decline to allow a tangentially related action in a third state to undermine the certainty prima facie afforded by the mandatory ground of jurisdiction, based on domicile, in Brussels Recast Article 4.

The discretion falls to be exercised by reference to the nature and purpose of the stay sought. In Starlight Shipping Co v Allianz Marine & Aviation Versicherungs AG (‘The Alexandros T ’ ) [2014] 1 All ER 590 (UKSC) §92, Lord Clarke set out the proper approach to the exercise of discretion under Article 28 of the Brussels Convention (which is in similar terms to Article 34 of Brussels Recast):

“In Owens Bank Ltd v Bracco (Case C-129/92) [1994] QB 509, at paras 74-79, Advocate General Lenz identified a number of factors which he thought were relevant to the exercise of the discretion. They can I think briefly be summarised in this way. The circumstances of each case are of particular importance but the aim of Article 28 is to avoid parallel proceedings and conflicting decisions. In a case of doubt it would be appropriate to grant a stay. Indeed, he appears to have approved the proposition that there is a strong presumption in favour of a stay. However, he identified three particular factors as being of importance: (1) the extent of the relatedness between the actions and the risk of mutually irreconcilable decisions; (2) the stage reached in each set of proceedings; and (3) the proximity of the courts to the subject matter of the case. In conclusion the Advocate General said at para 79 that it goes without saying that in the exercise of the discretion regard may be had to the question of which court is in the best position to decide a given question. ”I would observe, however, in disagreement with the Defendants, that despite the similarity of language it may well make a difference whether a stay is sought (a) under Article 28 as such or (b) under Article 34 or under Article 28 as applied reflexively vis a vis proceedings in a third country (see § 238 below). The observation quoted above that there might be a presumption in favour of a stay seems considerably easier to justify in a case where the intra-EU internal market considerations referred to in § 142 above apply than where the overseas proceedings are in a non-Member State. On the contrary, a presumption of a stay in favour of a third country state of proceedings prima facie brought as a right against a defendant in his place of domicile may well be hard to square with the fundamental principles underlying the Brussels and Lugano regimes.

(b) The proceedings in BrazilSince January 2007 claims by citrus growers allegedly harmed by Sucocítrico Cutrale and/or other participants in the alleged cartel between 1999 and 2006 have been ongoing in various courts in the State of São Paulo. The current state of the litigation is summarised below.

(1) Favero claimOn 23 January 2007, Antonio Carlos Favero and 50 other producers filed a claim against Louis Dreyfus Company Sucos S.A (“Louis Dreyfus”) in São Paulo, in the state of São Paulo (the “Favero claim”). Louis Dreyfus is one of the companies alleged by the Claimants to have participated in the cartel with Sucocítrico Cutrale. The claimants in the Favero claim include three who are also Claimants in the Sanches claim (José Antonio Ardengue, the estate of Norival Candido Ferreira and José Antonio Ruiz Sanches).

The Favero claim seeks “the annulment of the purchase and sale contracts signed between the parties and already expired, as well as the termination of the contracts that are in force, due to their abuse and illegality” (§7). The claimants claim that “the defendant, Citrosuco, [Sucocitrico] Cutrale, Coinbra and Citrovita” formed and participated in “citrus market oligopoly” (§§9, 11). They allege that the defendants ’ conduct violated (amongst others) Article 186 of the Civil Code, Articles 170 and 173(4) of the Federal Constitution and the Former Antitrust Law (§§54-55). The Favero claimants allege that “since 1995, when the market dominance by the industries, among them the Defendants, gained dramatic contours to the Plaintiffs and all the citrus growers the compliance with such covenants, resulted in enormous damage to the Plaintiffs, with its total loss of goods and total financial fragility” (§31). They seek compensatory damages, loss of profit and moral damages pursuant to Articles 186 and 402 of the Civil Code (§§30-53).

On 30 January 2007, the Monte Azul Paulista Court granted a preliminary order compelling Louis Dreyfus to increase the purchase prices of boxes of oranges for the 2006/2007 harvest. This was appealed by Louis Dreyfus and on 4 June 2007, the 26th Chamber of Private Law of São Paulo allowed the appeal and overturned the lower court ’ s order.

Louis Dreyfus filed a Defence on 11 June 2008, pleading among other things that the claim was opportunistic, that the lack of competition in the industry was due to the nature of the activity rather than unfair practices, denying the existence of a cartel, and saying the contracts were advantageous to the claimants.

On 31 August 2009, the first instance court made an interlocutory decision (referred to in the translation provided as a “summary judgment”) dismissing the Favero claim. The central part of the reasoning was expressed as follows:

“III. It is important to bear in mind that, for several years, the claimants have signed contracts for the sale of oranges, always with the object of future harvests. Contracts signed between 2001 and 2005 are in force, covering subsequent years, including this one in progress.

As a consequence, they have secured the acquisition by the claimant of all annual production, according to the price established in the adjustment, regardless of the variations verified in the national and international market. It is evident that the price fixed in legal transactions of that nature takes into account the guarantee that sellers enjoy, protected from any fall in the price of the product on the market. That is to say, the claimants do not run the risks, which naturally the rural producers are subject to, of suffering with the reduction of the price due to the variations of the market and, still more, of not being able to buy for the harvest and to see it totally lost. It is a natural consequence of this situation - as well as in all those in which the risk is reduced or removed - that the profit obtained from the business is lower than that obtained, should they choose to sell the production each year.

That is why, except for situations of extreme disparity in values and evident imbalance between the contracting parties, linked to unpredictable events, the revision of the values originally set is not allowed, under the risk of unbalancing the parameters of the executed deal. In other words, with the exception of an unpredictable and extraordinary event, sellers cannot have in their favour both the guarantee of purchase of the harvest and the contractually fixed price, and the possibility of revising the price, if higher than that practiced in the market.

In this case, the event pointed out by the claimants as extraordinary, to justify the nullity of some and the termination of other contracts, would be the practice, by the defendant, of illicit adjustments with other industries producing concentrated juices, in order to direct, the favour of them, the price of oranges, preventing free competition in the market.

Even before 1995, the effective date of the claim for the annulment of adjustments, similar events occurred, which is why the defendant was faced with accusations of forming a cartel with the other industries in the sector. The issue, therefore, is not a new one and was previously resolved in favour of the defendant, by government agencies charged with ensuring the good practices of national and international trade.

Now, once again, there are complaints made by a director of the defendant, who withdrew from it, in the sense that, for a long time, the concentrated juice industries have been manipulating the orange-producing market, directing the formation of prices, always, obviously, to the disadvantage of farmers.

If, for the purposes of market control and inspection, within the remit of CADE and SDE, the charges may lead to the adoption of punitive ***measures*** to the defendant, I have several considerations that apply with respect to the claimants. Since 1995, they have signed contracts with the defendant, aware that it was accused of manipulating and directing fruit prices.

Obviously, they could choose to sell oranges according to different types, without targeting them to the concentrated juice industry. But no! They chose to have an annual sale guarantee for the harvest, even though it was less than what they could get on the market at the time of the harvest, because, evidently, they did not want to take any risks. The subsequent conduct of, after having ensured the destination of consecutive harvests, not wanting to obtain a higher price for the fruit, as if they had taken the typical risk of selling according to different modality, should not be worthy of judicial support. ”

The judgment goes on to cite case law about the difficulty in alleging that a contract imposes an excessive burden, where a future crop has been purchased at a fixed price and external events result in adverse movement in the market price.Following a motion for clarification in 2010, the 2009 decision was successfully appealed in 2012. In this context, the claimants appear to have put in issue the effect of the TCCs, which postdate the pleadings in the Favero claim. As part of Special Appeal No. 541/169/SP the claimants stated that the signatories of the TCCs “admit responsibility for the acts that are under investigation” (§7) and that the TCCs would “decisively influence the outcome of this case, which is why proving the cartel depends on such documents. It is worth mentioning that the TCCs signed only show the practice of the cartel, since the fault of the industries in these agreements is obligatorily recognized” (§11).

The subsequent history of the Favero claim is summarised in the witness statement of Mr Fabio Carneiro Bueno Oliveira, a partner in the Brazilian law firm Mendes Advogados Associados, who has no direct involvement in the Brazilian litigation but has accessed relevant materials from public sources:

“59. On 15 February 2012, i.e almost two years later, the 26th Chamber of Private Law of the Court of Appeals of the State of São Paulo found that the decision of 31 August 2009 had been rendered without sufficient evidence and vacated the order. It allowed for the introduction of additional evidence.

60. On 31 May 2012, the 20th Civil Court selected an accountancy expert to assess whether there was evidence of the existence of a cartel. However, on 15 June 2012, Louis Dreyfus filed a motion for clarification submitting that the accountant would not have the necessary expertise and requested that an economist be instructed.

61. On 22 June 2012, the Claimants filed a motion for clarification to the 20th Civil Court against the decision of 15 February 2012 requesting that they be permitted to adduce additional evidence. This was accepted by the 20th Civil Court on 26 June 2012. It held that the parties could present evidence regarding a criminal proceeding before the 9th Criminal Court of São Paulo and the CADE administrative proceedings.

62. On 21 June 2012, the 20th Civil Court rejected an application by Louis Dreyfus that requested the production of two types of technical evidence; one to analyse the sales receipts from the Claimants in respect of the preliminary relief granted on [30] January 2007 and the other to ascertain whether the Claimants were selling fruit to its competitors from 1996 onwards.

63. On 6 July 2012, Louis Dreyfus filed a motion for clarification submitting that the documents from the criminal and CADE proceedings were confidential and that the CADE proceedings were independent and should not have any influence on this Civil Claim. On the same date, Louis Dreyfus also filed an interlocutory appeal against the decision of 21 June 2012 that rejected the production of technical evidence and requested that it have suspensive effect.

64. On 20 July 2012, the 20th Civil Court rejected the motion for clarification filed by Louis Dreyfus on 6 July 2012. On 22 August 2012, the 26th Chamber of Private Law of the Court of Appeals of the State of São Paulo rejected the interlocutory appeal filed by Louis Dreyfus on the same day seeking evidence from the two experts. Louis Dreyfus filed a Special Appeal to the STJ [Superior Court of Justice] against that decision, which was denied on 19 February 2014, i.e nearly two years later.

65. On 31 March 2014, Louis Dreyfus filed an interlocutory appeal against the decision that denied the Special Appeal. On 10 July 2014, the interlocutory appeal filed by Louis Dreyfus was formally received by the STJ. On 11 May 2017, more than three years after the filing of the interlocutory appeal, it was dismissed by the STJ.

66. However, on 8 June 2017, Louis Dreyfus filed an internal interlocutory appeal to the STJ against the decision dismissing the interlocutory appeal. The filing of this internal appeal had the effect of staying the whole Favero Claim.

67. On 25 July 2017, the 20th Civil Court ordered that the stay of the Favero Claim be maintained, extending the suspension order that had been rendered pending a final decision on the internal appeal filed by Louis Dreyfus to the STJ.

68. On 1 August 2017, the Claimants filed their objection to the internal appeal.

69. On 19 February 2019, the 20th Civil Court ordered that the stay be maintained for another 180 days for a possible decision on the internal appeal to the STJ. The 180 days period has now lapsed, and no decision on the internal appeal has been rendered. There is no specific maximum time period for rendering decisions in this type of appeal. The Favero Claim remains stayed and there is no indication as to when it will be reactivated.

70. It has now been thirteen and a half years since the Favero Claim was issued and it remains awaiting a decision from the STJ on an appeal lodged by Louis Dreyfus concerning the production on two narrow pieces of evidence, one of which relates to a preliminary order, which was itself overturned 13 years ago. ”

(citations to court file omitted)Mr Oliveira ’ s account is confirmed by Ms Maria Tereza Tilé Ferreira, who in addition to being an orange farmer (though not a claimant in the present proceedings) is a lawyer of record in the Favero case.

(2) Costa claim

173. On 23 January 2007, Adelia Virginia Fioreze Costa and 45 other producers filed a claim against Cargill Agrícola S.A and Citrosuco Fischer S.A - Agroindústria in Matão, São Paulo (the “Costa claim”). These defendants are two of the undertakings alleged by the Claimants to have participated in the cartel with Sucocítrico Cutrale. 21 claimants in the Costa claim are also Claimants in the Sanches claim.The pleadings in the Costa claim are apparently subject to ‘judicial secrecy ’ in Brazil, which means that the pleadings are strictly confidential. However, some parts of the pleadings are referred to in the claimants ’ petition to the Federal Court against CADE, which appears to be an ancillary claim for disclosure by CADE of certain documents, to which the defendants to the Costa claim are named as interested parties. The petition provides some information about the Costa claim. It states that:

i) the claimants allege that the “defending companies, together with others, act on the market forming a cartel for acquiring oranges and producing concentrated juice” and that their conduct violated “the Constitutional rule, the specific legislation of CADE, [the Former Antitrust Law] as well as art.186 of the Civil Code”;

ii) the claim seeks to “annul the purchase and sale agreements signed between the parties and that are already expired, as well as the termination of contracts that are in force, due to their abusiveness and illegality”; and

iii) the claimants seek compensatory damages, loss of profits and moral damages.In their petition, the Claimants allege that the TCCs constitute an “admission of guilt of the investigated facts” (§9) and that disclosure of a full copy of two TCCs and evidence in CADE ’ s possession is necessary to “release [the claimants] of their burden of proving the facts stated in [the Costa claim]” (§25).

A final judgment in the Costa claim has not been delivered, so the claim remains pending: 14½ years after it was commenced. The chronology to date of the Costa claim is explained by Ms Ferreira, who is a lawyer on record and also a claimant in the Costa claim, as follows:

“19. To begin, the court might wonder why only certain companies were sued in each of the Favero Claim and the Costa Claim. The answer to that is it was decided that claimants should bring claims against the orange juice producer they were contracted to rather than against a larger group of producers (as they would have been entitled to do under the Brazilian Anti-Trust Law). The Costa Claim is brought against Citrosuco and Cargill because Citrosuco succeeded Cargill after Cargill ceased operations in Brazil (and assumed its liabilities).

20. In respect of the Costa Claim, the proceedings have been equally as tortuous as the Favero Claim.

21. The claimants in the Costa Claim make allegations and pleas similar to those made in the Favero Claim.

22. Like the Favero Claim, there were disputes over which court had jurisdiction over the claim. Having originally been filed in the Monte Azul Paulista Court, it was transferred to the 1st Civil Court of Matão.

23. Also like the Favero Claim, preliminary relief was granted compelling the defendants to increase the purchase prices of boxes of oranges for the 2006/2007 harvest. Also, like the Favero Claim, the defendants appealed that ruling and the 26th Chamber of Private Law of São Paulo allowed the appeals and overturned the lower court ’ s order.

24. It took nearly two years for both defendants to file their defences.

25. For the following three years the only developments were the parties informing the court as to what evidence they intended to produce.

26. Attempts to involve CADE in the proceedings took up a significant amount of the court ’ s time and delayed the Costa Claim for a considerable number of years. In 2011, CADE was joined as a party to the proceedings on the basis of the relevance of certain documents before the CADE Court (the “CADE Documents”). However, the defendants successfully appealed CADE ’ s joinder. Three years later, in 2014, the 1st Civil Court of Matão ordered that CADE join the Costa Claim as the defendants ’ “assistant” (which allows CADE to participate without being a party), which both defendants appealed without success. Two years later, in 2016, the claimants petitioned for a stay of the proceedings until the conclusion of the CADE administrative proceedings. The 1st Civil Court of Matão granted the claimants ’ request and suspended the Costa Claim for one year or until the CADE Documents were publicised (whichever was the earlier). The defendants successfully appealed against this order, the 26th Chamber of Private Law of São Paulo finding that the CADE proceedings and the CADE Documents are not valid reasons to stay the Costa Claim. In 2017, the claimants made further efforts to gain access to the CADE Documents. They were unsuccessful.

27. In February of this year, the 1st Civil Court of Matão ordered the parties to file their closing arguments regarding the last round of evidence within 15 days.

28. Despite the order made in February, it is my belief that a final judgment in the Costa Claim is a long way off. The protracted history of the claim is testament to how long everything takes in Brazil. Discrete issues take years and serve to halt all main aspects of claims. That is not to mention the inevitable appeals that will be filed by the defendants against any ruling in favour of the claimants.

29. Moreover, as both a legal representative on record in the Favero Claim and the Costa Claim, and a party to the Costa Claim, I believe that there is no prospect of an award in either claim, and even less of a chance of either proceeding becoming res judicata. This is why it was and remains my opinion that the English proceedings should be brought and continued. ”

(3) Teles claimOn 22 November 2019, Antonio Claudemir Teles filed a claim against Sucocítrico Cutrale in Araraquara, São Paulo (the “Teles claim”). This is the first in time of the claims in Brazil brought against Sucocitrico. It was commenced after the claim forms in the present proceedings in England and Wales were issued and (I assume) served on Cutrale Snr.

Mr Teles alleges that Sucocítrico Cutrale “in collusion with other companies of the citrus industry” violated Brazilian competition law “in the orange box purchase market through controlled prices, imposing on the plaintiff enormous losses and his exclusion from the citrus industry, with the eradication of his entire orchard” (§6). He contends that the alleged conduct constituted a breach of (amongst other things) Article 186 of the Civil Code, Articles 170 and 173(4) of the Federal Constitution, and the Former Antitrust Law and the Current Antitrust Law (§§7, 64-65). Mr Teles relies on the TCCs, alleging that in those documents “the companies CONFESSED the tort since year 1995 to year 2006” (§§24-25). The relief sought includes compensatory damages, loss of profit and moral damages pursuant to Articles 186 and 402 of the Civil Code (§§6, 42-68).

On 14 August 2020, the first instance court held that the Teles claim was time-barred pursuant to Article 487 CPC because it found that the claimant had knowledge of the facts which gave rise to the claim when the relevant contractual agreements were signed in 2001 and 2003. It rejected the argument that time only began to run on 28 February 2018, the date on which administrative proceedings were concluded by CADE.

Mr Teles appealed against that decision on 8 October 2020. On 18 May 2021, the São Paulo State Appeals Court upheld the first instance decision and dismissed the claimant ’ s appeal. It held that the acknowledgement that information sharing may possibly have occurred in the TCC “without supplementary data” and “without the existence of a context established in the [TCC] or, in any case, without the express statement that there was an assumption of guilt about facts that constitute the core of the act defined as forming a cartel, cannot serve the purposes intended by the plaintiff. ” It concluded that “there was no decision from CADE on the practice of fact narrated in the complaint (cartel formation)”.

The Defendants understand that the claimant filed a motion for clarification of the judgment on 1 June 2021, such a motion being a precursor to bringing an appeal. Mr Teles ’ s appeal from the São Paulo State Appeals Court would lie as a special appeal to the Superior Court of Justice in Brasilia.

(4) Ardengue claimOn 29 November 2019, José Antonio Ardengue and Leoclecio Ardengue filed a claim against Sucocítrico Cutrale in Araraquara, São Paulo (the “Ardengue claim”). José Antonio Ardengue is one of the claimants in the Sanches claim. The Ardengue claim is subject to judicial secrecy in Brazil.

(5) Neto claimOn 16 December 2019, Egydio Boscheti Neto filed a claim against Sucocítrico Cutrale in Tanabi, São Paulo (the “Neto claim”).

Mr Neto claims that Sucocítrico Cutrale and other Brazilian companies formed a cartel in relation to the purchase of oranges and remunerated citrus growers at levels close to their opportunity costs (pp.2, 8). He alleges that Sucocítrico Cutrale breached Article 186 of the Civil Code, Law No. 8.137/90, Article 21 of the Former Antitrust Law and Article 36 of the Current Antitrust Law (p.10) by “price-fixing agreements and conditions of sale; market division between competitors; limiting the access of new companies to the market; creation of difficulties in the formation, operation and development of a competing company and buyers; preventing competitors from accessing raw material sources; market regulation to control the production of goods and their distribution; discrimination against purchasers of goods through differentiated pricing and operational sales conditions; and influence on the adoption of uniform commercial conduct. ” (p.9).

Mr Neto states that the “mere fact that the defendant concluded a [TCC] with CADE is enough to assume confession of guilt” (p.7, emphasis in original) and that “[t]he formalized confession before [CADE] through the … TCC(s) and other elements reveal that there was a cartel formation among the frozen concentrated orange juice processors, a negative conduct which contradicts the legal norm giving rise to the reparatory claim due to the damages caused to orange growers” (p.8). He claims (amongst other things) compensatory damages, loss of profits and moral damages under Article 186 of the Civil Code (pp.11-13).

On 8 August 2020, the first instance court held that the Neto claim was time-barred pursuant to Article 487 of the CPC. It found that the claimant must have been aware of the relevant facts by 24 January 2006, the date on which CADE ’ s investigation into the alleged cartel was disclosed in the media. The court rejected Mr Neto ’ s submission that time only began to run from 6 August 2018, the date of CADE ’ s decision to ratify the TCC, stating that the TCC only involved an acknowledgement that “information sharing could possibly have occurred” and was not “a conclusive acknowledgement on the performance of the acts mentioned therein” (emphasis in original). The court held that “Such information sharing, without complementary data, without the existence of context in the TCC or, in any hypothesis whatsoever, without express affirmation that there was assumption of guilt on the facts constituting the core of the act defined as cartel organization, cannot be used for the ends intended by the party claimant. ”

Mr Neto appealed against that decision on 10 September 2020.

(6) Jotto claimOn 31 January 2020, Maria de Lourdes Bandini Jotto and others filed a claim against Sucocítrico Cutrale in Araraquara, São Paulo (the “Jotto claim”).

The claimants there allege that Sucocítrico Cutrale and other Brazilian companies operating in citrus fruit growing formed a cartel and “offered the market the lowest possible price per box of oranges” (p.2) and “fix[ed] prices, quantities of orange cases purchased and the regional division of the market with other companies in the sector” (p.7). They assert that Sucocítrico Cutrale breached Article 186 of the Civil Code and Article 36 of the Current Antitrust Law (pp.6-7).

The claimants allege that, by the TCC, Sucocítrico Cutrale “confirmed the formation of the cartel between years 1996 and 2006, admitting the operation of a cartel for purchasing fruit” (p.2); that the TCC was “sufficient to establish the civil liability (fault) of the defendant” (p.7); and that “the confession of the cartel in itself leads to the inevitable conclusion that the prices paid to the rural farmers, and also paid to the claimant in this case, were lower than the prices that could possibly be obtained in a scenario of free competition” (p.11).

They seek material and non-material (i.e moral) damages for the period between 1999 and 2006 under Article 47 of the Current Antitrust Law and Articles 186 and 927 of the Civil Code (pp.6, 8-9).

On 31 July 2020, the first instance court held that the Jotto claim was time-barred pursuant to Article 487 of the CPC. It found that, even assuming that the limitation period ran from when the claimant knew or could have known the material facts, the claimants had or could have had such knowledge by 2006, in the light of:

i) the claimants ’ own statement that (in informal translation) “many were the evidences that the crises established in the citriculture resulted from the formation of cartel by the companies that operated in the segment”;

ii) the claimants lived in the same small municipality as Mr Biazoti, the person who denounced the existence of the cartel, and are bound to have known about the unfair practice;

iii) when Operation Fanta was initiated in 2006, which investigated the practice of the cartel in the purchase of fruits by industries of the segment, it was possible for the claimants to know possible damage, particularly as they are domiciled in Itápolis, known in Brazil and abroad as the capital of the orange, and a place in which Operation Fanta generated major repercussions; and

iv) on 24 February 2006, a decision of CADE was published in the Official Gazette about the reopening of the administrative proceeding that investigated the existence of the cartel, which rendered it fully public to third parties, including the claimants.The claimants appealed against the decision on 15 September 2020.

(c) Whether the Brazilian courts were first seised, and pendency of claimsArticle 32(1)(a) of Brussels Recast provides:

“1. For the purposes of this Section, a court shall be deemed to be seised:

(a) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the claimant has not subsequently failed to take the steps he was required to take to have service effected on the defendant …”The domestic law of the relevant Member State determines what steps an applicant is required to take to have service effected. If there is a failure to comply with a specific step imposed by national law to effect service of the proceedings, the court is not seised: Debt Collect London Ltd v SK Slavia Praha-Fotbal AS [2011] 1 WLR 866 (CA) at §§24-25, 27, 43-50, 59; Dicey, Morris & Collins on the Conflict of Laws (15th ed, 2012) at §12-067. Briggs, Civil Jurisdiction and Judgments (7th ed, 2021) at §18.10 summarises the approach to determining whether a court is seised as follows:

“In cases decided in connection with the Brussels II Regulation, but which seem suitable for generalisation, the approach has been to ask whether national law imposes any specific conditions upon service, or simply provides that service must take place without further specification of time. In the former, failure to comply with conditions would sacrifice priority; in the latter, late, or even very late, service would not amount to breach of a specific rule regulating service, and would not lead to the loss of priority. ”No issue is raised as regards to service on Cutrale Snr. In relation to him, the Sanches claim was issued, and the Viegas claim was originally issued, before the Teles, Ardengue, Neto, and Jotto claims. Special considerations arise in relation to the 109 Claimants added to the Viegas claim by purported amendments under CPR r.17.1 on 23 January 2020: I consider the position in relation to those claims in section (G)(1)(h) below.

As regards the large majority of the present Claimants, only the Favero and Costa claims pre-date the present proceedings against Cutrale Snr. Both of those claims remain pending: an action is pending whilst it remains subject to appeal or where there remains a right of appeal: Kolomoisky §158 (and, at first instance, [2019] 1 All ER (Comm) 971 §137).

(d) Favero and Costa: ‘related ’ and expediency testsThe Defendants submit that these two claims are related to the present proceedings, and that it would be expedient for the present proceedings to be stayed so that the claims can be heard and determined together. They suggest that potentially irreconcilable judgments are liable to arise in respect of the following issues, among others:

i) whether Sucocítrico Cutrale and the other signatories of the TCCs formed and participated in the alleged cartel (or other collusive practices in breach of Brazilian law);

ii) the period of time in which the alleged conduct occurred;

iii) the relevance of the administrative proceedings before CADE and the TCCs (which is raised in the Favero appeal and the Costa petition);

iv) whether the alleged conduct violated Articles 170 and 173(4) of the Federal Constitution, Articles 20 and 21 of the Former Antitrust Law, Article 36 of the Current Antitrust Law and/or Article 186 of the Civil Code;

v) whether the alleged conduct caused actionable loss; and

vi) whether the claimants are entitled to compensatory damages, loss of profits and moral damages pursuant to Articles 186 and 402 of the Civil Code.Some of the later Brazilian claims also deal with whether the claims are time-barred under Brazilian law, but there is no indication that those issues arise in the Favero and Costa claims.

The Defendants make these further points by way of amplification of the list set out above:

i) the Favero claim involved the same cartel as the present claims, and the Favero claimants rely on the same regulatory proceedings as the present Claimants;

ii) the Favero claimants rely on similar facts and similar sophisticated analyses (e.g the use of North American prices as a comparator) as the present Claimants;

iii) they rely on the same provisions of the Federal Constitution, the former competition law and the Civil Code;

iv) their claim focuses in part on damages, not merely the annulment of contracts; and

v) overall, the factual basis and causes of action are very similar.Similarly, in relation to the Costa claim, the Defendants point out that 21 of the claimants there are Claimants in the present proceedings; Sucocítrico Cutrale are alleged to have been participants in the cartel; the facts alleged closely parallel the allegations in the present Particulars of Claim; and the relief sought includes compensation as well as annulment.

To the extent that it is relevant to consider the prospects of the claims in fact being heard together, the Defendants submit that the Brazilian courts would be able to consolidate existing actions or use other case management tools to avoid the risk of irreconcilable judgments. Their expert evidence from Justice Rezek, a retired Justice of the Supreme Court of Brazil, indicates the following:

i) Claimants can issue claims together (as occurred in the Favero claim and Costa claim). In addition, the Ministério Público, or the Public Defender ’ s Office, or associations and unions, may bring claims by means of a class or collective action, and there is no limit on the number of claimants that can be named in class actions.

ii) The Incidental Proceeding to Resolve Repetitive Claims (“IRDR”) mechanism under Articles 976 to 987 of the Civil Code of Procedure (“CCP”) enables a request to be made to the Federal Circuit Court or a State Appellate Court to decide on a legal issue (not a factual one) when lower courts render conflicting decisions on the same matter that is the subject of numerous lawsuits. Once it has been initiated, the rapporteur in charge will suspend the cases, individual or collective, that are pending in the State Courts or in the Federal Regional Courts, and remit the common issues to the relevant court of appeals. The decision is binding on all existing individual or collective actions and future cases that deal with the same issue of law.

iii) The Brazilian court can consolidate existing actions under Article 55 of the Code of Civil Procedure. Article 55(1) provides that “Two (2) or more actions are deemed to be connected when they have a common cause of action. The proceedings of connected actions are merged for a joint decision, unless judgment has already been entered for one of them. ” Article 55(3) states “The set of actions that could create the risk of rendering conflicting or contradictory decisions if decided separately shall be merged even if there is no connexion between them. ”The Claimants ’ expert Justice Peluso, a former President of the Supreme Court of Brazil, suggests that it is inconceivable that the English and Brazilian claims would be consolidated, because (1) the Brazilian claims have not themselves been consolidated in the past thirteen years, (2) it is unlikely that a single judge in Brazil would adjudicate together upon 1,600 claims, and (3) “no Brazilian judge would wish to consolidate a fresh set of proceedings with other proceedings which have been ongoing since 2007 (the Favero claim) as this would cause further inordinate delay to proceedings which already are evidently themselves excessively delayed” (Peluso §§94-96).

Justice Rezek responds to this evidence as follows:

“59. … the fact that the Brazilian courts have not so far consolidated the Brazilian actions does not of itself mean that they are not related claims or that they could not be consolidated at a later date (to date I understand that consolidation of the actions - at least those involving Sucocítrico Cutrale - has simply not been considered). Even if the cases are not consolidated in accordance with the discipline of article 55 of the CPC, it does not follow that they could not be case-managed together to avoid the risk of irreconcilable judgments between those actions.

60. As regards the overlap between the Brazilian claims and the London claims there are, similarly, obvious links. …

61. Annexed to this report is a table setting out various extracts from the pleadings in the Brazilian actions which demonstrate the extent to which the claimants bringing them are relying on almost identical causes of action to their counterparts in the London Claims. …

62. Taking this into account, it is definitely not “inconceivable” that the London Claims, if they were to be presented in Brazil, would be consolidated with the Brazilian proceedings (as Justice Peluso opines). The Brazilian Courts could ensure consistency of judgments through either a direct consolidation under article 55, or by ensuring that the claims are actively case managed alongside the other cases to promote consistent outcomes. The Brazilian courts in any event also have specific tools to co-ordinate decision making in the absence of the consolidation of cases more generally as noted above (including via the IRDR ***process*** and the consolidation of appeals).

63. Finally, I note, Justice Peluso did not mention that the rule at article 113 of the 2015 CPC which gives judges the ability to limit the number of claimants in a given action is not applicable to class actions. There is no doubt in my mind that the London Claims could, therefore, were they brought in Brazil, be heard as a single action. ”The Defendants put forward a practical example, albeit it does not appear to involve the Favero or Costa claims. They note that in three of the later Brazilian actions, there are now three recent first instance decisions dismissing claims against Sucocítrico Cutrale on limitation grounds. One of these (in the Teles claim) has been upheld on appeal but the claimant has lodged a motion for clarification of that judgment, which is a precursor to bringing a further appeal. The other two (the Neto and Jotto claims) are subject to outstanding first appeals. The appellate courts in Brazil are going to be grappling with this mixed issue of law and fact for some time. They may consolidate the appeals, the Defendants suggest, and/or case manage them so that an authoritative judgment is given in a lead case. Whatever the procedural permutations in Brazil, the Defendants submit that it is plainly undesirable for the English court to be speculating in the near future on whether the Sanches claim or Viegas claim is time barred as a matter of Brazilian law, on the basis of conflicting expert evidence, as is likely to occur if the court assumes jurisdiction over these claims.

Against that, the Claimants point out that:

i) Only 24 of the 1,548 Claimants are party to these Brazilian proceedings: 21 in the Costa claim and 3 in the Favero claim. This small number of Claimants can be put to an election.

ii) Neither the Favero claim nor the Costa claim involves Cutrale Snr, or indeed any of the present Defendants.

iii) Neither the Favero claim nor the Costa claim involves the liability of controlling shareholders under Articles 116-117 of the Corporations Law. Neither of them would consider the liability of Cutrale Snr (or Cutrale Jnr), even if the alleged cartel involving Sucocítrico Cutrale were proven.

iv) The allegation against Cutrale Snr and Cutrale Jnr is that they participated in the alleged cartel and individually admitted guilt in the TCCs (as to which see § 16 above), making them jointly and severally liable: not merely that they are liable as accessories to wrongs committed by Sucocítrico Cutrale itself.

v) Justice Peluso ’ s evidence is that civil law judges act on their own motion if consolidation is appropriate. No consolidation has occurred in relation to any of the six sets of Brazil proceedings. Nor has Sucocítrico Cutrale requested consolidation of any of the Brazilian proceedings in which it is involved, i.e the later actions.

vi) The Favero and Costa actions (and indeed the later actions) are pending before different judges in different courts. The Costa claim is before the 1st Civil Court of Matão, and the Favero claim before the 20th Civil Court of the Central Court of São Paulo, albeit the appellate court in both cases is the 26th Chamber of Private Law. (For completeness, the Teles claim is before the 2nd Civil Court of Araraquara, the Neto claim before the 1st Civil Court of Tanabi, the Jotto claim before the 4th Civil Court of Araraquara, and the venue of the Ardengue claim is not in evidence. The appellate court for the Teles claim is the 31st Chamber of Private Law and not in evidence for the other claims.) The Defendants have not identified with which of the Brazilian proceedings they propose the present claims should be consolidated.

vii) The practical difficulties of seeking to consolidate the present claims with the Favero or Costa claims would (in the Claimants ’ words) be legion: they involve different parties, different damages, different legal teams, different experts, and proceedings at vastly different stages.

viii) Use of the IRDR procedure is unlikely and/or inappropriate save in a case where there have been conflicting lower court decisions in numerous cases. As Justice Peluso states:

“Nonetheless, Justice Rezek himself recognizes …that the practical effect of the IRDR procedure is limited, since it only allows a party to request either a Federal Circuit Court or a State Appellate Court to decide on questions of law (and not questions of fact). Thus, IRDR proceedings cannot be used to resolve thousands of cases which involve common issues of both fact and law because no generic findings of fact may be made. This is in contrast to the English Group Litigation Order mechanism in which common issues of fact and law, across many thousands of claims (both within and outside the Group Litigation Order), can be determined in one court, by one judge and lead to one single judgment creating res judicata erga omnes. ”

ix) Whatever the theoretical position in relation to class actions, no large scale competition law actions in Brazil have been identified.

The Claimants submit that consolidation is entirely improbable in any event, and that the real effect of the stay sought would simply be to deny the Claimants their mandatory right to sue Cutrale Snr in the place of his domicile.

207. At this stage of the analysis, I consider the first two aspects of the Article 34 test, i.e whether (if the further requirements in Article 34(1)(b) and (c) were satisfied) the claim against Cutrale Snr in the present action is related to the Favero or Costa claims and it would be expedient to hear and determine it together with one of those claims to avoid the risk of irreconcilable judgments resulting from separate proceedings. I bear in mind that a ‘related ’ action need not involve the same cause of action in the sense required under Article 33.

208. There is a material degree of overlap between the claims made in the Favero and Costa claims and those made in the present proceedings. They relate to the same alleged cartel, in which Sucocítrico Cutrale is said to have been a participant, and several of the same causes of action are relied on. On the other hand, none of the present Defendants is a defendant to the Favero claim or the Costa claim. It follows that neither of the courts hearing the Favero and Costa claims can be expected necessarily to make findings specifically relating to Sucocítrico ’ s participation in the alleged cartel. Nor is there any prospect of their making findings relating to the involvement or culpability of Cutrale Snr in the alleged cartel, nor even the principles governing the liability of individuals in his position. Nor is there any indication that either the Favero or the Costa claim raises the limitation issue that is expected to arise in the present case. Even if either case does raise limitation issues, such issues tend to turn on issues of fact as well as issues of law or general principle. The reasoning of the first instance decision summarily dismissing the Favero claimants ’ claim in substance addresses a single point which may or may not overlap with any of the numerous issues said to arise between the parties to the present proceedings with this court.In addition, the tortuous course of the Favero and Costa claims to date, and the uncertainty as to whether any greater progress will be made in future (and, if so, when), to my mind do not make it expedient, in the sense of genuinely desirable as distinct from possible or practicable, for the Claimants ’ claims against Cutrale Snr to be stayed so that they can instead be pursued along with the Favero and/or Costa claims, or simply to await the outcome of those claims. However, the text of recital 24 suggests that that factor falls for consideration as part of the interests of justice portion of the Article 34 criteria, and so I consider it in that context below.

210. I conclude, so far, that the Favero and Costa claims are related in a broad sense to the present claims, but that degree of relationship would be insufficient to make it expedient to stay the present claims by reference to them.

(e) Whether a judgment of the Brazilian courts would be capable of recognition and enforcement by the English courtsIn Kolomoisky at first instance, Fancourt J said:

“[150] Under art 34, the next question is whether it is expected that the Ukrainian courts will give a judgment capable of recognition and - where applicable - enforcement in England and Wales. This criterion relates to the recognition and enforceability of a judgment of the third state in principle. The court of the member state cannot be expected to decide one way or the other whether the court in the third state will in fact give a judgment in future, though the apparent likelihood of its doing so or not doing so would be relevant to the exercise of discretion or the question of whether it was necessary in the interests of the proper administration of justice to grant a stay. At this stage of analysis, however, the question of recognition and enforcement is one of principle. ” (§ 150)That approach was not disputed before me. No reason was suggested why a decision of the Brazil court in favour of or against the Claimants would not be enforced and/or recognised, as the case may be, and so I conclude that this requirement is satisfied.

(f) Whether a stay is necessary in the interests of justiceSo far as relevant to the claims I am currently considering, the Defendants submit that a stay is necessary in the interests of justice having regard to the following factors.

i) The Brazilian court is already seised of the Favero claim, which is brought by (amongst others) three claimants in the Sanches claim, and the Costa claim, which is brought by (amongst others) 21 claimants in the Sanches claim. These claims are brought against other Brazilian undertakings who are alleged by the Claimants to have participated in the cartel (Re-Draft Particulars §41) and who were subject to investigation by CADE. There is considerable overlap between the subject matter of these claims and the Viegas and Sanches claims; the claimants in the Favero claim and the Costa claim also rely on alleged violations of Article 186 of the Civil Code, the Former Antitrust Law, and the Federal Constitution; and the claimants seek (amongst other things) compensatory damages, loss of profits and moral damages.

ii) The Viegas and Sanches claims could be consolidated or otherwise case managed with the Brazilian claims, either generally or for the purpose of key issues.

iii) The Brazilian legal system is capable of delivering justice within a reasonable time.

iv) Factors which would also go to any issue of forum non conveniens make it more expedient for the claims to be heard in Brazil:

a) The claim “relates to [alleged] antitrust infringements that were committed in Brazil and restricted competition in markets in Brazil, causing harm to the Claimants there. ” Moreover, the events giving rise to alleged liability are said to involve numerous Brazilian companies and a Brazilian industry association.

b) The applicable law is Brazilian law. The expert evidence served for the purpose of this jurisdiction challenge is sufficient to show that: (a) the substantive law relevant to competition damages actions is different in Brazil to the UK; and (b) there are disputes between the parties as to the content of Brazilian law. These are powerful factors in favour of a Brazilian forum.

c) The vast majority of the witnesses will be based in Brazil. This includes the Claimants (who are all domiciled in Brazil) and Sucocítrico Cutrale ’ s employees (who are all based in Brazil).

d) Relevant documents are likely to be in Portuguese and most witnesses are likely to have Brazilian Portuguese as their first (and perhaps only) language. Even this jurisdiction challenge has required translation of witness statements for both sides, expert reports, and numerous documents (e.g meeting minutes, employment contracts/deeds of appointment, powers of attorney, etc.). Proceedings in England would be significantly lengthened and rendered more expensive by the need for the extensive translation (see, analogously, Municipio De Mariana at §§109-110) and there is a risk of mistranslation leading to error (ibid. §111).

e) The Claimants do not suggest that there are insufficient assets within Brazil for a judgment to be enforced.

f) Given that the Claimants rely heavily on regulatory proceedings, it is relevant that the responsible regulator and its records are based in Brazil.

g) There are various ongoing claims before the Brazilian courts concerning the alleged cartel, including proceedings issued in Brazil by a number of Claimants in this action.

h) The Brazilian court would likely consider that it has exclusive jurisdiction over the claims pursuant to Article 23 of the Code of Civil Procedure. If the Brazilian court finds that it has exclusive jurisdiction, it is likely to be impossible to compel, in support of the English proceedings: (i) the production of documents within the control of third parties that are located in Brazil (potentially including regulators); or (ii) individuals based in Brazil to give evidence.

214. I address these factors in turn.

215. As to factor (i), there is a degree of overlap between the present claims and the Favero and Costa claims. However, it is limited in the sense that there are key issues in the present claims that cannot be expected to be resolved in the Favero and Costa claims (see § 208 above). Further, any risk of irreconcilable judgments may be overstated and could be managed, with the result that other factors (such as delay) may assume greater prominence. The Supreme Court in Sainsbury ’ s Supermarkets Ltd v Visa Europe Services LLC & Others [2020] Bus LR 1196, [2020] UKSC 24, another competition law case, indicated that each claim has to be determined on the pleadings and evidence adduced in it (§ 246). Following that approach, Vos J in Office Depot International v Holdham SA [2019] EWHC 2115 (Ch) declined to stay English proceedings pursuant to Article 30 of the original Brussels Regulation pending proceedings in Sweden, noting among other things that:

i) the risk of inconsistent decisions, in the case in hand, was low because the claims would be based on factual and expert evidence on the substantive questions, and although the Swedish court may decide some matters of legal principles that will be binding, the English court could follow the guidance in the recitals to the Damages Directive (2014/104/EU) (to the effect that national courts should take due account of any related actions and judgments), and

ii) the risk of delay was particularly important in the case before him:

“48. The second factor seems to me however to be the most important one in this particular case, namely the stage reached in each set of proceedings. The stage in the Swedish proceedings is a long way behind these. It will be between one and two and a half years before jurisdiction is resolved there, two courts already having refused jurisdiction. It will be perhaps between three and five years before the substantive litigation in Sweden is resolved, if it ever gets off the ground.

49. Meanwhile, Office Depot's claims against the defendants here will be becalmed if the stay is granted. If instead they proceed, they will be completed in what is likely to be less than two years - with a three to four week trial that both sides agree will be required. It would indeed be justice denied for Office Depot to be required to start these proceedings again against the defendants three to five years down the line, many years after the cartel ended with all the evidential implications of that time lag. In my judgment, the ***exceptional*** circumstances of this case make it highly undesirable for the proceedings to be delayed here. ”

The Defendants point out that (a) in the present case there is no equivalent to the provisions in the Damages Directive for Member States ’ courts to have regard to each other ’ s decisions, and (b) in Office Depot it was unclear whether the Swedish courts would assume jurisdiction at all, whereas the proceedings in England could be finished in two years, both in contrast to the present case. However, (aa) realistically, it is hard to envisage that an English court would not have regard to any findings made in the Costa or Favero case that were material to the present case, particularly on matters of law, and (bb) notwithstanding the factual differences, the general point remains that the practical likelihood of the overseas proceedings providing illumination on the proceedings here proposed to be stayed, within a reasonable time, is a factor to be taken into account. The history of the Costa and Favero actions to date holds out little reason to believe that that will occur here.As to factor (ii), I assume for present purposes that the present claims could be consolidated or case managed with the Favero or Costa claims. (There is a potential issue as to whether consolidation under CPC Article 55 is possible where, as in the Favero claim, a case has already reached judgment but the judgment has been set aside on appeal). However, it is very doubtful that either of these circumstances will occur. The Favero claim involves 51 claimants and the Costa claim 46 claimants. Both have been going on for fourteen years. I accept Justice Peluso ’ s evidence that the judges in charge of these cases are extremely unlikely to wish to consolidate them with claims brought by an additional 1,500 claimants or so that have barely started. Either consolidation or parallel case management would result in a huge addition in the complexity of the proceedings, and delay. The fact that none of the existing Brazil proceedings has been consolidated, including the various later claims to which Sucocítrico Cutrale is a common defendant, lends further support to the view that the Defendants ’ suggestions of consolidation or joint case management, whilst theoretically possible, are unrealistic in practice.

217. As to factor (iii), I consider in section (G)(4) whether the Brazilian legal system in general is currently able to provide justice within a reasonable time in this particular type of claim. However, the key question for present purposes is whether a stay by reference to the Favero or Costa claims would be in the interests of justice and help achieve justice, within a reasonable time, for the parties. The answer in my view is no. The course of those two actions to date does not suggest either of them is likely to reach a conclusion in the reasonably foreseeable future: on the contrary, both have been mired in procedural disputes for many years. The Defendants suggest that delay in both cases has arisen in part as a result of choices made by the claimants in them e.g applications for preliminary relief, and a request for a stay in the Costa case. However, those factors provide only a limited explanation for the delays, and the fact remains that both actions are now some 14½ years old. More broadly, the information provided by Justice Peluso that there were 293,375 cases pending in the Superior Court of Justice and 20,258,140 claims pending in the State of Sao Paolo ’ s courts in 2019 does not provide grounds for optimism that the position in these two cases is likely to improve in the near future.The Defendants suggest (including in the context of forum non conveniens) that there is no merit in the Claimants ’ contention that they would face excessive delay litigating in Brazil. They make the following points:

i) delay in Brazil is not excessive and the Brazilian courts are equipped (indeed obliged) to case manage proceedings within reasonable timeframes;

ii) three of the recent claims against Sucocítrico Cutrale regarding the alleged cartel have resulted in first instance judgments in Brazil within 12 months of proceedings being issued (dismissing each claim on limitation grounds);

iii) the mean duration of analogous competition damages claims in the High Court in England is seven years and seven months (and this is generally the time from issue until settlement, not until a final judgment); and

iv) there is no merit in the Claimants ’ reliance on the fact that the Favero claim was filed on 23 January 2007 and is ongoing: the first instance judgment was delivered in 2009, and has since been subject to appeal by the claimants and interlocutory applications.I deal with these points, particularly the general position in Brazil and England, in more detail in section (G)(4) below in the context of forum non conveniens. For present purposes it is necessary to focus on the Costa and Favero actions, those being only two candidate ‘related actions ’ in respect of the claims I am currently considering i.e the claims against Cutrale Snr by the Sanches Claimants and the Viegas Claimants other than those purportedly added on 23 January 2020. The course of the Favero and Costa proceedings to date does not support any suggestion that a stay by reference to them would lead to justice being delivered in a reasonable time. Further, the fact that the Favero claim has reached a decision at first instance provided cold comfort. As I have already noted, it appears to be a summary judgment on a single issue, and provides no reason to suppose that the range of issues which the present Defendants say arise both in Brazil and in the current English proceedings will be resolved in the course of the Favero claim, either at all or within a reasonable time.

220. A fortiori, it seems likely that, even if it were practicable to join the 1,548 current Claimants in England and Wales to either the Favero case or the Costa case, or to case manage their claims alongside either of those cases, the result would be to add very significant complexity and delay to proceedings which the evidence before me suggests are already not making much real progress. That in turn means that, even if consolidation or parallel case management in Brazil with or alongside the Costa or Favero claims might help reduce the risk of judgments which are inconsistent on certain issues, that would probably be at the expense of unacceptable delay. Even a stay simply to await the outcome of the Favero and/or Costa cases seems likely to result in substantial delay.As to factor (iv), I have already concluded that, whilst recital 24 indicates that the court should consider all the circumstances of the case, it does not follow that the court can grant a stay pursuant to Article 34 which is in substance no more than a forum non conveniens stay. It follows that the factors listed in § 213.iv) above are relevant only insofar as they support the granting of a stay based on the Favero and Costa claims as related claims.

222. In the present case, other things being equal, subfactors (a)-(d) would tend to favour the proceedings being brought in Brazil. Subfactor (e) must be a weak factor, in circumstances where claimants are willing to take the risk as to where any judgment may be enforceable, and where Cutrale Snr may well have significant assets outside Brazil. Subfactor (f) seems of limited force save insofar as it may be linked to subfactor (h) on the basis that a Brazil court might compel the regulator to disclose records for the purpose of Brazilian but not overseas proceedings. Subfactor (g) for present purposes merely reflects the starting point of the Article 34 analysis, namely that there are pre-existing proceedings in Brazil giving rise to the question of whether a stay should be granted. (For the avoidance of doubt, I do not see how the existence of the later Brazilian proceedings, none of which have been or are proposed to be consolidated with the Favero or Costa claims, can have a bearing on whether a stay should be granted by reference to either or both of those claims.)As to subfactor (h), Justice Rezek in his first report referred to CPC Article 23, which provides for exclusive Brazilian jurisdiction in respect of specified types of claim, mainly concerning real estate in Brazil, but cited judicial and academic statements to the effect that the list is not exhaustive. For example, the STJ ’ s Special Court held that a decree of bankruptcy falls within the exclusive jurisdiction of Brazilian courts, and in 1980 the STF held that a claim for damages involving an illegal act in Brazil could be judged only by the Brazil courts, which, Justice Rezek says, “consecrates the rule of lex loco delicit commissi in Brazilian law”. He notes that the STF in another 1980 case denied an international cooperation request in a case involving a claim for damages arising out of an illicit act allegedly performed in Brazil. Justice Rezek suggests that the State Court of Sao Paolo in the District of Araraquara would consider that it had “necessary, if not exclusive jurisdiction” over the citrus growers ’ claims.

Justice Peluso responds that the 2015 CPC clearly distinguishes between exclusive jurisdiction (Article 23), and relative or competing jurisdiction (Articles 21 and 22), where the Brazil court allows the granting of full effectiveness to decisions of foreign courts. The consistent jurisprudence of the STF is that only foreign judgments on claims involving Article 23 exclusive jurisdiction are refused exequatur (enforcement). He quotes Justice Rezek ’ s own statement in a STF decision in 1996 about CPC Article 89, the direct predecessor to Article 23:

“The Brazilian civil procedural law portrays a single hypothesis of exclusive or non-extendable jurisdiction of the Brazilian Justice. It is included in article 89 of the Code of Civil Procedure: it is incumbent upon our judicial authority, to the exclusion of any other authority, to decide on disputes related to a property located in Brazil, and also on the inventory or sharing of assets (not necessarily real estate) located in Brazil. In all other hypotheses of jurisdiction of the Brazilian courts, this court has already repeatedly established that such jurisdiction is concurrent. It does not exclude, as in the hypotheses of article 89, the jurisdiction of the foreign court. ” (STF, SEC n. 4415-EUA.)

Justice Peluso states that the 1980 decision to which Justice Rezek referred is

“not only an isolated judgment out of kilter with the prevailing jurisprudence, but it has also been surpassed by subsequent case law. Moreover, that decision can also be criticised on the basis that no judge is entitled to use an abrogative reading of an express provision of law on international jurisdiction, under the pretext of the lex loci delicti by a matter of ordre public, or to be authorized by Art. 9 of Decree-Law No. 4,657, of 1941 (Law of Introduction to the Norms of Brazilian Law …, which only refers to material, or substantive, law, on the laws of obligations, not to procedural rules of jurisdiction. ”

225. In reply, Justice Rezek points out that his statement quoted above was made in a case where the relevant conduct in fact took place in New York, and the issue actually before the court was whether enforcement should be refused because the respondent was domiciled in Brazil. Justice Rezek does not, though, appear to contest Justice Peluso ’ s statement that the STF has repeatedly decided that the Article 23 category of exclusive jurisdiction is exhaustive. Justice Rezek also notes the lack of consistent connection to England of the parties and events of the present case. He continues:

“52. This is why I remain firmly convinced that a foreign judicial decision on the present matter, even emanating from such a venerable jurisdiction as England and Wales, would not obtain exequatur in Brazil; and that a foreign court would struggle to obtain the cooperation of the Brazilian authorities, even if such cooperation were solicited by means of letters rogatory. Any foreign proceedings would overlap with a number of claims that are already underway before the courts of São Paulo and could potentially result in judgments that conflict with decisions that have attained the status of res judicata in Brazil.

53. My view that the Brazilian courts would likely consider the present claims to fall within their exclusive jurisdiction is further affirmed by the fact that, I understand, when Sucocítrico Cutrale contracted with its growers during the claim period, it did so on terms that gave the courts of Brazil exclusive jurisdiction. An example contract is annexed to this report with the relevant jurisdiction clause highlighted.

54. … the difficulties identified in Rezek-1 regarding evidence taking concern cases where the Brazilian courts judge themselves to have exclusive jurisdiction, in view of a full, round, and absolutely complete assessment of the circumstances of connection, and where they are already exercising such jurisdiction, as is the case in the current proceedings ongoing in São Paulo, on the basis that permitting the collection of evidence to assist with a foreign suit may interfere with those proceedings. I cannot concur with Justice Peluso ’ s understanding that the position has now changed owing to minor adjustments to the letters rogatory ***process***. ” (footnotes omitted)

Justice Rezek accepts that there are no legal obstacles to Brazilian individuals choosing voluntarily to give evidence before a foreign court.

226. Justice Rezek ’ s point about a contractual exclusive jurisdiction clause (quoted § 53 above) is based on an undated and anonymous document which is said to be an example of a contract between Sucocítrico Cutrale and a fruit grower, and which includes a provision purporting to confer exclusive jurisdiction on the District Court of Araraquara to settle any disputes arising from the contract. The Claimants point out, though, that neither the Favero nor the Costa claim is pending before the District Court of Araraquara (and nor are some of the later actions commenced against Sucocitrico). Overall, I accept the Claimants ’ submission that the evidence before me provides no basis on which I could properly conclude that the present claims in England are contrary to exclusive jurisdiction provisions. It is not possible definitively to resolve the dispute between Justices Rezek and Peluso about whether, in practice, the Brazilian courts might refuse to provide any cooperation this court might request, or to enforce an English judgment against Cutrale Snr, on the grounds that the claim is insufficiently connected with England or liable to interfere with proceedings in Brazil. However, I do not consider any risk to have been clearly demonstrated, nor that any such risk constitutes a weighty factor in favour of a stay by reference to the Favero or Costa claims.Finally, and for completeness, I also see some force in the Claimants ’ general point that different outcomes may legitimately arise from separate claims in competition law contexts, even where they arise from a single alleged or proven cartel, given that each claim has to be assessed on the basis of its own pleadings and evidence. They cite as examples the trucks cartel litigation (one facet of which is Royal Mail Group Limited v DAF Trucks Limited & Others [2020] Bus LR 1795, [2020] CAT 7), and the interchange fees cases. As the UK Supreme Court said in one of the latter set of cases, Sainsbury ’ s Supermarkets Ltd v Visa Europe Services LLC & Others (cited in § 215 above), “It may also be observed that, contrary to what the Court of Appeal seems to have thought it would achieve by ordering a combined hearing in the CAT in the three sets of proceedings at issue in this appeal, that combined hearing will not produce a single, comprehensive determination of liability in relation to the other interchange fee damages claims. Those other claims will have to be determined in each case on the basis of the pleadings and the evidence adduced in that case” (§ 246). I accept that some caution is needed in seeking to make comparisons with these cases, bearing in mind that the trucks litigations flow from a single infringement decision by the EU Commission, and in the interchange fees litigation there is now a single Supreme Court authority setting out what is required in order to demonstrate infringement. On the other hand, individual claimants in, for examples, the trucks claims will still have to prove how the infringement impacted on the prices they paid, and so scope for logically inconsistent judicial findings remains.

My overall conclusion is that, even to the extent that some of the factors discussed in § 222 might when taken alone support the case for a stay, they are (to the extent relevant) clearly outweighed by the considerations referred to in §§ 215-220 above, which in my view point indicate that a stay by reference to the Favero or Costa claims would not promote the interests of justice.

(g) Overall conclusion and discretionFor the reasons set out above:

i) I do not consider that it is or would be expedient to hear and determine the claims against Cutrale Snr brought by the Sanches Claimants and the Viegas Claimants (leaving aside those purportedly added on 23 January 2020) together with the Favero or Costa claims to avoid the risk of irreconcilable judgments resulting from separate proceedings;

ii) I would expect that the courts of Brazil would, in principle, give judgments capable of recognition and, where applicable, of enforcement in England & Wales; and

iii) I am not satisfied that a stay is necessary for the proper administration of justice.

(h) Additional claimants in the Viegas claim109 Claimants were purportedly added to the Viegas claim by amendments under CPR r.17.1 on 23 January 2020. The Defendants submit that:

i) it was not permissible to add these Claimants by way of amendment under CPR r.17.1 and the Defendants reserve the right to apply to strike out these claims in the event that the present application under CPR Part 11 is unsuccessful (see Various Claimants v G4S [2021] 4 WLR 46); and

ii) without prejudice to (i) above, the earliest the English court could have been seised in respect of those 109 Claimants is 23 January 2020 (see Starlight Shipping Co (‘The Alexandros T ’ ) §60). This is after the date of issue of all of the Brazilian claims, save for the Jotto claim.The Defendants also do not accept that the Viegas claim is properly pursued on behalf of Claimants added or altered by purported amendments under CPR r.17.1 on 22 November 2019, and reserve the right to strike out such claims in the event that the present application is unsuccessful. However, they do not contend that this particular point affects the present application.

As to the 109 Claimants added on 23 January 2020, the Claimants do not dispute that the court cannot have become seised of their claims before that date, albeit they point out that 107 of the 109 were substituted as claimants, for example following death.

In principle, the Defendants could seek a stay of these Claimants ’ claims by reference to the proceedings commenced in Brazil later than the Favero and Costa actions. Further, the argument that the actions are related would be stronger to the extent that Sucocítrico Cutrale is a party to the later actions; and there might be lesser objection based on delays, simply by virtue of the fact that the later actions have been going on for much shorter times than the Favero and Costa actions.

Conversely, it is unclear whether, and if so when, any of the later actions will reach the merits of the claims, given that the Teles, Neto and Jotto have been dismissed on limitation grounds, subject to the outcome of appeals; and relatively little is known about the Ardengue claim as it is subject to judicial secrecy (albeit it may be reasonable to infer that the essential claims made against Sucocítrico Cutrale are similar to those in the Teles, Neto and Jotto actions). In addition, none of these actions can be expected to involve findings about the liability of individuals in a position similar to Cutrale Snr.

Most importantly, in my view, it is difficult to see how it could be expedient to stay these 109 claims pending proceedings in Brazil in circumstances where they raise the same claims (brought in the same proceedings here) as the other 1,400 or so claims which are not to be so stayed. That would lead to yet further fragmentation and would be highly inexpedient. (For completeness, I do not consider this point to be one that could be made in reverse: Article 34 does not permit this court to stay the original claims in England by reference to (a) actions subsequently commenced in Brazil, still less (b) proceedings which the 109 Claimants might in future bring in Brazil if their claims in England were stayed.)

For these reasons, I do not consider that the 109 later claims in the Viegas action should be stayed pending any of the proceedings in Brazil.

(2) Cutrale Jnr: stay under Article 28 of the Lugano ConventionCutrale Jnr has not provided a witness statement in this application. However, he submits that if the criteria under Article 6 of the Lugano Convention are met, the claims against him should be stayed pursuant to Article 28 because of the ongoing proceedings in Brazil. Article 28 provides:

“1. Where related actions are pending in the courts of different States bound by this Convention, any court other than the court first seised may stay its proceedings.

2. Where these actions are pending at first instance, any court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the court first seised has jurisdiction over the actions in question and its law permits the consolidation thereof.

3. For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings. ”Article 28 of the Lugano Convention can be given reflexive effect to apply to non-Lugano Convention states: Kolomoisky (CA) at §§161-181, a conclusion which the Court of Appeal explained on the basis that it would “avoid the risk of inconsistent judgments”. The concept of whether claims are related under Article 34 of Brussels Recast or Article 28 of the Lugano Convention is the same: Kolomoisky (CA) at §182. Cutrale Jnr accordingly adopts the submissions relating to Cutrale Snr, mutatis mutandis, which he submits apply equally to the claims advanced against him in England.

Article 28 Lugano does not expressly pose the question in Article 34(1)(c) Brussels Recast, i.e whether a stay is necessary for the proper administration of justice. However, that is plainly a consideration to be taken into account when exercising the discretion which Article 28 confers.

The considerations set out in section (G)(1) above in relation to Cutrale Snr also apply in relation to Cutrale Jnr. For those reasons, I do not consider that the claims against Cutrale Jnr should be stayed in the light of the relevant proceedings in Brazil.

(3) Sucocitrico: stay under Article 33 or 34 Brussels RecastI consider in this section whether, in the event that I were wrong in my earlier conclusions that Sucocítrico Cutrale is not domiciled and does not have a place of business in England and Wales, the court would nonetheless have granted a stay pursuant to Article 33 or 34 of the Recast Brussels Convention.

Article 33 of Brussels Recast provides:

“1. Where jurisdiction is based on Article 4 or on Articles 7, 8 or 9 and proceedings are pending before a court of a third State at the time when a court in a Member State is seised of an action involving the same cause of action and between the same parties as the proceedings in the court of the third State, the court of the Member State may stay the proceedings if:

(a) it is expected that the court of the third State will give a judgment capable of recognition and, where applicable, of enforcement in that Member State; and

(b) the court of the Member State is satisfied that a stay is necessary for the proper administration of justice. …”Article 34 is quoted in § 147 above.

As a preliminary point, the Defendants submitted in their skeleton argument that the Claimants failed to take steps necessary to effect service on Sucocitrico, because for the reasons considered earlier the Claimants were not entitled to serve it at an address within the jurisdiction under CPR r.6.9(2): instead, the Claimants required the permission of the court to serve out of the jurisdiction under CPR r.6.37; the claim forms were therefore not served within six months of the date of issue as required by CPR r.7.5; and accordingly the English court is not the court first seised for the purposes of Article 33 of Brussels Recast and Sucocítrico Cutrale is entitled to rely on all of the Brazilian claims for these purposes.

However, a submission of that nature would be relevant only if the Claimants had sought to found jurisdiction over Sucocítrico Cutrale on some basis other than having its domicile or a place of business in the jurisdiction. The Claimants have not done so, but have instead asserted jurisdiction only on those two alternative bases. As a result, the Claimants have not sought permission to serve the claims on Sucocítrico Cutrale out of the jurisdiction, since if they are right about the basis of jurisdiction no such permission is required: either they are entitled to serve proceedings out of the jurisdiction as of right based on Sucocítrico Cutrale being domiciled here, or they are entitled to serve within the jurisdiction at Sucocítrico ’ s place of business here.

As a result, for present purposes only the Favero and Costa claims can be regarded as having been pending in Brazil at the time the present proceedings were commenced, subject only to the point about the 109 claimants added later to the Viegas claim (whose position is discussed in section (G)(1)(h) above).

So far as Article 33 is concerned, the Defendants do not seek to argue that a stay should or could be granted by reference to the Favero or Costa claims. The present proceedings are not “between the same parties” as either of those claims (whether or not there are additional parties in either the English or the Brazil proceedings, which would not prevent the application of Article 33: see Federal Republic of Nigeria at §§43, 48-49). None of the Defendants to the present proceedings is a party to the Favero or Costa claims.

As to Article 34, many of the same considerations as I consider in section (G)(1) above would again apply. The main difference is that the objection that the Favero and Costa claims will not address the liability of individuals such as Cutrale Snr and Cutrale Jnr would not be relevant. However, the majority of the other matters I consider in that earlier section would still apply, including almost all of those summarised in §§ 207-210 and 215-220 above. For those reasons, I would not have granted a stay under Article 34 of the claims against Sucocítrico Cutrale.

(4) Sucocítrico Cutrale and Cutrale Snr: forum non conveniens stayI consider here, again hypothetically, whether I would have stayed the claims against Sucocítrico Cutrale and/or Cutrale Snr on forum non conveniens grounds, if I had concluded that (1) Sucocítrico Cutrale was not domiciled here but did have a place of business here on which the Claimants had been entitled to serve the company pursuant to CPR 6.9(2), or (2) Cutrale Snr was not domiciled here and could be sued here only based on having been served in the jurisdiction, or (3) both (1) and (2) applied. The issue would potentially have arisen in relation to Cutrale Snr as well as Sucocitrico, absent my conclusion about Cutrale Snr ’ s domicile. That is because although Cutrale Snr does not dispute having been served in the jurisdiction, he argued that the claim against him should be stayed on forum non conveniens grounds.

(a) PrinciplesThe key principles were summarised by Lord Briggs in Vedanta:

“The best known fleshed-out description of the concept is to be found in Lord Goff of Chieveley ’ s famous speech in the Spiliada case [1987] AC 460, 475-484, summarised much more recently by Lord Collins JSC in the Altimo case [2012] 1 WLR 1804, para 88 as follows: ‘the task of the court is to identify the forum in which the case can be suitably tried for the interests of all the parties and for the ends of justice… ’ That concept generally requires a summary examination of connecting factors between the case and one or more jurisdictions in which it could be litigated. Those include matters of practical convenience such as accessibility to courts for parties and witnesses and the availability of a common language so as to minimise the expense and potential for distortion involved in translation of evidence. Although they are important, they are not necessarily conclusive. Connecting factors also include matters such as the system of law which will be applied to decide the issues, the place where the wrongful act or omission occurred and the place where the harm occurred. ” (§ 66)The court typically approaches this in two stages in cases such as the present one where permission to serve out is not required:

i) the burden is on the applicant to show that there is another available forum which is clearly or distinctly more appropriate than the English forum (see, e.g , Traxys Europe SA v Sodexmines Nigeria Ltd [2020] EWHC 2195 (Comm) §11; Satfinance Investment Ltd v Athena Art Finance Corp [2020] EWHC 3527 (Ch) § 95); and

ii) if the applicant satisfies that burden, the respondent must satisfy the court that there is nevertheless some reason why it would be unjust for the English proceedings to be stayed in favour of the foreign forum (see, e.g , Traxys §§8 and 11).An example of (ii) above arises where a claimant alleges an inability to obtain justice in the competent overseas forum:

“The question whether there is a real risk that substantial justice will be unobtainable is generally treated as separate and distinct from the balancing of the connecting factors which lies at the heart of the issue as to proper place, but that is more because it calls for a separate and careful analysis of distinctly different evidence than because it is an inherently different question. If there is a real risk of the denial of substantial justice in a particular jurisdiction, then it seems to me obvious that it is unlikely to be a forum in which the case can be tried most suitably for the interests of the parties and the ends of justice. ” (Vedanta § 88)Delays in the overseas forum appear to have been classified as going to the question of whether there is a real risk that substantial justice will be unobtainable, rather than the prior question of whether it is clearly or distinctly more appropriate than the English forum. (The position in that respect may be contrasted with recital 24 to Brussels Recast, which includes as one of the various ‘proper administration of justice ’ considerations the question of whether the court of the third State can be expected to give a judgment “within a reasonable time”.) Thus in The “Vishva Ajay” [1989] 2 Lloyds Law Report 558, 560 Sheen J referred to evidence that in the High Court of Bombay many actions did not reach trial in less than ten years and it would be wholly ***exceptional*** for an action to come on for trial in less than six years, stating that “[d]elay of this magnitude seems to me to be a denial of justice”. In Konamaneni v Rolls-Royce International Industrial Power (India) Ltd [2002] 1 WLR 1269 Lawrence Collins J said:

“177. Delay has been a factor taken into account in cases involving applications to stay on the ground that India is the appropriate forum: see The Jalakrishna [1983] 2 Lloyd's Rep 628 and The Vishva Ajay [1989] 2 Lloyd's Rep 558 ; but contrast Radhakrishna Hospitality Service Private Ltd v EIH Ltd [1999] 2 Lloyd's Rep 249 . It is well known that in the past there were substantial delays in the Indian legal system, caused by the combination of an enormous population and an overworked and understaffed judiciary, but it is also well known that very great efforts have been made in recent years to reduce the backlog of cases. The evidence in this case goes nowhere near showing that it is so serious as to amount to a substantial injustice, and nowhere near showing that it is such as to deprive the claimants of any remedy at all. It is not seriously arguable that “substantial justice cannot be done” in India in relation to claims by Indian residents and NRIs (and their companies) in relation to an Indian company and its affairs, and it would be a substantial breach of comity to stigmatise the Indian legal system in that way. This is typically the situation in which the claimant will have to “take [the appropriate] forum as he finds it”: see Connelly v RTZ Corpn plc [1998] AC 854 , 872. ” (§ 177)

More recently, in Pike v Indian Hotels Co Ltd [2013] EWHC 4096 (QB), Stewart J preferred the claimants ’ expert evidence (delay of 15 years for a trial) over the defendant ’ s expert evidence (delay of 4 years for a trial), considered such delay to be a “very significant factor” (§ 60), and concluded that it would amount to a denial of justice (§ 71).The court should consider whether to exercise jurisdiction in light of the circumstances existing at the time of the determination of the application (Credit Agricole Indosuez v Unicof Ltd [2004] 1 Lloyd ’ s Rep 196 at §22; White Book at §11.1.3 (final sub-paragraph)).

The risk of irreconcilable judgments is a relevant factor. However, the presence of a UK-domiciled anchor defendant (i.e a defendant who can be sued as of right under Article 4(1) of Brussels Recast) should not be treated as a ‘trump card ’ if other factors point toward a different forum as the proper place for the dispute (see Vedanta at §§40, 67, 75, 83-85, 87). In particular, if the UK-domiciled anchor defendant offers to submit to the jurisdiction of the more appropriate forum, so that the whole case could be tried there, then the court is entitled to conclude that England is not the proper place for the trial of the claims and to stay the claims against the defendant who is not UK-domiciled (see Vedanta at §§40, 75, 87). As Lord Briggs stated at § 75:

“75 I have however been much more troubled by the absence of any particular focus by the judge upon the fact that, in this case, the anchor defendant, Vedanta, had by the time of the hearing offered to submit to the jurisdiction of the Zambian courts, so that the whole case could be tried there. This did not, of course, prevent the claimants from continuing against Vedanta in England, nor could it give rise to any basis for displacing article 4 as conferring a right to do so upon the claimants. But it does lead to this consequence, namely that the reason why the parallel pursuit of a claim in England against Vedanta and in Zambia against KCM would give rise to a risk of irreconcilable judgments is because the claimants have chosen to exercise that right to continue against Vedanta in England, rather than because Zambia is not an available forum for the pursuit of the claim against both defendants. In this case it is the claimants rather than the defendants who claim that the risk of irreconcilable judgments would be prejudicial to them. Why (it may be asked) should that risk be a decisive factor in the identification of the proper place, when it is a factor which the claimants, having a choice, have brought upon themselves?”It has been held to be generally preferable that a case should be tried in the country whose law applies. This factor is of particular force if issues of law are likely to be important and if there is evidence of relevant differences in the legal principles applicable to such issues in the alternative forum (Satfinance §98).

(b) Application

257. The Defendants submit that Brazil is the proper forum because:

i) The claim relates to alleged antitrust infringements that were committed in Brazil and restricted competition in markets in Brazil, causing harm to the Claimants there. The events giving rise to alleged liability are said to involve numerous Brazilian companies and a Brazilian industry association. Detailed questions are likely to arise about historic events in Brazil, such as dealings among a chain of persons ranging from lower level employees who dealt with individual fruit farmers, through junior managers and up to higher level managers, along with evidence about the alleged collusion with other companies. Evidence is also likely to be needed on questions such as why the Sucocítrico Cutrale group chose to grow some of its own fruit, the relevant labour markets in Brazil, the allegations about Sucocítrico Cutrale delaying entry of trucks into its premises, why individual farmers went out of business, what factors were affecting production volumes and prices at the relevant times, and numerous issues going to quantum. It would be ***unprecedented*** for the English court to hear a competition law case where the alleged infringement and effects occurred entirely outside the UK.

ii) The applicable law is Brazilian law. The expert evidence served for the purpose of this jurisdiction challenge is shows that (a) the substantive law relevant to competition damages actions is different in Brazil to the UK, and (b) there are disputes between the parties as to the content of Brazilian law. These are powerful factors in favour of a Brazilian forum.

iii) The vast majority of the witnesses will be based in Brazil. This includes the Claimants (who are all domiciled in Brazil) and Sucocítrico Cutrale ’ s employees (who are all based in Brazil).

iv) Most of the relevant documents are likely to be in Brazil.

v) Relevant documents are likely to be in Portuguese and most witnesses are likely to have Brazilian Portuguese as their first (and perhaps only) language. Even this jurisdiction challenge has required translation of witness statements for both sides, expert reports and numerous other documents. Proceedings in England would be significantly lengthened and rendered more expensive by the need for the extensive translation, and there is a risk of mistranslation leading to error.

vi) The Claimants do not suggest that there are insufficient assets within Brazil for a judgment to be enforced.

vii) Given that the Claimants rely heavily on regulatory proceedings, it is relevant that the responsible regulator and its records are based in Brazil (cf Vedanta at §85(vii)).

viii) There are various ongoing claims before the Brazilian courts concerning the alleged cartel, including proceedings issued in Brazil by a number of Claimants in this action. At the same time, the Claimants would not be obliged to seek to join any of them: it would be open to them to commence a singe action in Brazil against the Defendants.

ix) The Brazilian court would likely consider that it has exclusive jurisdiction over the claims pursuant to CPC Article 23. If the Brazilian court finds that it has exclusive jurisdiction, it is likely to be impossible to compel, in support of the English proceedings: (i) the production of documents within the control of third parties that are located in Brazil; or (ii) individuals based in Brazil to give evidence.

x) Even if the Brazil court would cooperate with requests for assistance from the English court, that ***process*** is much more cumbersome than for a Brazil court simply to subpoena a witness located in Brazil. CPC Article 401 contains a general power to obtain documents from third parties by such means.The Defendants submit that the claims against Sucocítrico Cutrale should be stayed even if Cutrale Snr is domiciled in England. He has confirmed that he would submit to the jurisdiction of the Brazilian court. In those circumstances, the risk of inconsistent judgments in England and Brazil would be insufficient to outweigh the other factors which point to Brazil as the proper place. Furthermore, the Defendants submit that the claims against Cutrale Snr are unnecessary and amount to a thinly pleaded and legally defective attempt to identify an anchor defendant.

As to the prospects of obtaining substantial justice in Brazil, the Defendants submit that:

i) Brazil has a sophisticated legal system which affords access to justice. There are indications in the evidence that the Brazilian courts have dealt with major competition litigation and has a competition law bar: for example, the claim brought by Electrolux against Whirlpool relating to the compressors cartel.

ii) There is no merit in the Claimants ’ contention that they would face excessive delay litigating in Brazil. First, delay in Brazil is not excessive and the Brazilian courts are equipped (indeed obliged) to case manage proceedings within reasonable timeframes. Secondly, three recent claims against Sucocítrico Cutrale regarding the alleged cartel have resulted in first instance judgments in Brazil within 12 months of proceedings being issued (dismissing each claim on limitation grounds). Thirdly, according to the Defendants ’ data analysis the mean duration of analogous competition damages claims in the High Court in England is seven years and seven months (and this is generally the time from issue until settlement, not until a final judgment). The Defendants point out in this context that the English courts have in practice sometimes aimed to manage cases together, with the result that cases commenced earlier can be delayed, citing as examples the trucks and air cargo litigations. There can also be preliminary issues and multiple appeals (e.g in the interchange fees and LCD actions). Fourthly, there is no merit in the Claimants ’ reliance on the fact that the Favero claim was filed on 23 January 2007 and is ongoing: the first instance judgment was delivered in 2009, and has since been subject to appeal by the claimants and interlocutory applications.

iii) Turner J in Municipio De Mariana at §§244-259 rejected an argument by Brazilian claimants that for similar reasons they would not obtain substantial justice in Brazil. The Defendants accept that the court is not bound by any factual findings made by Turner J in that claim. Turner J stated inter alia:

“255. In the context of delay in the Brazilian jurisdiction, I am entirely unpersuaded that proceedings in England would be more promptly concluded than would proceedings in Brazil. In particular:

(i) It is by no means unusual for group litigation in England to continue for many years. By way of example only, the British Coal Coke Oven Workers' Group Litigation, which was commenced over five years ago, has not yet been fully concluded (although it is hoped that it will be fairly soon). That case involves far fewer claimants and far less complex issues than would be engaged in attempting to deal with the instant claims;

(ii) It is difficult to overestimate the sheer enormity of the task which would face the English court. Even if it were to be assumed (contrary to my view) that such proceedings could be managed at all, they would be beset and delayed by chronic practical problems relating to difficulties in translation, constraints on witnesses accessing the court, and challenges involved in applying the law of an unfamiliar jurisdiction;

(iii) The progress of the English proceedings would be likely to be hobbled at every turn by parallel developments in Brazil;

(iv) Any claims in England would be required, probably by way of preliminary issue, to surmount the hurdle of demonstrating that the defendants owe the claimants the requisite duty as indirect polluters. This issue, which is likely to be contested, would inevitably involve a very complex and lengthy ***process*** and, even if it were to culminate in success for the claimants, would set back the consideration of issues of causation and quantum. No such fermata would impede proceedings in Brazil;

(v) Notwithstanding the undoubtedly sinuous path which the litigation in Brazil has so far taken, there are strong indications that Judge Mario is injecting a strong sense of forward momentum into the proceedings. It is not surprising that his initiatives have not yet been fully worked out and may be (and indeed in some cases are) subject to appellate challenge. However, on any objective assessment, the prospects of matters henceforth progressing in Brazil so slowly that it would become a significant factor under stage two of Spiliada are remote;

(vi) The complaint of delay is further undermined by the fact that so many claimants have already achieved at least some, if not full, redress in Brazil. ” (§ 255, footnotes omitted)

I note that the full Court of Appeal has granted permission to appeal from Turner J ’ s decision (see the reasoned judgment at [2021] EWCA Civ 1156).The claims undoubtedly have a number of strong connections with Brazil. There are also some cogent points to be made against the grant of a stay.

261. First, as to connecting factors:

i) Cutrale Snr, Cutrale Jnr and José Henrique Cutrale may be regarded as the most important witnesses in the case, and are certainly among the key witnesses. Two other members of the Family Board, Rosana and Graziela, may well also be witnesses. Three of the five are domiciled in England and none is domiciled in Brazil.

This factor is mitigated to a degree by the fact that Cutrale Snr and Cutrale Jnr have offered to submit to Brazilian jurisdiction and, presumably, would in that connection make themselves available to give evidence there.

ii) Cutrale Snr is understood to have substantial assets in England and Wales.

iii) The Defendants have shown themselves able to deploy factual and expert evidence in English, including from Sucocítrico Cutrale employees, rendering this a slightly less compelling factor in favour of a stay, though I would nonetheless not underestimate the burden which may arise from the need for translations.

262. Secondly, as regards evidence gathering in Brazil, Justice Peluso does not accept Justice Rezek ’ s suggestion that the Brazilian court would refuse to comply with a request from the English court in this case because it would regard itself as having exclusive jurisdiction. Brazil is a signatory to the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, and Justice Peluso states that the taking of depositions of Brazil-based witnesses by way of international cooperation is not only provided for in Brazilian law, but constitutes a recurrent practice in Brazil. Justice Rezek ’ s response is quoted in §225 above. As indicated in § 226 above, I do not consider it possible definitively to resolve the dispute between Justices Rezek and Peluso about whether, in practice, the Brazilian courts might refuse to provide any cooperation this court might request, or to enforce an English judgment against Cutrale Snr, on the grounds that the claim is insufficiently connected with England or liable to interfere with proceedings in Brazil. However, I do not consider any such risk to have been clearly demonstrated.

263. Thirdly, as regards delays in Brazil, the Claimants provide evidence from Professor Frazão, a Professor of Competition Law, as well as from Justice Peluso. Professor Frazão states that although the Brazilian Antitrust Law permits private law damages actions for breaches of its provisions, one of the great challenges facing antitrust lawsuits in Brazil is the length of time that such cases take, and private law cases under the Brazilian Antitrust Act have taken as long as 18 years. The lower average figures for completed cases are skewed by fuel cartels, which Professor Frazão explains contain idiosyncratic features. Cases that are not yet res judicata already have an average length of 16.5 years.Professor Frazão describes the enforcement of private law antitrust claims in Brazil as “nascent and underdeveloped” and the lack of success in enforcing antitrust claims as stark, even where (as here) the claim is preceded by a CADE enforcement action. Damages have been recovered in just six of 62 such cases. Professor Frazão believes one reason for this to be a reluctance by the Brazilian courts to recognise rulings of CADE adverse to those alleged to have breached the Antitrust Law. She adds that the problem is exacerbated by CADE ’ s consistent resistance to disclosing and sharing evidence of conduct in breach of the Antitrust Law, even where it has ruled that breaches occurred: though she does state that according to Brazilian law once the CADE investigation is over there should in principle be no problem (subject to protecting trade secrets) in the Brazil courts obtaining copies of documents produced by leniency applicants. Attempted reforms have stalled or have been ineffective. Professor Frazão ’ s evidence is supported by Justice Peluso, who refers to the “notorious problems of judicial delay which have not improved over time”, leading to “a tremendous backlog of cases”, and she refers to very serious delay in the conduct of private law competition claims in Brazil.

The Claimants criticise the Defendants ’ comparative data on the duration of private law competition claims in England on the basis that it groups individual actions together by reference to the underlying infringement (e.g the, at the time, 26 claims relating to card interchange fees) and takes a single, overall time period “[f]or convenience” and because “actions relating to the same or related alleged infringements of competition law are often case managed together, with issues relating to multiple actions determined at the same time”. The Defendants further suggest that where earlier actions are withdrawn, settled, struck out, or otherwise brought to a conclusion, parties to later actions will often ‘pick up the baton ’ left by the parties to the earlier actions.

However, as the Claimants point out, this methodology (which across the dataset affects 16 groups of antitrust actions comprising 79 individual actions) means that the start date for groups of individual actions is the date of the first issued claim in the group, while the end date is the date of the last individual action in the group to have concluded, even though (a) the first issued claim may have concluded earlier and (b) the last action to conclude may have been issued significantly later than the first issued claim. A striking example is that the Defendants ’ analysis includes two follow-on claims relating to LCD screens as a single group despite the first claim having settled almost two years prior to the second claim commencing, leading to an overall length of 10 years and 3 months for the grouping when the individual actions respectively lasted 3 years 1 month and 5 years 2 months. I accept the Claimants ’ point that the Defendants ’ approach is unilluminating to the extent that individual competition claims run their own course, as opposed to instances where actions are managed together as a group.

The Claimants ’ alternative analysis shows data based on the Defendants ’ approach alongside data arrived at by (a) treating all English competition law actions as individual actions notwithstanding that certain individual actions might be actively managed together by the courts and (b) separating out (i) individual actions not actively managed by the court in a group and (ii) groups of individual actions that are actively managed by the court as a single group, then combining the results in a single dataset. Applying this approach to all types of antitrust damages actions yields the following results:

Table 1: Duration of Concluded and Ongoing Antitrust Damages Actions (All Types) In England And Wales (Including CAT) and Brazil In Years (y) And Months (m)

England and Wales

Brazil per Professor

Defendants ’ approach

No grouping of individual actions

Grouping individual actions actively managed

by court as group

Frazão

Concluded

Action with

longest duration

11y, 5m

10y, 4m

11y, 5m

17y, 9m

Action with

shortest duration

6m

5m

5m

1y, 6m

Average length to

conclusion

3y, 4m

2y, 10m

2y, 10m

6y, 10m

Ongoing

Action with

longest duration

9y, 6m

9y, 6m

9y, 6m

14y, 8m

Action with

shortest duration

5m

5m

5m

2y, 3m

Average length to

date

3y, 11m

3y, 9m

3y, 9m

7y, 2m

All actions

Average length

3y, 6m

3y, 2m

3y, 2m

7y, 1m

268. The Claimants provide a further table of data, excluding as being less directly comparable to the present case (a) antitrust damages actions involving only a single claimant (or group of claimants from the same corporate group) in respect of the antitrust infringement in question, (b) collective proceedings in the CAT, and (c) antitrust damages actions based on abuse of dominance claims. This table does not show comparable data for Brazil because

there are no proper comparators in Brazil for High Court actions or follow-on antitrust actions with standalone elements:

Table 2: Duration of Concluded and Ongoing Antitrust Damages Actions (Excluding Single Claimant, Dominance,

And Collective Proceedings Cases) In England and Wales (Including CAT)

England and Wales

Defendants ’ approach

No grouping individual actions

of

Grouping individual actions actively managed by court as

group

Concluded

Average

Court

length

High

7y, 7m

3y, 7m

3y, 11m

Average length follow-

on and standalone

8y, 11m

3y, 9m

4y, 2m

Average

actions

length

all

6y, 9m

3y, 6m

3y, 10m

Ongoing

Average

Court

length

High

7y

3y, 2m

5y, 5m

Average length follow-

on and standalone

6y, 7m

1y, 10m

4y, 11m

Average actions

length

all

5y, 6m

3y, 2m

4y, 2m

The Defendants point out that many cases settled and would have taken longer had they reached court. Moreover, the statistics for English claims relate in large part to cases where the main documents and witnesses were located in England, by contrast with cases such as the present one where their presence abroad would be bound to take considerably longer. Nonetheless, I agree with the Claimants that this data suggests that the duration of antitrust damages actions in Brazil is in general materially longer than in England and Wales. The most straightforward comparison is between the figures in Table 1 for average length of cases when claims are not grouped (or not grouped unless actively managed as a group), viz 2 years 10 months in England and Wales versus 6 years 10 months in Brazil for concluded actions, and 3 years 9 months in England and Wales versus 7 years 2 months for ongoing actions.

Drawing these various strands together, the conclusions I would have come to on the forum non conveniens issues may be summarised as follows.

i) The connecting factors summarised in § 257 above, taking account also of the countervailing or mitigating considerations referred to in §§ 261 and 262 above, would have led me to the prima facie view that Brazil is clearly and distinctly the appropriate forum for these claims.

ii) That prima facie view does not take account of the significant risks of increased delay in Brazil discussed in §§ 259 and 263-269 above. Had it been appropriate to take those risks into account when assessing whether Brazil was clearly or distinctly the appropriate forum, they may have tipped the balance the other way. By contrast with the apparent situation in Município Mariana, I see no indication either of a body of claimants who have already obtained redress in Brazil, nor of any particular court or judge “inject[ing] a strong sense of forward momentum into the proceedings”.

iii) However, I apprehend the relevant question in the context of forum non conveniens to be whether the delays or other features of the Brazilian system result in a real risk that substantial justice will be unobtainable. That involves having regard to the generality of the cases which have been commenced in Brazil, and the likely course of the proceedings the Claimants would have to bring there, rather than (for example) simply the course of events in the Favero and Costa claims. Although the evidence about the delays in the Brazilian system is concerning, I am not convinced that it rises to the level of a demonstrated real risk of denial of substantial justice.

iv) Accordingly, by a fine margin, had the issue arisen I would have concluded that the proceedings should be stayed in favour of proceedings in Brazil.

v) In the light of the statements in Vedanta § 75 quoted earlier, that conclusion would have applied vis a vis Sucocítrico Cutrale whether or not the Claimants were entitled to continue their claims against Cutrale Snr in England and Wales pursuant to Article 4 of Brussels Recast. It would also have applied to the claims against Cutrale Snr himself if (contrary to my earlier conclusion) the Claimants were not entitled to sue him pursuant to Brussels Recast Article 4.

(H) CONCLUSIONSFor all these reasons I conclude that:

i) the Claimants do not have the better of the argument that Sucocítrico Cutrale is domiciled in England and Wales, so as to entitle them to sue it here pursuant to Brussels Recast Article 4;

ii) the Claimants do not have the better of the argument that Sucocítrico Cutrale has a place of business or place where it carries on its activities in England and Wales, so as to entitle them to sue it here pursuant to CPR 6.3(c)/6.9(2);

iii) the Claimants have the better of the argument that Cutrale Snr is domiciled in England and Wales, so as to entitle them to sue him here pursuant to Brussels Recast Article 4;

iv) the proceedings against Cutrale Snr should not be stayed pursuant to Brussels Recast Article 34;

v) the Claimants have the better of the argument that their claims against Cutrale Jnr fall within Lugano Convention Article 6(1); and

vi) the proceedings against Cutrale Jnr should not be stayed pursuant to Lugano Convention Article 28.This can scarcely hardly be regarded as a happy outcome, and it is not a tidy one. However, it is the conclusion which I consider I am bound to reach in all the circumstances. Those circumstances might be said to include, on the one hand, the obligatory nature of Brussels Recast Article 4 and the defined circumstances in which a stay can be justified pursuant to Article 34, and, conversely, the fact that jurisdiction was sought to be asserted against Sucocítrico Cutrale solely on the basis of domicile or place of business/activities. Thus, a situation where all proceedings against the present Defendants are brought in the same forum does not appear to me to be one which the court is able to ensure.

**Load-Date:** November 9, 2021

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[***NA Proactive news snapshot:Belmont Resources, Safe-T Group, Northstar Gold, PlantX Life, Benchmark Metals UPDATE***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64G9-2G81-JCMN-Y0NJ-00000-00&context=1516831)

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Jan 06, 2022( Proactive Investors: [*http://www.proactiveinvestors.com*](http://www.proactiveinvestors.com) Delivered by Newstex)

Belmont Resources Inc (TSX-V:BEA) has revealed encouraging new drill results from its Lone Star copper-gold project in Washington State that show multiple zones of mineralization. Drilling intersected wide zones of high-grade copper mineralization of up to 18.5%, with elevated gold up to 10.4 grams per ton (g/t) and silver up to 106 g/t. A standout intercept included 44.2 metres at 1.3% copper, including 19.8 metres at 2.4% copper in one hole, and 15.5 metres at 3.7% copper and 1.6 g/t gold in another. Safe-T Group (NASDAQ:SFET) Ltd has advised investors that its fourth-quarter revenue is likely to reach $3.6 million, an increase of more than 170% from the $1.3 million reported for the quarter ended December 31, 2020.The company, a global provider of cybersecurity and privacy solutions, said the expected increase will take full-year revenue to above $10 million, more than double the $4.8 million reported for its 2020 fiscal year.

'Operationally, 2021 was a significant year for Safe-T as our team achieved many milestones, including our expanded focus on the large, global consumer cybersecurity and privacy markets,' the company's CEO Shachar Daniel said in a statement. Northstar Gold Corp said its phase IIB surface exploration program at the Miller gold property near Kirkland Lake, Ontario hasextended the Allied Syenite gold zone 130 metres (m) to the east and southeast. Notably, this zone has now been defined by drilling and surface sampling to ***measure*** 350m by 200m and remains open along strike to the northwest and southeast. In all, 529 channel and 46 grab samples were collected from eight stripped areas on the Miller and Searles properties between July and October last year, reported the explorer. The best results came from two of the eight areas - C1 and C2 - with the former home to 14.79 grams per ton (g/t) gold over 7m and the latter housing 4.52 g/t of the precious metal over 4m, said the company. PlantX Life Inc has announced the opening of XMarket Caf at Rideau Hudson's Bay in Ottawa. The 100% plant-based caf features carefully crafted vegan beverages and plant-based food options with ingredients sourced from Ottawa businesses, including local bakery Marcie's Caf.Additionally, PlantX said it has opened signature XMarket shops at both Yorkdale and Rideau, offering a curated selection of plant-based products spanning grocery, home, personal care, pets, and more. Benchmark Metals Inc has reported the resumption of drilling this month to expand gold-silver zones at its flagship Lawyers Gold-Silver project in British Columbia. The program will continue from the 83,570 metres (m) completed in 2021 as the company anticipates drilling 20,000m during the winter drill program to expand and define the existing resource areas and to advance the new discovery at the Marmot Zone."Benchmark is leveraging its road accessible project by drilling during the winter months to deliver more results in early 2022 and to expedite the project towards a mining a decision,' CEO John Williamson said in a statement. Bloom Health Partners Inc (CSE:BLMH, OTCQB:BLMHF) announced that it has opened a new location in New Jersey to provide health services to the population-dense northeast seaboard. The new location will serve the surrounding metropolitan areas like New York City, Philadelphia, Boston and Washington, DC. Bloom's New Jersey facility will provide expanded laboratories for operational health services and diagnostic testing for Fortune 500 clients, sporting events, and film productions in the area. NEO Battery Materials Ltd announced that it has established and built a research and development (R&D) Scale-Up Centre at the Yonsei University of South Korea through NEO Battery Materials Korea (NBM Korea), a wholly-owned subsidiary. The Vancouver-based company said it entered into a collaborative development agreement with the university in May 2021 to develop and commercialize its proprietary nanocoating technology for silicon anode materials.Due to the increasing need for expanding space and procuring equipment to advance R&D and manufacturing activities, it said it decided to establish the independent scale-up centre through NBM Korea. With the active support of Yonsei University, it said it has successfully secured a strategic space of 4,300 square feetnext to testing and evaluation facilities within the university to develop its technology. CleanSpark Inc (NASDAQ:CLSK), a sustainable bitcoin mining and energy technology company, has released an unaudited Bitcoin production and operations update, saying that it held 633 of the cryptocurrency as of December 31, 2021. The Las Vegas, Neveda-based sustainable bitcoin mining and energy technology company said it sold 414 bitcoin during December 2021 at an average of $49,791 per bitcoin to support growth and operations. 'As of the date of this release, daily BTC production has reached a high of 9.5,' said the company. 'I'm tremendously proud of our teams that worked throughout the busy holiday season to get machines racked and ready,' CleanSpark CEO Zach Bradford said in a statement. 'As of today, we have added more than 550 PH/s of ***processing*** power in the three weeks since our December earnings call, and expect to reach our 2.0 EH/s milestone in the coming days.' Cabral Gold Inc (TSX-V:CBR) has outlined its plans for 2022 and provided a summary of successes achieved during 2021 at the Cuiú Cuiú gold district in northern Brazil. The company said it is looking forward to continuing its aggressive exploration program in 2022 and is planning an expanded drill program at its PDM target following encouraging drill results in December which included 22.4 metres (m) at4.8 grams per ton (g/t) gold from the granitic rocks below the recently identified gold-in-oxide blanket. This drilling will determine the dimensions and grade of the new mineralized zone. In addition, Cabral added, diamond drilling at the Central and MG gold deposits will continue with the objective of defining higher grade zones within both deposits, while testing for additional zones of mineralization. Reverse circulation (RC) drilling will also continue testing the overburden above the Central gold deposit with the objective of identifying a third gold-in-oxide blanket. Levitee Labs (CSE:LVT) Inc announced that it has formed a medical advisory board consisting of experts across a diverse group of fields, including addiction, mental health, drug development, compounding, chronic pain, policy, neurology, and psychedelics. The Vancouver, British Columbia-based company said that it methodically recruited each member of the new medical advisory board for their individual expertise and cumulative synergies that will facilitate expeditious and efficient growth through connections to other thought leaders and major players in all relevant industries. North Americans are faced with an ever-increasing crisis of mental health and addiction disorders that demand innovation to flatten and reverse the curve. Much like the United States, Canada suffered a 74% increase in opioid-related deaths over the course of the first six months of the coronavirus (COVID-19) pandemic. 'Providing effective, easily accessible treatment options to the millions of people suffering from substance abuse disorder is the foundation of our strategy and I am confident in the contributions the medical advisory board will make to meet all our goals by changing the existing paradigm," said Pouya Farmand, CEO at Levitee Labs in a statement. Fidelity Minerals Corp has outlined the recommendations of the author of an NI 43 101 technical report, as previously reported, for itsLas Huaquillas project in Peru ahead of a potential resource update for the asset, which includes 5,000 metres (m) of drilling. In a statement, the company said that it had now filed the report, which was authored by Luc Pigeon, on January 4, 2022, with an effective date of December 18, 2021. The NI 43-101 report summarizes the project's location, ownership, geological setting, mineralization, historical exploration and resource estimates and recommends future work. As reported in December 2021, confirmatory rock grab sampling was completed by the author as part of a site visit, which included a highlight of 9.7 grams per tonne (g/t) gold, 126 g/t silver, and 1.1% lead. In the report, Pigeon has recommended that a phase one exploration program be completed to include a community relations program and obtain surface access to exploration areas and in-fill soil sampling surveys over anomalous areas. Hapbee Technologies Inc (TSX-V:HAPB, OTCQB:HAPBF) has unveiled the latest generation of its smart wearable device and app at the highly influential consumer electronics show (CES) in Las Vega and told investors now is a "pivotal" time in human history as billions struggle with anxiety and stress amid the pandemic. The firm is also showcasing its Sleepbee Sleep Mask and Sleepbee Mattress Topper at this year's conference, which runs between January 5 and 8, 2022. Hapbee's technology has been 15 years in development and boasts over 16 US and 47 international patents covering recording and stimulation capabilities. The idea is users pair a Hapbee wearable device with their phone, place the band around their neck, the sleep mask on their eyes or lie down on the mattress topper and select a so-called Blend from the Hapbee app. Sassy Resources (CSE:SASY, OTCQB:SSYRF) Corporation announced that it has signed a binding letter of intent (LOI) to acquire up to 100% of the Highrock Uranium Project in Saskatchewan's Athabasca Basin from Forum Energy Metals Corp (TSX-V:FMC, OTCQB:FDCFF). The company said the drill-ready Highrock project is a potential high impact exploration play that gives its shareholders exposure to a dynamic sector benefiting from the global energy transition, which is driving significant new investment in nuclear demand.'This strategic initial foray into uranium makes Sassy the only junior resource company with exploration assets covering Northwest BC's Eskay Camp (home of our flagship Foremore Project), Saskatchewan's Athabasca Basin, and the Central Newfoundland Gold Belt - three world-class investor-friendly mining districts that provide a rock-solid foundation for Sassy's immediate and longer-term success,' Sassy president and CEO Mark Scott said in a statement. Vicinity Motor Corp has announced the receipt of a new C$3.5 million purchase order from North American private transit operator First Transit Inc for eight Vicinity Classic buses. Vancouver-based Vicinity said the 35-foot clean-diesel buses are due for delivery in 2022 and will service the city of Yellowknife in Canada's Northwest Territories. "Our Vicinity Classic buses continue to prove their popularity within the North American transit market as we continue to attract exciting orders from our continent-wide base of satisfied customers," Vicinity founder and CEO William Trainer said in a statement. "Our ability to grow alongside our customers and fulfill many of their transit needs as a one-stop-shop is invaluable, particularly as many transit authorities begin to evaluate electric vehicles to supplement or replace their conventional diesel fleets in service today,' he added. Thesis Gold Inc (TSX-V:TAU) has hailed initial drill results from the Ridge zone at its Ranch project in British Columbia, which showed strong continuity of high-grade gold and silver from near-surface to a vertical depth of 160 meters (m). The assays come from the first six of a 12-hole program last year at Ridge, during the firm'sinaugural drill program at the asset in the Golden Horseshoe area. Notably, one hole returned 27m core length at a grade of 6.78 grams per ton (g/t) gold and 161.74 g/t silver, starting from a depth of 131m, which included an intercept of 10m at 16.28 g/t gold and 179.96 g/t silver starting at 143m. Another hole showed 12.4m at 1,47 g/t gold and 49.8 g/t silver from 47.6m depth. "These strong results from Ridge continue to show the significant potential of this sparsely drilled Zone," said Ewan Webster, Thesis CEO, in a statement. Logiq Inc,a provider of e-commerce and fintech business enablement solutions, told investors it expects to report an 87% rise in fourth-quarter revenue to a record $12.3 million.The company said its gross margin for the three months to December 31, 2021, is also expected to expand to record levels, exceeding 34%, from 29.5% in Q3 and 21.1% in the same year-ago quarter. It said the results exceed its earlier 4Q revenue guidance by $2.3 million, reflecting an ***exceptionally*** strong finish to the year. It also puts full-year revenue on track to total approximately $36.5 million, while its 4Q gross margin is expected to exceed earlier guidance by 100 basis points. Vuzix Corporation (NASDAQ:VUZI) hasannounced a collaboration with Fielmann Group, one of the largest manufacturers of glasses and eyewear products in the world, and TeamViewer, an AR productivity solution platform provider and Vuzix value-added reseller. Hamburg, Germany-based Fielmann currently supports over 11,000 enterprise customers and provides individual workstation and protection glasses, as well as hearing protection, to over100,000 employees across Europe. Fielmann also has an existing relationship with TeamViewer. It is currently assisting companies with the selection of suitable glasses, fitting of smart glasses, and training their staff. Vuzix said that the collaboration with Fielmann will enable itto offercustomers a variety of purpose-built frames that provide the enterprise worker with options that are comfortable and attractive to support all-day usage to complement its enterprise-leading Vuzix M400 and Vuzix M4000 smart glasses. Lucky Minerals (TSX-V:LKY, OTC:LKMNF)Inc has announced a strategic partnership with Hubbard Drilling Services ahead on an upcoming drill program at the Wayka gold discovery on its Fortuna project in 2022. The firm also announced a non-brokered private placement to raise just over C$2 million to support its drill program. Under the partnership, Vancouver-based Lucky said it inked a non-binding letter of intent with Hubbard's Ecuadorian subsidiary for drilling services, to be satisfied in Lucky shares. Todos Medical Ltdchief executive officer Gerald Commissiong has issued a letter to shareholders outlining the company's progress towards a Nasdaq uplisting expected in the first half of 2022, itsacquisition of NLC Pharma assets, and coronavirus (COVID-19) testing. Commissiong told investors that Todos expects the clinical data from the Phase 2 clinical trial of its botanical drug candidate Tollovir to be released on January 26 and will provide further details around the data's release in the weeks ahead. "We believe the data will be a revaluation event for Todos and thereafter we will strategically plan on the best path to achieve the Nasdaq listing that has been a key stated objective for some time," he said. Nextech AR Solutions Corp has announced the signing of multiple CAD to POLY deals across a variety of industries including Brunswick (NYSE:BC) Corporation, Jacuzzi Brands LLC, and Ford Motor Company (NYSE:F). With the announcement, Nextech said it is validating its proprietary CAD-Poly 3D modeling technology called ARitize CAD.The company said it believes that its CAD-Poly technology is a 'game changer' for the manufacturing industry, as itenablesthe conversion of CAD files into 3D AR models at scale at a price and quality that the company believes isbest in class. CAD is a function of product engineering. Golden Tag Resources Ltd told investors that diamond drilling at its San Diego project in Mexico was expected to get going within days after the work paused at year-end. The now expanded 4,500-metre (m) program is following up on 4,716m of drilling, which were completed and reported in the first half of last year. In the fourth quarter of last year, 1,675 samples were sent to the lab and assays from the first hole are expected shortly, the company also noted. BioHarvest Sciences Inc has posted another strong quarter of sales growth for VINIA, its nutrient-rich red grape supplement, in both its primary markets of Israel and the United States. For the fourth quarter ended December 31, 2021, the biotech reported sales orders of 825,000 from its direct-to-consumer ecommerce business, up 17% from the third quarter. The firm said it also represented 'triple the sales orders from the same quarter in 2020.' BioHarvest also broke down the sales number, showing how its dietary supplement VINIA fared in its primary markets. In Israel, BioHarvest reported record sales orders of US$501,000 in4Q, up 11% over3Q and 84% over 4Q 2020. CO2 GRO Inc (TSX-V:GROW, OTCQB:BLONF) has told investors that three months into a commercial feasibility study using its CO2 Delivery Solutions system at a California greenhouse yield targets are being met and its Pathogen Perimeter Protection is also successfully suppressing powdery mildew.In a progress update, the Toronto-based company said both factors are a key focus of the commercial feasibility.The greenhouse facilities, which are being kept confidential for competitive reasons, are expanding to 20 acres (800,000 sure feet) over the course of 2022, CO2 Gro said. The commercial feasibility will run for at least another six months until a decision is made to purchase a commercial installation fora portion or all of the 800,000 square foot expansion, it added. FPX Nickel Corp (TSX-V:FPX)said that it has confirmed the continuation of a new nickel discovery at the Van target on its Decar nickel project in central British Columbia. Drill results from the final three holes in the 2021 program revealed the continued near-surface lateral extension of the discovery, according to a statement from the company. FPX told shareholders that the results complement the first four discovery holes, meaning the first seven Van holes define a zone of strong awaruite nickel mineralization approximately 400 to 750 meters wide and up to 750 meters long, to downhole depths of up to 350 meters. Phunware Inc (NASDAQ:PHUN)has announced two new strategic supplier relationships in support of a Consumer Electronics Show-inspired series of optimized high-performance computers provided by its LYTE Technology business unit. 'With these new strategic supplier relationships, we took the guesswork out of selecting the right personal computer systems for power users' needs,' said Caleb Borgstrom, vice president and general manager of LYTE by Phunware, in a statement. 'Phunware launched these four newly optimized personal computers designed specifically for high-end gamers, traders, streamers and cryptocurrency miners in conjunction with CES in Las Vegas.' Kodiak Copper Corp has told investors that 2022 is shaping up to be a potentially transformative year for the company as it embarks on another exploration season at its flagship MPD copper-gold project in Southern British Columbia, as well as a maiden drill program at its Mohave copper porphyry project in Arizona.In an annual letter to investors, the company's president and CEO Claudia Tornquist said the chance for more discoveries, combined with its strong treasury and share structure presents a compelling opportunity to create value for shareholders. Prospects for 2022 follow what Tornquist described as a 'momentous year' in 2021 as Kodiak executed the largest drill program in the history of the 100% owned MPD project and built upon its discovery success. NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n) Technology Inc has announced the appointmentof Sholeh Atash as its chief operating officer. The company noted that MsAtash brings over 15 years of experience in the technology and finance sectors, and has a proven ability to scale teams and build sustainable growth. At NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n), Atash will have executive oversight over the day-to-day operations of the company to ensure that all key performance metrics are met.In her previous positions, the company said, Atash demonstrated critical skills in recruitment, finance, product development, and capability management. AMPD Ventures Inc has announced that Ian Wilms has joined the company as vice president of Business Development and Government Affairs to accelerate its domestic and international growth. The company noted that Wilms is a seasoned senior executive with over 26 years of experience. For 14 years, he led procurement, consulting, and public safety teams across Canada and Latin America for IBM. "AMPD is currently seeing ***unprecedented*** growth and we expect this to continue as we launch numerous initiatives to develop multiple revenue streams and recurring revenue. With Ian joining our management team, the Company will be better positioned to execute on our aggressive growth strategy," the company's CEO, Anthony Brown said in a statement. Binovi Technologies Corp said it has appointed Jatinder Dhaliwal as its chief executive officer and to the company's board of directors. A registered pharmacist, Dhaliwal is the director of multiple publicly traded companies and has extensive knowledge in ***agricultural***, medical and pharmaceutical operations, Binovi said. 'With Mr. Dhaliwal's appointment, Binovi will enhance its access to capital markets and health care industry networks, which will be valuable assets towards the execution on Binovi's strategy and conversion of business prospects,' said Terry Booth, chairman of the board in a statement. GameSquare Esports Inc has congratulated its CEO, Justin Kenna, and Christina Grushkin, head of sales for its Complexity Gaming business, for being named as top executives defining the future of advertising in video games and esports by Business Insider. The Business Insider list includes executives from leading companies such as Anheuser-Busch, McDonald's, Verizon, State Farm, Nike, and Honda as well as top agencies and esports organizations like Dentsu, Omnicom Media Group, and Evil Geniuses. The article, published by Business Insider, highlights the acquisitions that GameSquare has completed under Kenna's tenure as CEO and the positive impact that the business can have on satisfying advertisers' needs around marketing, talent management, and organizing events. Business Insider also noted that Complexity Gaming provides sponsorship opportunities for brands and that Grushkin, is key to these efforts. BetterLife Pharma Inc (CSE:BETR, OTCQB:BETRF) said it is pleased to share that Dr Eleanor Fish, a member of the company's Advisory Board has been appointed to the Order of Canada on December 29, 2021. The company noted that Dr Fish was bestowed this order for her contributions to immunology, including her groundbreaking studies on the use of interferon-alpha in the treatment of disease. 'On behalf of our entire team at BetterLife and Altum, we want to congratulate Dr. Fish for receiving this distinguished honor. We are very privileged to have Dr. Fish as one of the Principal Investigators of Altum's Phase 2 study currently underway at Pontificia Universidad Católica de Chile. Her expertise and support to develop our interferon-alpha2b program, AP-003, will be essential as we move forward through our clinical trials in 2022,' said BetterLife's chief executive officer, Dr Ahmad Doroudian. Mednow Inc (TSX-V:MNOW, OTCQB:MDNWF) said the TSX Venture Exchange has accepted for filing a non-arm's-length share purchase agreement dated December 20, 2021, between Liver Care Canada Inc., the shareholders of Liver Care and Mednow, whereby the company is to acquire all of the issued and outstanding shares of Liver Care for an initial cash payment in the amount of $65,000 and two subsequent earnout payments in the amount of 0.1 times the revenue generated by Liver Care in each of its 2022 and 2023 financial years. Mobilum Technologies Inc said it has granted an aggregate of 4.85 million incentive stock options to certain members of its board, employees and advisers. The options are exercisable at a price of 28 cents per share for a period of five years, and a portion of the options are subject to vesting stages. The options have been granted under and are governed by the terms of the company's incentive stock option plan. Sigma Lithium Corp (TSX-V:SGML, OTCQB:SGMLF, NASDAQ:SGML) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced on December 10, 2021, December 13, 2021, and December 17, 2021, which will see the issue of 11,634,137 common shares at a purchase price of $11.75 per common share with 38 placees. Melkior Resources Inc said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced December 16, 2021, that will see the issue of 2.1 million flow-through shares at a purchase price of 40 cents per flow-through share with four placees. Fireweed Zinc Ltd (TSX-V:FWZ) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced November 24, 2021, December 6, 2021, and December 8, 2021, which will see the issue of 6,473,000 flow-through shares at a purchase price of 80 cents per flow-through share with 24 placees. Zynerba Pharmaceuticals (NASDAQ:ZYNE) Inc has announced that Armando Anido, its chairman and chief executive officer will present during the H.C. Wainwright BioConnect Conference being held virtually January 10-13, 2022. A webcast of the presentation will be available on-demand beginning January 10, 2022, at 7.00am ET under the Events & Webcasts tab of the Investors section of the Zynerba website at [*www.zynerba.com*](http://www.zynerba.com). An archived replay will be available on the company's website following the event for 60 days. BioSig Technologies, Inc has announced that it will present at the 24th Annual Virtual Needham Growth Conference on Friday, January 14, 2022 at 4.15pm ET. To register for the live webcast of the event, investors can click here: [*https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282*](https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282). A replay of the presentation will also be available on the BioSig Website.

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[***LEGISLATIVE SESSION; Congressional Record Vol. 168, No. 57 (Senate - March 31, 2022)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6556-D3N1-F0YC-N4KW-00000-00&context=1516831)

Impact News Service

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**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R 4373, which the clerk will report. The senior assistant legislative clerk read as follows: Motion to proceed to H.R 4373, a bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes. The ACTING PRESIDENT pro tempore. The Senator from Alaska. rabbi mendy greenberg Mr. SULLIVAN. Madam President, thank you for allowing me to open the Senate with you. It was a true honor to have Rabbi Mendy Greenberg, who is doing amazing work in Palmer, AK, open the Senate with his very powerful and meaningful prayer and very appropriate prayer for what is happening in the world. I just want to say a little bit about our incredible Jewish community in Alaska. Rabbi Greenberg's parents are actually up in the Gallery watching--his father, Rabbi Greenberg and his incredible wife, Esti. I just want to say what they do for our--community--communities throughout Alaska--is so powerful, so meaningful, and touches so many lives way beyond the Jewish community of Alaska--way beyond that community. I love the phrase referring to our wonderful Jewish community of Alaska, the ``frozen chosen,'' because it is a little cold in our State, as most Americans know. But here is the thing about this community: They are incredible in terms of [[Page S1876]] bringing all Alaskans together. We have this annual event called the Jewish Gala that has hundreds and hundreds of Alaskans of all faiths who participate in this every year. It is one of my favorite things to do as an Alaskan, to come and celebrate not just the Jewish community, but the spirit of togetherness, the spirit of faith, and the spirit of taking care of one another. That is what this incredible community does, led by both Rabbi Greenbergs, who we saw the younger today give this very powerful prayer. I want to thank him and his parents for being here today. It is not always easy to get to DC from Alaska--a couple of thousand miles at least. To our Jewish community back home, to the Greenbergs for all they have done, I just want to, on the Senate floor here, offer my deepest thanks for the example they set for the entire State of Alaska. It is great having them here, and what they do for our State is really powerful, really important. Thank you, Madam President, for allowing me to participate in the opening and the prayer this morning. I yield the floor. Recognition of the Majority Leader The ACTING PRESIDENT pro tempore. The majority leader is recognized. H.R 4373 Mr. SCHUMER. Madam President, first on COVID negotiations, yesterday, I met with a group of my colleagues--Senators Murray, Coons, Romney, Blunt, Burr, and Graham--for another round of talks as we work toward a bipartisan COVID agreement. We spoke throughout the day; we talked late into the night; our staffs are continuing talks this morning. The gap has been narrowed greatly, and we are intent on working with Republicans to cross the finish line because this is vital for our country if, God forbid, a new variant arises in the future, and that is all too likely. We would like considerably more money than our Republican colleagues, but we need to reach 60 votes to get something passed through the Senate, and so we are going to push as hard as we can. When it comes to replenishing COVID response funding, we simply can't afford to kick the can down the road. The White House has been more than clear and more than transparent about the fact that public funds for COVID are at risk of running out. We all know that a possible future variant can quickly undo much of the progress we have made against the virus, so it makes no sense whatsoever to hold off on COVID funding that we know is very much needed right now. The more we wait, the bigger the problem will be later, God forbid a variant hits. The bottom line is this: Both sides should work to complete COVID funding soon because that will mean more vaccines, more therapeutics, and more testing so we can keep schools and communities open. We can stay ``back to normal,'' which we are doing right now. Woe is us if a future variant extends its nasty tentacles across the country, and we don't have the resources in place to respond. Woe is us. So, again, I am pleading with my Republican colleagues: Join us. We want more than you do, but we have to get something done. We have to get something done. We will keep working to arrive at a deal in good faith, and we hope-- hope, hope, hope--our Republican colleagues ultimately join us in supporting a robust enough package to deal with this problem. As I said, we are making good progress. We are getting closer and closer, but the sooner we get this deal done, the better for the country. Business Before the Senate Madam President, on cost cutting, it has been a productive few days here on the Senate floor as we pass legislation that will help reduce costs, relieve supply chains, and build on the incredible economic growth we have seen under President Biden. I am glad to announce that the Senate is on track to pass bipartisan legislation by Senators Klobuchar and Thune to reform unfair shipping practices that are clogging up our ports, diminishing American exports, hurting our farmers, and ultimately hurting consumers. It hurts both ways when shipping costs go way up, as they have. The exports we send over--a lot of it ***agricultural*** goods--the imports that come back--a lot of it consumer goods--all are higher priced, and Americans pay that higher price. So the bipartisan shipping bill is exactly the sort of thing the Senate should focus on because when there is a logjam at the Port of Los Angeles, it hurts farmers and small businesses in Minnesota, North Dakota, and across the country, and it hurts consumers in every corner of the country, from Portland, ME, to San Diego, from Seattle to Miami, New York, and everywhere in between. So I am glad we are making progress to getting this legislation done. The sooner the better, again. The legislation, of course, is not the only step we have taken this week to strengthen supply chains to help lower costs throughout the economy. Earlier this week, the Senate passed a strongly bipartisan jobs and competitiveness bill in the works for over a year, which will help increase our domestic manufacturing, help address the critical chip shortage, and grow our economy by investing in American innovation. Yesterday, the House passed a motion requesting a conference committee, and the Senate will soon do the same. We are on track to initiating a conference, hopefully, before the end of this work period. Off the floor, committees held numerous hearings zeroing in on the many dimensions of our lowering cost agenda. To name just a few examples, the Banking Committee held a hearing on Monday on the growing burden of medical debt, a problem that is facing so many Americans. The Small Business Committee also held a hearing yesterday exploring the supply chain crisis and its implications for smaller businesses, including struggling restaurants. And, today, the Banking Committee is on the matter of seniors who struggle with affordable housing. These are just a few examples of how, both off the floor and on, Democrats are continuing our focus on legislation that will lower costs, help American families, and solve the deep and difficult challenges that everyday Americans face to make ends meet. And we are going to keep pushing in the months ahead to translate these ideas into legislation we can consider here in the Chamber, as we are doing with shipping right now. I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll. The senior assistant clerk proceeded to call the roll. Mr. McCONNELL. Madam 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 Republican leader is recognized. Border Security Mr. McCONNELL. Madam President, well, the Biden administration is on track for another record-shattering year on our southern border--in all the wrong ways. The Department of Homeland Security is reportedly preparing for up to 18,000 attempted border crossings per day--18,000 per day. President Biden's border crisis is a symptom of the modern Democratic Party's inability to support any remotely reasonable policy of border enforcement. Now, thus far, the Biden administration has kept the chaos at least somewhat in check by leaning on emergency authorities that are specific to the COVID pandemic. To be clear, even with these title 42 authorities in place, our border has still been in crisis. Last month was the worst February in more than 20 years. We just saw the worst 12- month period for illegal crossings since at least--listen to this-- 1960. This is with title 42 in place. Just imagine if President Biden kills it. But the open-borders far left doesn't like title 42. So now, according to public reports, the Biden administration is preparing to cave to the radicals, end title 42, and effectively throw our borders completely wide open. Ending title 42 without any real border security plan in place would spark a humanitarian and security crisis like we have never seen before. But it is pretty obvious the far left doesn't care. Open borders are their objective. So at the same time Washington Democrats are pushing for more Federal spending on the pandemic, they [[Page S1877]] want to declare the pandemic is finished at our southern border. This doesn't add up. Throwing the floodgates open for an historic spring and summer of illegal immigration would be an unforced error of historic proportions. It would be right up there with the administration's $2 trillion in inflationary spending and their botched retreat from Afghanistan. But this goes deeper than just title 42 and COVID. The fundamental point is this: Today's Democrats need the pretext of the pandemic to justify having national borders at all. The left feels they need the pretext of COVID to have any--any--border enforcement whatsoever. This is absolutely mind-boggling. Republicans and the American people reject this false choice between permanent COVID versus open borders. We can't only be a sovereign nation during pandemics. Americans deserve secure borders all the time. Functional open borders have pervaded the Biden agenda at literally every level. The President chose a Supreme Court nominee, Judge Jackson, who has displayed a major streak of judicial activism on this very subject, illegal immigration. In 2019, the judge sided with the leftwing activists and overlooked plain statutory language that gave DHS ``sole and unreviewable discretion'' over the speedy removal of illegal immigrants. Judge Jackson literally just brushed aside the plain text of the law to reach the policy outcome she wanted, and she went even further. She issued a nationwide injunction--a nationwide injunction--to impose her radical policy view on our entire country. This was a blatant case of judicial activism. The ruling read like it belonged on the opinion pages of the Washington Post. Even the very liberal DC Circuit completely disagreed and overturned Judge Jackson, with an Obama appointee writing the opinion. It should not be this hard for an administration to understand that a nation actually needs borders. I strongly urge the President to keep title 42 in place and quickly produce an actual strategy to do his job and secure our border. The Economy Madam President, on another matter, the American people know our country is hurting. One national survey just found that only 22 percent say our country is headed in the right direction. Seven in ten Americans just told another poll that our Nation's economy is ``in poor shape.'' The worst inflation in 40 years is fleecing American consumers from the gas pump to the grocery store. American workers are earning raises, but prices are climbing faster than their pay. The Biden administration has tried to pass the buck for this mess. They have tried to blame everything but their own radical policies. They have claimed that a year of runaway inflation was actually--listen to this--``Putin's price hike,'' because of a war in Europe that is barely a month old. They have claimed the problem is evil profiteering CEOs, because, apparently, the private sector was not seeking profits back when the Republicans had the economy humming with low inflation just a few years ago. American families aren't buying the spin for one second. When asked by another poll what they think is the main reason for rising gas prices--listen to this--Americans' top answer was ``the Biden administration's economic policies.'' An outright majority of the country agrees the President has made inflation worse, but the administration isn't changing course. They are actually doubling down. The Biden administration began the week by proposing a budget that would skyrocket domestic discretionary spending on liberal wish-list items and smack the country with the biggest tax hike in American history. Just last night, Democrats tried to ram through another radical nominee who would only have compounded the economic pain. President Biden's choice of David Weil for a senior post at the Department of Labor was a naked attempt to achieve through bureaucracy what the far- left cannot achieve through legislation. This nominee is famous in Washington for hostility to small business. He has received tens of thousands of dollars from Big Labor to do their bidding. He openly sought to end both the franchise system and the gig economy as we know them. Fortunately--fortunately--last night, a bipartisan majority of Senators rallied together. We saved the President and the Democratic leader from digging themselves into an even deeper hole with this nominee. Also overnight, we learned President Biden is going to try to slap another bandaid on gas prices by draining more oil out of the Strategic Petroleum Reserve. The reserve is supposed to exist for giant unforeseen crises, such as a war between great powers. It is not there so that anti-energy politicians whose policies have raised gas prices can try to hide that from the public. It is also worth remembering that back in 2020, as oil prices were cratering, Republicans tried to seize the opportunity to rebuild the Strategic Reserve. It would have been a win-win-win to help stabilize our energy industry in the early days of the crisis, gotten American taxpayers an incredible deal with oil at bargain-basement prices, and enhanced our readiness going forward. But you know what happened. Senate Democrats blocked it. They said buying oil at rock-bottom prices and building up our reserve would have been--listen to this--``a bailout for Big Oil.'' So the Democratic leader bragged about killing that proposal. You can't make this stuff up. Our colleagues misunderstand basic economics and basic national security every chance they get. Taxing, spending, radical nominations, and gimmicky half-***measures***--the American people already blame the Democrats for the fix we are in, and, every week, our colleagues seek new ways to prove them right. 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. GRAHAM. Madam 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. Nomination of Ketanji Brown Jackson Mr. GRAHAM. Madam President, this morning, I am going to announce my decision on Judge Jackson's nomination to the Supreme Court. I will oppose her, and I will vote no. My decision is based upon her record of judicial activism, flawed sentencing methodology regarding child pornography cases, and a belief Judge Jackson will not be deterred by the plain meaning of the law when it comes to liberal causes. I find Judge Jackson to be a person of ***exceptionally*** good character, respected by her peers, and someone who has worked hard to achieve her current position. However, her record is overwhelming in its lack of a steady judicial philosophy and a tendency to achieve outcomes in spite of what the law requires or commonsense would dictate. After a thorough review of Judge Jackson's record and information gained at the hearing from an evasive witness, I now know why Judge Jackson was the favorite of the radical left, and I will vote no. In the area of child pornography, there has been an explosion in this country of child pornography on the internet. In 2021, groups that follow sexual abuse of children on the internet reported 29.3 million reports of individuals accessing information regarding child pornography on the internet. It has gone from 100,000 in 2003 to 29.3 million in 2021. It is estimated that there is 85 million images and videos and other files involving sexually exploited children on the internet. Now, why is this important? This is the venue of choice for the child pornographer. It is not the mail. As you can see, the internet is where these people go. In a matter of minutes, they can download hundreds, if not thousands, of images and videos of the most disgusting abuse of children; and my goal is to deter that, not discount it. Judge Jackson's sentencing methodology, in my view, misses the mark. I don't doubt that, personally, she is offended by the behavior that we are all [[Page S1878]] talking about, but as a judge, she has an opportunity to deter the behavior of going on the internet and downloading images of exploited children. Every time she has that opportunity, she refuses to exercise it. Now, why is Judge Jackson's sentencing so different? In possession cases, she gives 29.2 months, and the average nationally is 68 months. In the distribution of child pornography, her sentence is 71.9 months, and the minimum is 60 months. That is what you have to give. The average nationally, they tell me, is 135 months. The length of sentence for the possession of child pornography imposed by Judge Jackson is 57 percent less than the national average. In the area of distribution, it is 40 percent less than the national average. Why? Under the sentencing guidelines, judges, if they choose, can enhance the sentence based on the fact that the perpetrator used the internet. Now, why do we want that as a sentencing enhancement? We want to deter the use of the internet when it comes to child pornography because there are already 85 million images and videos of children being abused, and that is the venue of choice. So, instead of deterring that behavior, Judge Jackson routinely says that she will not hold that against a perpetrator. I think that is a mistake. She basically said: It is so easy, in a matter of minutes, to push a button and download a bunch of files. That seems, to me, to be an unfair way to sentence somebody. She also takes off the table a sentence enhancement for the number or the volume of child pornography being possessed or distributed. I think that is absolutely backward. I think what we should be doing is that every time you mash the button and download an image of a child being exploited, your time in jail should go up. That should be held against you. Accessing the internet should be deterred, not ignored. What I have to say is that the National Center for Missing and Exploited Children released a report on the 2020 data. There has been a 35-percent increase in child sex abuse material in a single year, 29.3 million reports last year of people accessing child pornography on the internet, and at least 85 million images and files on the internet. When it comes time to sentence these people, Judge Jackson will not impose additional punishment on the fact of the volume involved and the fact they are using the internet, the venue of choice. The more you download, the more you go to jail, is my view. I am going to work with Senator Hawley to correct these practices. I think she is making a terrible mistake by not enhancing sentences based on the volume because every click of the computer is destroying a life. We should be deterring the use of the internet when it comes to child pornography. Judge Jackson chooses not to. When it comes to the volume, that should be held against you. The more you abuse children, the more in your possession, the more you distribute, the longer you go to jail. The reason her numbers are so low is due to that sentencing methodology. I think, if we don't fix this, we are making the problem worse. I think her approach to this issue is absolutely wrong; it loses all deterrence. I will be watching like a hawk future nominees who are in the sentencing business to see if they follow this model. The model Judge Jackson has created is one wherein the more you do, it doesn't matter. The fact that you use the internet where all the child pornography lies is not held against you, and I believe it should be. Every click, every download means you go to jail longer in the world that I want to create. The other area of concern is Guantanamo Bay. Remember this? This is 9/11. Guantanamo Bay has been a place to house enemy combatants captured in the war on terror. Judge Jackson was a public defender, I think, for four or five GTMO detainees, and that is a noble thing. I have no problem with somebody--a public defender anywhere in the country-- defending very unpopular people, and people at GTMO deserve representation. What I found during this representation is that her amicus briefs in the defense of GTMO detainees accused President Bush and his team of being war criminals. That is not defending somebody charged or held as an enemy combatant as being part of the enemy force. That is an accusation against your own government that, I think, buys into the language of the left. You can vigorously defend anyone captured as an enemy combatant or who is potentially charged with a crime against terrorism. That is a noble thing. Yet, when you use the language that was in her brief--and she said: ``Well, I really don't remember that''--I have a hard time believing that you put your name on a brief that calls the President of the United States and his team war criminals. That is not about defending somebody; that is an activist approach to the war on terror. It goes further. In her legal briefs, she wanted to deny the United States the ability to hold GTMO detainees under the law of war indefinitely. There are about 37 or 38 GTMO detainees still being held who have never been charged. We know, through the intel and the evidence, that they are hardened killers committed to the jihadist cause. Under the law of war, once their habeas petition has been reviewed by the Federal courts--where the courts agree with the government that the person is, in fact, an enemy combatant--under the law of war, there is no requirement to release him, but Judge Jackson took the position as an advocate that we could not hold them indefinitely, creating a dilemma whereby you have to charge them with a crime or let them go. I don't consider these people criminals as much as warriors in the cause to destroy our way of life. If you choose to charge them with a crime, fine; but you don't have to make that choice. The reason that there are 30-plus still in detention is we have chosen--Republicans and Democrats--to hold these people off the battlefield. If we had accepted Judge Jackson's legal reasoning, that tool would not have been available to us as a nation, and it would have compromised our ability to defend ourselves. I think that approach was the most extreme view of representation in this area, and I think it shows a lack of understanding of the war in which we are in. We are not fighting criminals. These are not wayward goat herders. These are people committed to the jihadist cause and would kill us all if they could. Before I leave GTMO, 31 percent of the people who have been detained since the beginning of the war have gone back to the fight--I will introduce that at the hearing next week--and some of the senior leadership of the current Taliban government were GTMO detainees who have now not only gone back to the fight but have actually gone back to serve in the Taliban government that is reining oppression on the Taliban people. So, to those who think this is a crime we are fighting, you are wrong. It is a war for the survival of good against evil. Immigration--in case you haven't noticed, this country is being invaded by illegal immigrants. Right after taking office, President Biden rolled back virtually every policy of President Trump's regarding asylum and deportation. He basically destroyed the regime created by President Trump that gave us the lowest number of illegal crossings in this country in 30 or 40 years at the end of 2020. Now, every week, we are setting new records. Why? The policies that existed during the Trump administration worked. They are being reversed by President Biden, and we are being overwhelmed, and the worst is yet to come. If the Biden administration--the CDC--does away with the ability to deport illegal immigrants under title 42 of the public health law, presenting a threat to COVID, then you will see the numbers go up even further. There will be thousands--18,000 to 20,000 people a day--coming across our border from countries with low vaccination rates. So, when it comes to illegal immigration, policy matters. When Judge Jackson was a district court judge, there was a case brought by Make the Road New York, et al., v. McAleenan, who was the Acting DHS [[Page S1879]] Secretary under President Trump. The group Make the Road New York was an Arabella activist group. This is kind of a holding company, for lack of a better word--an umbrella group--funded by George Soros and a bunch of other liberal billionaires. This group in that chain, in receiving money from these folks, filed a lawsuit, arguing against the Trump decision to deport, under expedited immigration authority, people who have been here 2 years or less. In changing the Obama policy and actually fully implementing the authority given to the DHS Secretary, they decided to go the full 2 years. Anybody here 2 years and under in the category in question could be deported with expedited procedure-- meaning, it was a quick turnaround. This was the authority given by the Congress to the DHS Director. Obama didn't use that authority fully. Trump decided to do it. Make the Road New York, et al.--a bunch of liberal groups--sued the Trump policy change. Judge Jackson was the judge, and she overruled the Trump decision. The statute in question says that the Secretary has the ``sole and unreviewable discretion'' to use expedited deportation for people here 2 years or less. The statute could not have been written any clearer. If you are looking for what an activist judge is all about, this is the case, exhibit A. The law was written in the most clear terms, saying the decision of the Secretary's is unreviewable and solely in their hands when it comes to using expedited removal procedures for people here 2 years or less. She ruled against the Trump administration. She basically said this was arbitrary and capricious; it reeked of bad faith; and it ``[showed] contempt for the authority that the Constitution's Framers have vested in the judicial branch.'' That contempt she is talking about was a congressional act. The congressional act was designed to tell judges that the DHS Secretary has discretion in this area, solely and unreviewable. She found that concept offensive. Instead of following the plain letter of the law, she did legal gymnastics to find against the Trump administration. When she says the statute ``[created] contempt for the authority that the Constitution's Framers have vested in the judicial branch,'' what she is saying is, I will be damned if I am going to be limited by a congressional act that tells me I can't do what I want to do. The plaintiff in that case was from the radical left. She ruled for them in spite of the plain meaning of the statute, and she was overturned by the DC Circuit court. The court said--and this is a fairly liberal court: There could hardly be a more definitive expression of Congressional intent to leave the decision about the scope of expedited removal, within statutory bounds, to the Secretary's independent judgment. The ``forceful phrase `sole and unreviewable discretion' '' by its ***exceptional*** terms, heralds Congress's judgment to commit the decision exclusively to agency discretion. She ignored the plain meaning of the statute, the language of the statute, to get a result she wanted, and the DC District Court of Appeals said that there could hardly be a more defended expression of congressional intent. That is judicial activism on steroids, and it makes managing our immigration problem even worse when you have activist judges who ignore the law and take discretion away, given by Congress to the executive branch, because they don't like the outcome. That is, in fact, the premier definition of judicial activism. I find, in her judging a desire to get an outcome and no matter what she has to do to get that outcome, she will pursue it. This is a case where you couldn't have written a statute more clearly, and she did. She just went around it, got the results she wanted, and got slapped down on appeal. Now, she is the first African-American female slated to go to the Supreme Court. She, however, is not the first African-American female who had potential to be on the Supreme Court. Janice Rogers Brown was nominated by President Bush 43 to be on the DC Circuit Court of Appeals--one of the premier appellate courts--like Judge Jackson was nominated to. She is from Alabama. She was the daughter and granddaughter of sharecroppers, growing up in Alabama during the Jim Crow era. She moved to California as a teenager, and she wound up serving on the California Supreme Court. She was a single mother raising children. In June 2005, she was confirmed to the DC court in a 56-to-43 vote. That was after the Gang of 14 broke a filibuster by my Democratic colleagues against her and others. She was nominated in 2003, and her nomination was stalled for 2 years. Here is what Senator Schumer said: Judge Brown was the least worthy pick this president has made for the appellate court, and that's based on her record. Senator Durbin in 2005: One of the [President's] most ideological and extreme judicial nominees. In 2005: If the President sends us a nominee who, like Janice Rogers Brown, believes that the New Deal was the triumph of a ``socialist revolution,'' there will be a fight. Here is what then-Senator Biden said about Janice Rogers Brown. Not only did he filibuster her, he said: ``I can assure you that would be a very, very difficult fight, and she probably would be filibustered'' if she were nominated to the Supreme Court. So, to my Democratic colleagues, as you celebrate Judge Jackson's potential ascension to the Court, as those of us on the committee who asked penetrating, relevant questions of Judge Jackson's judicial philosophy, how she sentenced people and why--you know, the liberal media that is completely in the tank on issues like this sat on the sidelines and watched you, my Democratic colleagues, stop the ascension of an African-American conservative nominee by President Bush. When it came to her potential of being on the Supreme Court, you threatened to filibuster her. You considered her ideology unacceptable and too conservative. So if you are a conservative nominee of color, a woman, it is OK to use your ideology against you. If you question the ideology and the judging ability of a liberal African-American nominee, you are a racist. Those days are over for me. So I have very little respect for what is going on in modern America when it comes to judging. Miguel Estrada was nominated by President Bush 43--a highly qualified man, Hispanic--to be on the Court, and he fell victim to the wholesale filibuster of Bush nominees in the 2003 era. He didn't make it through the Gang of 8. Judge Janice Rogers Brown got on the Court--2 years delayed, and when she was being considered to go on the Court, Joe Biden, Senator Joe Biden, said she will be filibustered very, very likely. So we live in a world where, if you are a person of color, a woman, and you are conservative, everything is fair game. If you are a person of color and liberal, how dare anybody question or use the same standard against you that was used against the other nominees? I don't accept that. Finally, about the hearing itself, to the liberal media, comparing this hearing to Judge Kavanaugh's is an absolute offense. Nobody on the Republican side held information back, accusing Judge Brown of doing something that was either made up, not credible. Nobody questioned her high school annual. Nobody took a bunch of garbage and made it seem like the nominee had been Bill Cosby in his teenage years. Crazy stuff. Offensive stuff. What we did ask Judge Jackson is, Why do you sentence the people the way you do? Explain the reasoning in the cases involving child pornography. We went after her judicial philosophy, and it had to be contentious because the judge seldom would answer a question. But to me, if you are going to be nominated to the Supreme Court for a lifetime appointment, you should expect to be asked hard questions. You should not expect to have your life destroyed. And if you don't see a difference between the two hearings, then you are blinded by your desire to get an outcome. Here is where we are in 2022: The only person qualified to go to the Supreme Court as an African-American woman is a liberal. You can be equally qualified as a conservative, but you need not apply because your ideology disqualifies you. That is not exactly the advancement I was hoping we would have in America in 2022. So, Judge Jackson, I will vote no. I find her sentencing methodology to reinforce and take deterrence of the most heinous offenses off the table. [[Page S1880]] The statements she made during the sentencing hearings showed a tilted sense of compassion. I am sure she doesn't like the behavior and feels sorry for the kids, but every time she had a chance to increase punishment for the volume of material in the hands of the perpetrators, she chose not to do that, and I think she should. Going to the internet, to her, and downloading a bunch of files was too easy to enhance punishment? Well, it is just too easy to destroy lives. So when it comes to immigration, it is the most egregious case I have ever seen, quite frankly, of a judge ignoring the plain meaning of the law to get a result they wanted. When it comes to the War on Terror, I think the position she wanted our country to take would make us less safe. The language of the left in her briefs of calling Bush a war criminal says more about the politics than it does the merit of the argument. So now, I know why Judge Jackson was the preferred pick of the radical left. Now, I know why they went after Michelle Childs, somebody I could have supported--even though she had been liberal--a highly qualified, sensible, commonsense person. Now, I know. Now, I understand better. And that is why I am voting no. To my Democratic colleagues, I will work with you when I can, but this is a bridge too far. Thank you. The PRESIDING OFFICER (Mr. Booker). The Democratic whip. Mr. DURBIN. Mr. President, I listened carefully to the presentation by my colleague and friend, Senator Graham of South Carolina. I wanted to come to the floor to make it clear that he didn't tell you the whole story. In fact, in some ways, he didn't even get close. Who is this judge, Ketanji Brown Jackson? How could she even be considered for the Supreme Court if she is the preferred pick of the radical left? Well, let's take a look at her background: an extraordinary story of a daughter of two public school teachers; the daughter of a father who decided he was going to go to law school, basically stopped working full time. Her mother supported the family. She was a little girl at the time. She remembers it well because there would be law books stacked on the kitchen table. She would come in as a little girl and bring her coloring books to sit next to her daddy while he was studying for law school. He went on to become a lawyer. Family members were policemen. One of her uncles turned out to be the chief of police in Miami. She grew up in a very ambitious, determined, orderly family, and she certainly had respect for her family ties to law enforcement. She was on the debate team in high school. One of the trips took her from Florida up to the campus of Harvard University. She was dazzled, believed that this just might be the answer to her dreams. She came back to her high school and sat down with her high school counselor, who said to this young Black woman: Honey, you are shooting too high. I don't want your heart to be broken. Think about other schools. Don't think about that Harvard University school. Luckily, she ignored that advice, applied, and was accepted. She told the story before the hearing about being on the campus at Cambridge, not sure that it was the right decision, looking around, seeing a much different world than the one she grew up in, a much different group of people than she was used to socializing with. She must have shown it in her face because as she was walking across the campus one day, an African-American woman saw her, looked at her, and said: Persevere. Persevere. Just that simple word captured everything for her, and she did. She persevered and completed her education at Harvard and went on to Harvard Law School. She was an outstanding student at the law school, so much so that she became a clerk to the Federal district court. She did such a good job, she was promoted to become a Federal circuit court clerk and then--the ultimate prize for any graduating law student in America--clerk to a Justice of the Supreme Court--Ketanji Brown Jackson--and what an irony that she worked for Justice Stephen Breyer, whose retirement has created the vacancy which she seeks. Along the way, she staffed the Sentencing Commission. She worked in the Public Defender's Office. She became a Federal district court judge, cleared by this committee, the Judiciary Committee. This was her fourth time before the committee. Each time she appeared, there was bipartisan support, including the Senator who just spoke against her. Then, ultimately, the opportunity of a lifetime to fill a vacancy on the Supreme Court. For the hearing itself, first, I want to commend my Republican colleague Chuck Grassley. As chairman of the committee, a Democrat couldn't be any luckier than to have sitting in the chair next to you Chuck Grassley. He is a gentleman. He is a strong, faithful Republican, but he is a gentleman. We were determined to make this hearing for this judicial nomination to the Supreme Court different than some that had gone before. I want to commend the Republicans on the committee. There are 11 of them. The majority of those Republicans asked tough, probing questions, as they should. They never got personal. They never raised their voices. They were respectful throughout, the majority of them. I am sorry to say that in a few instances, there were exceptions on that side of the aisle. But I think the hearing, by and large, was a good hearing despite a few differences, which I will note in a minute. At the end of the day, you could not help but leave that hearing and think you had just seen, you had just witnessed a moment in history-- not just the first African American to aspire to serve on the Supreme Court but also a pillar of strength during her hearing. They threw it at her in every direction. I can't tell you how many people have come up to me everywhere I have gone since that hearing and said the same thing: How did you sit through that? How could you put up with that? And I thought, and I said to them: Think about her sitting in front of her husband and her daughters and some of the things that were said about her, things said again this morning on the Senate floor. She came out a pillar of strength, grace and dignity under pressure. I looked up at that table several times and thought, Judge, if you stood up at this moment and said ``Enough. I am taking my family, and we are out of here,'' I would understand. But she never did. She never wavered. She was solid as a rock, and that is why it is my honor to support her and believe that she is going to make history. Some of the things they said were outrageous. This case they want to make about her sentencing guidelines when it comes to sex crimes involving children and child pornography--what did she say about it? She said they were horrible and despicable crimes. But she didn't just say it before the committee when she was under assault. Listen to what she said in one of her cases, United States v. Hillie, a case involving sexual misconduct toward children. The true nature of these offenses, Judge Ketanji Brown Jackson said, lies in how they affected the children who you tormented for nearly a decade when you lived on and off with their mother. That is a substantial portion of their childhood. These two children carried a burden no child should have to shoulder--the burden of protecting themselves from a man charged with their care but who instead exploited them. Then she went on to say: This family has been torn apart-- she said to the defendant-- by your criminal actions. You saw it on the faces of those women. You heard it in their voices. And the impact of your acts on those very real victims who are still struggling to recover to this day makes your crimes among the most serious criminal offenses that this Court has ever sentenced. Does that sound like she is soft on crime? Does that sound like she didn't remember she is a mother of daughters who cared for the impact those criminals had on the children and the family? Not in any way whatsoever. You would draw a much different conclusion if you just listened to the arguments being made recently here on the floor, and it would be an unfair conclusion. The bottom line, as far as I am concerned, is this: What they have left out in the presentation is critical to the very truth of their allegations. Judge Ketanji Brown Jackson is in the mainstream of sentencing when it comes to these cases. Seventy to eighty percent [[Page S1881]] of Federal judges divert from the guidelines as she has in some cases. And, let me add, her accusers have been voting for Federal judges proposed by President Trump right and left who do exactly the same thing she does. Mr. President, I ask unanimous consent to have printed in the Record a New York Times article of March 25, 2022, entitled ``Jackson's Critics Backed Judges With Like Rulings.'' There being no objection, the material was ordered to be printed in the Record, as follows: [From the New York Times, Mar. 24, 2022] Jackson's Critics Backed Judges With Like Rulings (By Linda Qiu) Washington.--Several Republican senators repeatedly and misleadingly suggested during this week's Supreme Court confirmation hearings that Judge Ketanji Brown Jackson had given uncommonly lenient sentences to felons convicted of child sex abuse crimes. But all of the Republican critics had previously voted to confirm judges who had given out prison terms below prosecutor recommendations, the very bar they accused Judge Jackson of failing to clear. Just 30 percent of offenders who possessed or shared images of child sex abuse received a sentence within the range suggested by nonbinding federal guidelines in the 2019 fiscal year, and 59 percent received a sentence below the guideline range. And in general, it is not uncommon for judges to impose shorter sentences than what prosecutors have recommended. ``I listed these seven cases in which you had discretion and you did not follow the prosecutor's recommendation or the sentencing guidelines,'' Senator Josh Hawley, Republican of Missouri, said at Judge Jackson's hearing on Tuesday. ``I'm questioning how you used your discretion in these cases.'' Mr. Hawley's point was echoed by three of his Republican colleagues: Senators Lindsey Graham of South Carolina, Tom Cotton of Arkansas and Ted Cruz of Texas. Mr. Cruz said the sentences imposed by Judge Jackson in cases involving images of child sex abuse were 47.2 percent less than the prosecutor's recommendations on average. ``You always were under the recommendation of the prosecutor,'' Mr. Graham told the judge on Wednesday. ``I think you're doing it wrong, and every judge who does what you're doing is making it easier for the children to be exploited.'' But Mr. Hawley, Mr. Graham, Mr. Cotton and Mr. Cruz all voted to confirm judges nominated by President Donald J. Trump to appeals courts even though those nominees had given out sentences lighter than prosecutor recommendations in cases involving images of child sex abuse. Mr. Graham had also voted to confirm Judge Jackson to the U.S Court of Appeals for the District of Columbia Circuit in 2021 in spite of the sentencing decisions she had made as a district judge. In 2017, Judge Ralph R. Erickson was confirmed by a 95-to-l vote to the U.S Court of Appeals for the Eighth Circuit, with Mr. Cotton, Mr. Cruz and Mr. Graham voting in the affirmative. (Mr. Hawley was not yet a senator.) While serving as a district court judge in North Dakota, Judge Erickson imposed sentences shorter than the prosecutor's recommendations in nine cases involving child sex abuse imagery from 2009 to 2017, averaging 19 percent lower. In the case with the greatest discrepancy--in which a 68- year-old man pleaded guilty to possessing and transporting such illicit materials--prosecutors asked for 151 months and Judge Erickson imposed a 96-month sentence. Judge Amy J. St. Eve was confirmed by a 91-to-0 vote in 2018 to the U.S Court of Appeals for the Seventh Circuit. While serving as a district court judge in Illinois, Judge St. Eve imposed lighter sentences than prosecutor recommendations in two such cases. In United States v. Conrad, she sentenced a man who transported images of child sexual abuse to 198 months, 45 percent less than the prosecutor's recommendation of 360 months. All four Republican senators voted to confirm Judge Joseph F. Bianco to the U.S Court of Appeals for the Second Circuit in 2019. Previously, as a district court judge in New York, Judge Bianco sentenced three defendants to prison terms shorter than what prosecutors had sought. At a 2013 hearing for a 25-year-old defendant who possessed and distributed illicit materials, Judge Bianco stated that the court had ``discretion'' to impose such sentences and spoke of ``mitigating circumstances''--an echo of what Judge Jackson repeatedly told the senators during this week's hearings. The defendant received a 60-month prison term, while prosecutors had asked for ``a sentence above the 60 months.'' ``The guidelines here are just way disproportionate under the facts of this case, and I don't view them as particularly helpful in this case.'' Judge Bianco said at the time. ``I disagree with the government that this case is sort of in the heartland of normal cases. There are a number of mitigating factors in this case that I believe are compelling.'' Most recently, Mr. Cotton, Mr. Cruz and Mr. Hawley voted to confirm Judge Andrew L. Brasher to the U.S Court of Appeals for the 11th Circuit in 2020. (Mr. Graham was not present for the vote.) As a district court judge in Alabama, Judge Brasher had sentenced a defendant to 84 months in prison, below the prosecutor recommendation of 170 months. In a 2019 hearing before he issued the sentence, Judge Brasher noted that ``one of the things that I'm required by law to evaluate and consider with respect to'' the defendant ``is disparities between offenders who are similarly situated.'' That, too, was similar to an explanation that Judge Jackson gave for her sentencing decisions. ``Judges all over the country are grappling with how to apply this guideline under these circumstances,'' she told Mr. Hawley on Wednesday. ``The judge is not just evaluating what the government says in these cases. In every criminal case, a judge has to take into account all sorts of factors.'' Mr. DURBIN. It tells a story, and the story is very clear. We have a situation in this country where we have not upgraded the child pornography and sexual misconduct statutes in years. Across the board, 70 to 80 percent of sentences by Federal judges take the same position as Judge Ketanji Brown Jackson. These so-called deviations from the guidelines have become commonplace. As I said, the overwhelming majority of Federal judges are doing this. Well, is there a problem? There is. But the problem is that we have not upgraded the statute. We bear responsibility for this. The decision was made before the Supreme Court that these guidelines would not be mandatory. It was a decision joined by Antonin Scalia--the originalist, the conservative. It put the burden back on Congress, and we have not picked up that responsibility. So you say to yourself: Well, if she were so soft on crime, it surely would have shown up in other places. Well, let me tell you what happened. The American Bar Association did a review of her career as a prosecutor, as a defender, on the bench. They interviewed 250 individuals--judges, prosecutors, defense lawyers, other counsel who worked with her. And I asked, pointblank, Judge Ann Williams, who led this investigation by the ABA: Did you hear from anyone who said she was soft on crime; that she somehow was not in the norm when it came to sentencing? None. Not one. Two hundred fifty people interviewed, and not one came up with it. All we have heard against her has come out of the mouths of three or four people on the committee, and that is it because there is no record for it. Well, how did the American Bar Association grade her when it was all said and done? Unanimously ``well qualified.'' Unanimously ``well qualified.'' It doesn't sound like the same person just described, does it, because it isn't. What you have heard on the floor here is a mischaracterization of her record, and I am sorry to say it is unfair. And I wish it hadn't been part of the record today. What about Guantanamo? Well, I have some serious differences with the Senator from South Carolina about Guantanamo. Hundreds of detainees have been sent to Guantanamo since the War on Terror began. Many of them should have been there, but hundreds and hundreds of them have been released by Presidents, Republican and Democratic. We are now down to 39 detainees. We are spending over $10 million for each one of them each year at Guantanamo Bay. And when it comes to the resolution of who was responsible for 9/11, the families have come and testified before us. They have waited over 20 years, and they still don't have an answer. They understand that the approach at Guantanamo Bay is not leading to justice, and it is not answering the basic factual questions. So what is her situation? Why would she dare to call the Republican President of the United States a war criminal? What was she thinking? Well, it sounds like a terrible charge until you read the facts. The facts were she presented a brief, and the brief referred to a body of law known as the Alien Tort Statute. And the person she was representing in this brief was arguing that he was tortured and mistreated at Guantanamo Bay. So he filed a claim under the Alien Tort Statute. When you do that, you sue the President of the United States and the Secretary of Defense. They were the named defendants. That included President Bush. [[Page S1882]] What the Senator from South Carolina failed to disclose was that, as that case was winding its way through, the administration changed, and if there was an allegation of a war crime against President Bush, it was the same allegation that was made when the administration changed and the name of the defendant changed to Barack Obama. To argue that this was a personal charge against the President of the United States as a war criminal is a gross exaggeration and unfair on its face. The named defendants were required under the Alien Tort Statute for the allegations that were made. That wasn't her decision; that was the decision of Congress to write the specifics of the Alien Tort Statute. The third point I want to make is immigration. Yes, we have challenges in immigration. I think we all know it. But to blame her and say that she is somehow responsible for the ***invasion***--you saw the crowd of people coming across the border--is really unfair. What happened was there was a lawsuit filed challenging a Trump decision on policy, and she was asked to rule on it. And she ruled in one direction. The appeal was taken, and she was reversed at the circuit court. Now, according to the Senator who just made the presentation, evidence she is in the pocket of the radical left when it comes to immigration, evidence that George Soros somehow is controlling her decisions, is preposterous. The fact of the matter is, if you look at almost 600 decisions handed down by Judge Ketanji Brown Jackson, you will find a small, small percentage that were actually reversed. And if you are looking for a second case to build the theory that she is on the radical left, I don't even think you found the first one. She has a balanced approach. She has ruled for and against Democratic and Republican Presidents. She has shown the kind of balance we expect on the Supreme Court. I would say this notion that somehow Joe Biden has chosen someone who is radical is a shame. She is not. She is as solid as they come, and her testimony and her appearance before the committee proved that over and over again. I also want to say I have nothing against the South Carolina judge who was in the finals but wasn't chosen by the President. In fact, President Biden has asked that she be promoted from the Federal district court to the Federal circuit court, and I would like to get that done as quickly as we can. I think Judge Childs is well deserving of that opportunity. She certainly is a good jurist. But the choice by President Biden was clear, and it was the right choice. These charges that somehow she is soft on crime because she is an African-American woman and she was a public defender belie the actually record of this woman. We should all be judged on our records. This notion that we are asked to identify ourselves by labels--we know that story, the 100 of us who sit on this side of the Capitol in the Senate Chamber. We are attached to labels which we embrace and some we don't embrace, but most people who are fair will say: I am not going to judge you by your label; I am going to judge you by your record. If you judge Ketanji Brown Jackson by her record--written opinions, the fact that this was the fourth time she appeared before the Judiciary Committee and had been approved the three previous times, serving on the Sentencing Commission and so many other things--you know that it is an outstanding and stellar record, but you know it almost has to be. If you want to be the first, you have to be the best. She is the best. Despite some of the things that have been thrown at her today and in other places, the American people came out of that hearing and felt better and stronger about her nomination than before the hearing began. It is evidence of the strengths that she brings to this nomination and the value that she will bring to the Supreme Court. I yield the floor. The PRESIDING OFFICER. The Republican whip. Mr. THUNE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes, Senator Murphy for up to 12 minutes, and Senator Grassley for up to 10 minutes prior to the scheduled vote. The PRESIDING OFFICER. Without objection, it is so ordered. 2023 Farm Bill Mr. THUNE. Mr. President, it has now been more than 3 years since the 2018 farm bill, and it is time to start thinking about the next one. The House ***Agriculture*** Committee has already begun holding hearings on the 2023 farm bill, and I am hoping that the Senate ***Agriculture*** Committee will begin holding hearings soon as well. ***Agriculture*** is the lifeblood of our economy in South Dakota, and advocating for farmers and ranchers is one of my top priorities here in the Senate. I am fortunate enough to be a longtime member of the Senate ***Agriculture*** Committee, which gives me an important platform from which to address the needs of South Dakota ag producers. During my time in Congress, I have worked on four farm bills, and I am particularly proud of the nearly 20 ***measures*** I was able to get included in the 2018 farm bill. Among other things, I authored provisions to improve the ***Agriculture*** Risk Coverage Program, improve the accuracy of the U.S Drought Monitor, and include soil health as a research priority at the U.S Department of ***Agriculture***. I was also able to secure a number of improvements of the Conservation Reserve Program, including a provision to increase the CRP acreage cap, increased flexibility for acres enrolled in CRP, and cost sharing for fencing and water distribution practices on CRP-enrolled acres. I also secured approval for a new, short-term alternative to CRP--the Soil Health and Income Protection Program--to provide an option for farmers who don't want to take their land out of production for the 10 to 15 years required under the Conservation Reserve Program. And I was able to secure important provisions to increase the approval rate of Livestock Indemnity Program applications for death losses due to weather-related diseases. I would never have been able to get all this done without the input of South Dakota farmers and ranchers. These provisions were a direct result of extensive conversations with South Dakota ag producers that provided insight into the challenges that they were facing and what improvements could be made to make things easier in this demanding way of life. As I look to the 2023 farm bill, I will once again be relying on South Dakota farmers and ranchers to lend their firsthand knowledge to this effort. In fact, last Friday, I held the first of a series of roundtables I am planning to hold to hear from South Dakota ***agricultural*** producers. Friday's roundtable focused on the commodity and crop insurance titles of the farm bill, and I was grateful to be able to hear from representatives of the South Dakota Farm Bureau; South Dakota corn, soybean, and wheat producers; as well as crop insurance industry representatives. I will be holding additional roundtables to cover other farm bill priorities, including livestock, conservation, and forestry issues. And, of course, I will continue to rely on the many informal conversations I have with South Dakota ag producers as I travel around the State. There is nothing worse than having ``experts'' in Washington come in and dictate to the real-world experts: the farmers and ranchers who spend every day producing the food that feeds our Nation. And my goal is always to make sure that any farm legislation is directly informed by farmers and ranchers in South Dakota and around the country. I already have a list of issues that I am looking to see addressed in the next farm bill, and I plan to refine that list over the coming months in my conversations with South Dakota ag producers. One thing that emerged clearly from Friday's roundtable is the importance of the farm safety net and the critical role of crop insurance and commodity programs. ***Agriculture*** Risk Coverage and Price Loss Coverage payments, which help offset losses when prices for ***agricultural*** products drop, are not always proving sufficient, particularly with our current high inflation, which has sent the price of inputs like fertilizer soaring. As I mentioned earlier, I was able to secure improvements to the ***Agriculture*** Risk Coverage Program in the [[Page S1883]] 2018 farm bill, and I plan to seek further commodity title program improvements in the 2023 farm bill. I also want to secure further improvements to the Conservation Reserve Program. From my conversations with South Dakota ag producers, it is clear that we need to make changes to ensure that CRP continues to be an effective option for producers and landowners. In fact, last week, I introduced the Conservation Reserve Program Improvement Act, which I will work to get included in the 2023 farm bill. Among other things, my legislation would make CRP grazing a more attractive option by providing cost-share payments for all CRP practices for the establishment of grazing infrastructure, including fencing and water distribution. And it would increase the annual payment limit for CRP, which hasn't been changed since 1985, to help account for inflation and the increase that we have seen in land values. This would expand the enrollment options available to landowners to ensure the program effectively serves farmers and ranchers, as well as conservation goals. The Conservation Program Improvement Act is the first of multiple bills I plan to introduce in the runup to the 2023 farm bill to address the concerns of farmers and ranchers. The one issue I have been working on extensively over the past year is the challenges facing livestock producers, particularly cattle producers. I will work to make sure the farm bill will provide resources to help them face these challenges. The life of a farmer and rancher is a challenging one. The work often starts long before the Sun rises and concludes long after the Sun has set. The labor can be backbreaking, not to mention the deep uncertainty that goes along with this existence. There are few other industries so subject to the whims of the weather, which can wipe out an entire crop or herd in a very short period of time. I am profoundly grateful for all those who have chosen and continued this way of life, often for generations. The food we eat every day depends upon their work, and our country would not long survive without them. I am proud to have the honor of representing South Dakota's farmers and ranchers here in the Senate, and I will continue to work every day to ensure that their needs are addressed. I look forward to ensuring that the 2023 farm bill reflects the priorities of South Dakota farmers and ranchers and farmers and ranchers around our great country. I yield the floor. The PRESIDING OFFICER. The Senator from Iowa. Trafficking Victims Protection Reauthorization Act Mr. GRASSLEY. Today, I come to the Senate floor to discuss the Trafficking Victims Protection Reauthorization Act. This has been introduced in the House and now introduced in the Senate by this Senator and by my colleague and friend, Senator Feinstein. This bill is a product of bipartisan work and much collaboration. I also want to thank Senators Cornyn and Klobuchar, who are true leaders in this area and also introduced their trafficking legislation this week. I look forward to continuing to work with those two Senators, as well, on this issue. Many Americans tend to view human slavery as a thing of the past. We read about it in our history books and collectively cringe at the concept of such injustice. Unfortunately, however, the reality is that human slavery is alive and well, even today, in the form of sex and labor trafficking. According to the State Department's annual Trafficking in Persons Report, human trafficking is a $150 billion business worldwide. Through deception, through threats, through violence, the perpetrators of these crimes will do whatever--whatever-- it takes to turn a profit at their victims' expense. With the introduction of this bill, we are acting as a voice for those human trafficking victims in the United States who cannot speak for themselves. To combat this crime within our borders, we have addressed the scourge on multiple fronts. The bill we have championed would extend several key victims' services programs that were established under the Trafficking Victims Protection Act. It would promote screening of human trafficking victims, enhance training for Federal investigators, and start a pilot program for young people at high risk of being trafficked. Our bill also includes the Survivor's Bill of Rights, a bill I developed with survivors and an advocate named Amanda Nguyen, which encourages States to ensure that survivors have, at minimum, the rights guaranteed to survivors under Federal law. Fighting for victims has been one of my top priorities as chairman and now ranking member of Senate Judiciary. I consider it a privilege to shape the law to ensure that trafficking victims receive necessary services. I also take pride in helping law enforcement and prosecutors hold the perpetrators accountable for these selfish acts. Lastly, this bill has the support of the National District Attorneys Association, Rights4Girls, Shared Hope International, Covenant House, the National Center for Missing and Exploited Children, the Rape, Abuse & Incest National Network, and the National Center on Sexual Exploitation. I am grateful for all of these groups and the important work that they do. This bipartisan bill is a strong start, and, of course, the work doesn't stop with a single piece of legislation. I look forward to marking this bill up in the Judiciary Committee and getting it signed into law. Prescription Drug Costs Mr. President, on another relatively short matter, as well, something I come to the floor frequently to speak about and something I waited throughout last year to see if the Democrats' approach to prescription drugs was going to become law--and it doesn't look to me like that route is going to be successful. So I continually bring up another piece of legislation that I am working on with Senator Wyden. It is a bill that says very clearly that this Senator--and I think I speak for many, many Senators--that we want lower prescription drugs now. I said that in the Finance Committee hearing 2 weeks ago, and I say it again: I want lower prescription drugs now. What are we waiting for? We have a bipartisan prescription drug package called Wyden-Grassley that will save seniors $72 billion and the taxpayers $95 billion. Senator Wyden said during the Finance Committee's most recent drug pricing hearing that ``there is no question that the committee came'' forward--I am going to start this quote over again: There is no question that the committee came together in the last Congress and came up with a number of constructive bipartisan reforms. Period. Full stop. Why aren't we then advancing this bipartisan bill? What is the majority waiting for? One of my colleagues on the other side tweeted this: POTUS has the authority to lower drug prices all on his own--he should use it. The Congressional Progressive Caucus is calling for this same thing, as well. And then in the Washington Post, I read this headline: Advocates seek other pathways to lower drug prices. Far-left groups are pushing President Biden to bypass Congress and exert executive authority. Is that some sort of statement that we are giving up on the legislative path? Why would we, in Congress, not move ahead? It is not like all options for legislation have been exhausted. The majority has spent 15 months attempting to pass their partisan prescription drug bill. It has gone nowhere. It doesn't have 60 votes. But that is not the only option. Has the Democratic majority given up on lowering prescription drug prices and is counting on doing it only by Executive order? Are they saying they have to do it in a way where only Democrats get credit or not do anything at all? Do Democrats really want to help seniors or would they rather have a campaign issue? The longer we wait, patients and taxpayers are going to continue to pay those high prices, and for some families, that is a suffering position to be in. Let's work to advance a bipartisan prescription drug bill that can pass with 60-plus votes. We can do it today. It is already negotiated and ready to go. I will work with anyone who wants to pass the bipartisan Wyden-Grassley bill. Just give me a call. [[Page S1884]] I said something about last year, that you had to sit around and wait for the Democrats to get something done on a totally partisan basis. I don't say that they didn't work hard to get a bill passed that would have reduced prescription drug prices. But I just didn't sit around all of 2021. In the past 15 months, I want to give you some of the things that I have been doing to try to sell a bipartisan bill. I spoke with President Biden's White House staff--although I did have a short conversation with President Biden himself. I met with Speaker Pelosi. I met with Leader McCarthy. I had a phone call with HHS Secretary Becerra. I met with the 10 Democrats who were wise to this issue that you can't pass a bipartisan prescription drug bill. These 10 House Democrats wrote to the Speaker, way last summer, wanting a bipartisan prescription drug pricing bill. I met with not all 10 of them, but I will bet I met with at least 5 of them, and they were receptive to doing what I am doing. It doesn't mean they were receptive to doing it exactly the way I wanted to do it, but they were receptive to working in a bipartisan way. Then I met with the Republican and Democrat group that is called the Problem Solvers Caucus Healthcare Working Group. Peter Welch, a Democrat from Vermont, has been on top of this issue for years and years. I had breakfast with him. I met with Congresswoman McMorris Rodgers because she is the top Republican in the House dealing with this issue. I met with Senators Sinema and Carper and other rank-and-file Members of Congress. While Democrats talk about lowering drug costs, they haven't made any progress. The only bipartisan progress that has been made on drug pricing has been under Republican leadership. If Republicans take control of the Senate next Congress, Republicans will be lowering prescription drug prices. We shouldn't have to wait another 8, 9 months. And who knows who will control the next Congress in the first place. We don't have to wait a whole year. Let's lower prescription drug prices today. I yield the floor. Trafficking Victims Protection Reauthorization Act Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator Grassley in introducing the Trafficking Victims Prevention and Protection Reauthorization Act of 2022. Human trafficking and modern slavery are abhorrent crimes that are a scourge on our country and the world. In 2022, there are an estimated 40 million victims of human trafficking and modern slavery worldwide. These crimes generate approximately $150,000,000,000 of revenue annually. Perpetrators of human trafficking prey on vulnerable and marginalized communities, which disproportionally impacts women and girls, migrants, people of color, and LGBT individuals. According to Polaris--the anti-human trafficking organization that runs the National Human Trafficking Hotline--in 2021, the hotline was contacted directly over 13,000 times by victims and survivors of human trafficking in the United States. In the last 2 years, since the beginning of the COVID-19 pandemic, the hotline has had a 60 percent increase in total contacts. There is also evidence that labor trafficking in the ***agricultural*** industry may have increased during the pandemic. In June 2021, Polaris released a report finding that, ``[a]mong reported labor trafficking victims, there was more than a 70 percent increase in those who held H2-A visas.'' This is unconscionable, and more must be done to combat human trafficking. That is why Senator Grassley and I have introduced the Trafficking Victims Prevention and Protection Reauthorization Act of 2022. This bill builds on the pillars of anti-human trafficking policy-- prevention, protection, prosecution, and partnership--in order to protect victims and rid the world of this heinous crime. This bill aims to prevent human trafficking by requiring enhanced anti-human trafficking education and training for all Federal departments and agencies. It would also require all Federal contractors to certify that they do not engage in the trafficking of persons and that no human trafficking occurred in that contractor's supply chain. The bill also encourages large private corporations to make the same types of certifications. I am particularly proud of how this bill advances the goal of protecting victims and survivors of human trafficking. This bill not only reauthorizes existing grant programs, but it also creates a new grant for education and employment training for survivors of human trafficking. The bill establishes a pilot program that provides services--such as education and employment programs, housing, and substance use disorder treatment--for youth who face a heightened risk of trafficking. And to continue learning how to best support victims and survivors of trafficking, the bill calls for a study on the accessibility of mental health and substance use disorder services for survivors. This bill also enhances the Federal Government's ability to prosecute human traffickers. Importantly, it bars government officials investigating human trafficking cases from engaging in sexual contact with victims during the course of the investigation. And it further provides protection from retaliation and intimidation and creates a new penalty for obstructing human trafficking investigations. Finally, the bill will facilitate partnerships by creating a new grant program that encourages collaboration between State child welfare and juvenile justice agencies. This is important because youth involved in the juvenile justice and child welfare system face a heightened risk of human trafficking. Additionally, the bill promotes coordination at the Federal level by encouraging enhanced communication and data sharing between State and Federal agencies and across the branches of government. This bill will strengthen our government's response to human trafficking as well as the services that we provide to victims and survivors. I am hopeful that we will be able to pass this bipartisan bill this Congress. I urge my colleagues to support the passage of this important, comprehensive legislation to protect trafficking victims. The PRESIDING OFFICER. The Senator from Connecticut. U.S Supreme Court Mr. MURPHY. Mr. President, the ***process*** of confirming a Supreme Court Justice is supposed to be lengthy, thoughtful, rigorous. I am grateful to the Presiding Officer and Chairman Durbin for doing it right with Judge Brown Jackson. Judge Jackson has answered hours of questions about her judicial philosophy, why she made certain decisions, why she represented certain clients, how her background has shaped her world view. Nearly every detail of her professional and personal life has been and will continue to be interrogated publicly as she goes through the final stages of this ***process***. But a strange thing is going to happen when Judge Jackson finally takes her seat on the Supreme Court. She will, after all of this review and scrutiny, become effectively immune from ethics standards. Why is that? Because every Federal judge--circuit judges, district judges, court of international trade judges, court of Federal claims judges, bankruptcy judges, magistrate judges--every Federal judge is bound by a code of ethics in order to safeguard the judiciary's neutrality and transparency--all Federal judges, except for nine: the Supreme Court. It is not because the Supreme Court is so highly regarded by the American people. In fact, the opposite is true. Trust in the institution's reputation is in rapid decline right now. According to a recent C-SPAN poll, only 30 percent--about 37 percent, actually--of likely voters believe that the Supreme Court acts in a ``serious and constitutionally sound manner.'' In a democracy that prides itself on a fair and independent judiciary, that is unacceptable. It is worrying, but it is not surprising. Recent revelations surrounding Justice Thomas and his wife's involvement in the events of January 6 have finally brought attention that [[Page S1885]] those standards we try to uphold during the confirmation ***process*** quickly disappear upon confirmation. Now, this isn't some new phenomenon. We have seen Justices--both liberal and conservative--promote political fundraisers, speak at partisan events, fail to recuse themselves from cases with pretty clear conflicts of interest. And if the past is prologue--the recent incident that has gained a lot of attention regarding Justice Thomas's family-- it won't be the last. Now, I first introduced a bill that would require the Supreme Court to adopt a code of ethics 10 years ago. And I have reintroduced a version of that bill in every Congress since. The majority of Americans agrees with me: There is absolutely no reason why the Supreme Court shouldn't be subject to a code of conduct just like every other Federal judge. But the Court disagrees. John Roberts said in 2011 when he was asked about this: The Court has no reason to adopt a code of conduct as its definitive source of ethical guidance. Well, it has a reason now. And to be clear, I am not talking about a code of conduct that is written by Congress. Instead, my legislation would require the Judicial Conference to create a binding code of conduct that applies to all Federal judges and Justices, including those on the Supreme Court. It is a simple step that would improve transparency, enforce accountability, and restore some lost faith in the institution. And, frankly, because of that diminishing faith, it is in the Court's interest to do everything possible to try to help rebuild public confidence. During Justice Kavanaugh's confirmation ***process***, Justice Kagan put it best. She said: The Court's strength as an institution of American governance depends on people believing [it has] a certain kind of legitimacy, on people believing it is not simply an extension of politics, that its decision-making has a kind of integrity to it. If people don't believe that, they have no reason to accept what the Court does. Justice Kagan said it well. And right now, that belief is teetering dangerously close to the edge. The spouse of a Supreme Court Justice was involved in an effort to organize a coup and overthrow of a democratically elected President of the United States. That is extraordinary. That is not normal. It should not be treated as just another flavor of legitimate political action, and the fact that there is no clear binding code of conduct that addresses this kind of behavior and no clear standards of recusal for Supreme Court Justices that the American people can see and trust is just unacceptable. I think that my Democratic and Republican colleagues can agree on this, the American people deserve to know that our Supreme Court Justices are being held to the highest standards whether they be Justices appointed by Democratic Presidents or Justices appointed by Republican Presidents. It is not enough for us to just trust the Court any longer to self-enforce a secret internal code of ethics. The highest Court in the land cannot be exempt from the standards that we hold every other Federal judge to. I am glad that this piece of legislation has gained additional cosponsors just over the course of the last week. I hope that it eventually becomes a bipartisan piece of legislation, and I would urge my colleagues to join me in holding the Court to account. Unanimous Consent Request--Executive Calendar Mr. President, finally, I know votes are pending, but I am also coming to the floor to request, as I will in a moment, unanimous consent for the nomination and approval of Javier Ramirez to be Director of the Federal Mediation and Conciliation Service. I would guess that not a lot of my colleagues know much about the Federal Mediation and Conciliation Service, and that is because we normally don't have to have a debate over the confirmation of its Director on the floor of the U.S Senate. The Agency is an independent one that has been in place since 1947. Its mission is to preserve and promote labor management peace and cooperation by providing mediation and conflict resolution services to industry, government agencies, and communities. The FMCS has 10 regional offices, more than 60 field offices. Its headquarters are here in Washington, DC. It does the basic blocking and tackling of keeping our economy running. It is charged with trying to avoid conflict between labor and management so that we don't have strikes, so that we don't have work stoppages, so that our economy runs as smoothly as possible. It is a pretty noncontroversial Agency, and the individual who has been selected to run it is equally noncontroversial. He is a career public servant. Javier Ramirez began at the FMCS in 2005. He is currently the director of Agency initiatives there. To me, this would be a no- brainer, that we could come together and decide as a body that we are going to make sure that we have someone running an Agency that is pretty vital to the smooth flow of our economy and the mediation of disputes between labor and management. And so I would ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 665, Javier Ramirez, of Illinois, to be Federal Mediation and Conciliation Director; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the Record; and that the President be immediately notified of the Senate's action. The PRESIDING OFFICER (Mr. Schatz). Is there objection? The Senator from Indiana. Mr. BRAUN. Reserving the right to object. Mr. President, Senator Murphy indicates there should be no discussion, really, because this is such a slam dunk. I am coming up to talk about it. We do not do regular order. Our job is to be there for advice and consent on any nominee. We have tried to shortcut the ***process***, not only on nominations, but even things as important as our budgets. We don't do anything anymore with discussion that gets out maybe the rest of the story. I believe that on any of these, rather than proceeding to the floor, you ought to at least have a discussion in committee. That didn't happen. There was a vote, but not a discussion. And when you look at this noncontroversial nominee, I think there are at least some things to think about. Harry Katz, a professor at the Cornell University School of Industrial and Labor Relations, said Mr. Ramirez could be open to expanding the range of disputes that the Agency will consider. So kind of hinting at some political enterprise that you would be doing more than just interpreting. He is not alone. Wilma Liebman, a former NLRB chair under President Obama, has told media that Mr. Ramirez should be ``open to creative expansion of what the mediators do.'' We need public servants who are going to strictly interpret the law, and this looks like if we don't at least have a recorded vote, it could slip through when it is not maybe as uncontroversial as Senator Murphy might indicate. I have reservations about the nominee, mostly about the ***process***, very indicative of the way that things work here in general, not only for nominations, but critical policy. I think that has got to change. Therefore, I do object. The PRESIDING OFFICER. Objection is heard. Mr. MURPHY. I know colleagues are eager to get this vote going, but 20 seconds in response. This place is grinding to a halt. And it is absolutely extraordinary the number of noncontroversial nominees who are now required to move through full votes, cloture motions on the floor. U.S Attorneys who never, ever had to come before this floor for votes and debate now do. This is an exercise in fundamentally breaking the Senate. This place only works with UC. We cannot run every single nominee through regular order or we would be here 24 hours a day, 7 days a week. I am grateful for my colleague's comments. I hope that we will be able to confirm Mr. Ramirez. But this is the kind of work that the Senate used to be able to do through UC, and it is unfortunate that we continue to have this breakdown in ***process***. [[Page S1886]] I yield the floor.

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[***The Piroplasmida Babesia, Cytauxzoon, and Theileria in farm and companion animals: species compilation, molecular phylogeny, and evolutionary insights***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:693W-H831-F129-P21R-00000-00&context=1516831)

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**Body**

Introduction

Babesia, Cytauxzoon, and Theileria are apicomplexan hemoparasites transmitted by ticks to mammals or birds. They belong to the order Piroplasmida, named after the pear-shaped intraerythrocytic parasite stage, the piroplasm (Greek: pera = pear). As other members of the Apicomplexa phylum, they are obligate intracellular parasites and only propagate within host cells. Their life cycle includes a vertebrate as an intermediary host, where only asexual propagation by schizogony and/or merogony takes place, and a tick as the definitive host, where sexual reproduction by gametogony and asexual propagation by sporogony occurs (Uilenberg ; Schnittger et al. ).

After its transmission by ticks, the infective sporozoite of Babesia directly invades erythrocytes, where they propagate by merogony. In contrast, Theileria and Cytauxzoon sporozoites first invade leukocytes (monocytes, macrophages, or T lymphocytes) and form schizonts. Some schizonts further develop into merozoites and egress from these cells, then invade erythrocytes, where they establish a merogonic propagation cycle (Fig. ; Kakoma and Mehlhorn ; Mehlhorn et al. ). Piroplasmids belonging to Theileria and Babesia sensu lato (s.l.) display transstadial transmission exclusively. In this mode of transmission, the tick first needs to acquire the parasite during the blood meal of the larvae or nymph, which during tick molting episodes is passed on to the subsequent nymph or adult tick stage, respectively (Florin-Christensen and Schnittger ). Besides transstadial transmission, the true Babesia or Babesia sensu stricto (s.s.) parasites evolved the unique ability to invade tick ovaries and eggs, and, subsequently, salivary glands of the tick larvae of the next generation, which is referred to as transovarial transmission. This results in vertical transmission, i.e., the perpetuation of the parasite into the next tick generation. In addition, transplacental transmission has been demonstrated as an alternative form of vertical transmission for an increasing number of piroplasmid species, ensuring parasite progression into the next vertebrate generation without the need for a tick vector (Florin-Christensen et al. ).

Schematic representation of the life cycle of piroplasmids. During the blood meal of a piroplasmid-infected tick on a vertebrate host, sporozoites (Sz) are released into the blood with tick saliva. In the case of Theileria and Cytauxzoon, sporozoites invade leukocytes (macrophages, lymphocytes, or monocytic histiocytes) and divide into intracellular schizonts (Sc). In transforming Theileria, the schizont parasite transforms leukocytes into continuously dividing cells that have cancer cell characteristics, metastasizing and invading diverse host cell tissues. In non-transforming Theileria or Cytauxzoon species, schizonts propagate in leukocytes, but do not transform host cells. Eventually, schizonts egress to invade erythrocytes and develop into merozoites (M), where, depending on the species, they divide either once (formation of duplicated piroplasms) or twice (formation of a Maltese cross), in a ***process*** known as merogony. Babesia parasites, with the exception of Rangelia vitalii, differ from Theileria in that tick-transmitted sporozoites directly invade erythrocytes and undergo asexual intraerythrocytic propagation as merozoites. Later intracellular merozoites develop into gametocytes, which do not further propagate. When another tick feeds on an infected vertebrate, gametocyte-infected erythrocytes are ingested and gametocytes egress and develop in Babesia into extracellular, ray-shaped isogametes, while in Theileria, macro and ray-shaped microgametes are formed. Gametes fuse in the tick midgut and turn into the diploid zygote, or ookinete stage, which invades the gut epithelium. Here, meiosis of the ookinete and subsequent intracellular asexual replication results in the formation of primary kinetes that in the case of Theileria directly invade salivary glands (SG) or, in the case of Babesia, invade other tick tissues where, through an additional asexual replication, secondary kinetes are generated and invade salivary glands. In salivary glands, metamorphosis of kinetes into sporozoites (Sp) occurs, which are injected into a vertebrate during a blood meal, closing the cycle. In Babesia sensu stricto, kinetes can invade the tick ovaries and then eggs, passing into the next tick generation (transovarial transmission, To), in which they develop into sporozoites depending on the species in the larvae or nymph salivary glands. In contrast, Theileria and Babesia sensu lato pass to the next tick developmental stage after molting (transstadial transmission, Ts) (Jalovecka et al. )

Phylogenetic analysis of piroplasmids based on the 18S rRNA gene has revealed that Babesia, Cytauxzoon, and Theileria represent a polyphyletic assemblage that requires taxonomic revision. Noteworthy, all piroplasmids important for the health of farm and companion animals, as well as those that infect humans, occur within six clades (Clades I to VI, according to Schnittger et al. ). Placement in these clades is in some cases accompanied by major life cycle particularities. Thus, the group of true Babesia or Babesia s.s. species of Clade VI is characterized by transstadial and transovarial transmission, while true Theileria or Theileria s.s., grouped into Clade V, feature transstadial transmission and a schizont parasite stage (Fig. ). On the other hand, T. equi (Clade IV or Equus clade) displays transstadial transmission and a schizont stage but represents a phylogenetic lineage that is distinct from Theileria s.s. and Babesia s.s. Likewise, Cytauxzoon (Clade III) is characterized by the presence of a schizont stage that infects host cells of the mononuclear reticulohistiocytic system. The remaining piroplasmid lineages can be distinguished from Babesia s.s. by exhibiting only transstadial transmission and belong either to Clade I (B. microti group) or II (Western clade), and together they are referred to as Babesia s.l. (Fig. ).

Molecular phylogenetic tree of 18S rRNA gene sequences of piroplasmid species (Clades I to VI) infecting domestic animals. Tree branches corresponding to Clades I to VI were collapsed due to space limitations. After alignment of 193 nucleotide sequences using MUSCLE, the Kimura 2 (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.48, I = 36.50%) to infer a maximum likelihood tree (Kimura ). For tree estimation, 974 positions were used. The 18S rRNA gene sequence of Cardiosporidium cionae (EU052685) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

These six lineages have emerged primarily due to our anthropocentric research orientation and not because of a possibly assumed intrinsic biological precedence. In consequence, at least four additional monophyletic lineages, which are confined to wild mammals (e.g., rhinocerotidae, monotremata, and Australian marsupials) and birds, have been identified and defined, and it is expected that others will follow (Paparini et al. , , ; Slapeta et al. ; Vanstreels et al. ; Yabsley et al. ; Greay et al. ; Barbosa et al. ; Jalovecka et al. ; Gonçalves et al. ; Ikeda et al. ).

This review is focused exclusively on farm and companion animals, and for the reason of clarity and ease of orientation, phylogenetic lineages will be addressed with their original designation as Clades I to VI (Schnittger et al. ). However, it is important to be aware that a considerable number of additional phylogenetic lineages exist (Jalovecka et al. ).

Different piroplasmid groups have evolved a series of intricate host-pathogen interplay mechanisms to guarantee their efficient propagation. Two different ***invasion*** ***processes*** of host erythrocytes have been described; Babesia s.s. parasite ***invasion*** is mediated by the discharge of secretory organelles and the formation of a tight junction between host and parasite membranes, resulting in the transient formation of a parasitophorous vacuole (Yokoyama et al. ). In contrast, Theileria s.s. parasites use a zipper-like mechanism with no involvement of apical organelles and a parasitophorous vacuole is never formed (Shaw ). After ***invasion***, Babesia and Theileria parasites reside, in contrast to Plasmodium, without a parasitophorous vacuole, directly within the cytoplasm of the erythrocyte. The ***invasion*** ***process*** is very rapid and efficient, ensuring that the parasite quickly finds an intracellular milieu where it can thrive (Sevilla et al. ). Some Babesia spp. of Clade VI, such as B. bovis and B. caballi, evolved highly intricate means to escape the host immune defense by antigenic variation, with the participation of large multigene families of surface proteins, and by causing the appearance of adhesive protuberances on the surface of infected erythrocytes that provoke their sequestration in capillaries, avoiding destruction in the spleen (Cooke et al. ; Allred ). Some Theileria species of Clade V, such as T. annulata, T. parva, and T. lestoquardi, are referred to as transforming Theileria spp., since they have found a way to propagate by schizont-induced uncontrolled host cell division, synchronizing parasite division with that of their host cell (Ahmed et al. ; Mans et al. ).

During tick feeding on a competent host, saliva components decrease the host immune response, resulting in both a longer attachment and efficient blood feeding by the tick, contributing to an effective piroplasmid transmission (Maritz-Olivier et al. ; Jalovecka et al. ). Finally, complex interaction between tick and piroplasmid molecules occurs within tick organs and tissues, which usually allows a balanced parasite propagation with no deleterious consequences for the tick. These complex interactions between ticks, piroplasmids, and their vertebrate reservoirs developed millions of years ago, leading to an equilibrium where the three actors coexist, thus ensuring parasite endurance and dissemination (Florin-Christensen and Schnittger ; Penzhorn ; Schnittger et al. ; Penzhorn et al. ).

Human domestication of wild animals led to the development and global expansion of a few animal species that provide food, fiber, work, or company to satisfy human needs. Relatively recently, at least from an evolutionary point of view, ticks and piroplasmids that had coevolved with their natural wild hosts crossed species barriers into domesticated animals. Hence, coadaptation between parasites and their new hosts is not yet completed, and this inadequate coadaptation often leads to severe pathogenicity or even death of infected animals. Domestic animals currently constitute a staggering 86% of the total biomass of large animals on earth (vs. 16% of wild animals), thus providing a huge ecological habitat for parasites to thrive, propagate, and evolve (Schnittger and Florin-Christensen ). Moreover, wild ancestor hosts lived in small, dispersed herds, in relatively confined ecological niches, which limited the geographic distribution of their associated piroplasmid parasites. Contrarily, large numbers of domestic animals are raised in close contact with each other, with different farm species frequently sharing the same pastures. Provided that a competent tick vector is present, this facilitates the transmission of infection of host-specific parasites between individual animals, but also of piroplasmids that are capable of crossing species barriers. The latter is often referred to as accidental infections and may result in severe pathogenicity or, alternatively, in a few propagation cycles within a dead-end host, with still unknown epidemiological relevance (Leemans et al. ; Schnittger et al. ). Additionally, the close contact between domestic animals and humans promotes the transmission of zoonotic parasites with humans as accidental or dead-end hosts, as is the case for B. divergens (Zintl et al. ).

Although important progress has been made in piroplasmid research over the last decades, an integrated overview on reported piroplasmid species, isolates, and species complexes infecting farm and companion animals is lacking. This study aims to present a complete compilation of Babesia, Cytauxzoon, and Theileria spp. that are infecting domestic mammals and have been well-characterized using the 18S rRNA or the cox1 gene as a molecular marker (Supp. data and ). Piroplasmid taxons are presented according to their phylogenetic classification into Clades I to VI and according to the vertebrate hosts that they infect. On one hand, this allows appreciating the unique characteristics displayed and the diversity of vertebrate hosts infected by each piroplasmid lineage and, on the other hand, provides an insight into the evolutionary relationships that exist between species within each phylogenetic lineage. The approach reveals and anticipates research challenges lying ahead, such as the need of species description of well-defined parasite isolates, a deeper analysis, understanding, and possible resolution of species complexes, and further progress in molecular phylogeny and taxonomy of this group, among others. Furthermore, the comparison of piroplasmid clades results in a more profound understanding of the similarities between and idiosyncrasies of each group within the Piroplasmida, which promotes the formulation of novel research hypotheses.

Piroplasmids in farm animals

Babesia and Theileria parasites in cattle

Members of the Bovidae family with productive importance (bovine, Bos taurus; water buffalo, Bubalus bubalis; zebu, Bos indicus; yak, Bos grunniens) can undergo infections with several Babesia and Theileria spp. Some of these parasites cause devastating diseases worldwide with huge economic losses, especially connected to cattle breeding in tropical and subtropical regions. Losses are not only due to animal death, but also to abortion, and losses in meat and milk production. Additional costs are associated with tick control, vaccination, chemotherapy, professional veterinary support, and decreased investment in cattle production in tick-infested areas (Bock et al. ; Ganzinelli et al. ; Kiara et al. ).

All ruminant-infecting Babesia species belong to the sensu stricto group (corresponding to Clade VI, Schnittger et al. ), which are characterized by the lack of a schizont stage, asexual reproduction exclusively within red blood cells in vertebrate hosts, and the occurrence of transovarial transmission in the tick vector (Uilenberg ; Schnittger et al. ; Jalovecka et al. ) (Table , Figs. and ). Among Babesia species that infect Bos taurus cattle, B. bovis and B. bigemina have the highest impact on animal health and productivity, while B. divergens, geographically more restricted, is relevant as a cattle and human pathogen. In B. bovis infections of naïve bovines, sequestration of infected erythrocytes in the microvasculature of the brain and lungs can provoke cerebral babesiosis and respiratory distress syndrome, respectively, and results in low levels of parasitemia (Cooke et al. ; Ganzinelli et al. ). On the other hand, acute babesiosis caused by B. bigemina and B. divergens progress with high parasitemia, and pathogenicity is mainly associated with massive erythrocyte destruction leading to severe anemia. Hemolysis-associated hemoglobinuria is observed in acute B. bigemina and B. divergens cases and in the late clinical stages of B. bovis infections, for which bovine babesiosis has received the common name of “redwater.” In addition, fever is frequent in infections by these three parasites, which can lead to abortions in pregnant cattle and temporary reduction of fertility in bulls. Death may occur if animals are not treated (Zintl et al. ; Bock et al. ; Henker et al. ).

Babesia and Theileria spp. of cattle and water buffalo

| **Species** | **Tick vector** | **Geographical distribution** | **Pathogenicity** | **Clade** | **Reference** |
| --- | --- | --- | --- | --- | --- |
| *B. bovis* | *Rhipicephalus microplus*, *R. annulatus*, *R. geigyi*, *R. australis* | Africa, America, Asia, Australia, Europe | Fever, anemia, hemoglobinuria, cerebral babesiosis, and respiratory distress syndrome | *Babesia* s.s. (Clade VI) | Bock et al. ; Uilenberg ; Schnittger et al. ; Estrada-Peña et al. ; Florin-Christensen et al. |
| *B. bigemina* | *R. microplus*, *R. annulatus*, *R. geigyi*, *R. decoloratus*, *R. evertsi* | Fever, anemia, and hemoglobinuria |  |  |  |
| *B. divergens* | *Ixodes ricinus*, *I. persulcatus* | Europe, Northern Africa | Fever, anemia, and hemoglobinuria | Zintl et al. ; Azagi et al. |  |
| *B. ovata* | *Haemaphysalis* sp. | Asia | Low pathogenicity | Sivakumar et al. |  |
| *B. major* | *Haemaphysalis* sp. | Asia, Europe | Low pathogenicity | Bock et al. ; Schnittger et al. |  |
| *B. occultans* | *Hy. marginatum* | Africa, Europe | Low pathogenicity | Blouin and van Rensburg ; Decaro et al. |  |
| *B. orientalis* | *R. haemaphysaloides* | Asia | Fever, anemia, icterus, hemoglobinuria | Liu et al. ; He et al. |  |
| *Babesia* sp. Mymensingh | nk | Vietnam, Sri Lanka, Uganda, Mongolia, Argentina | Fever, hemoglobinuria, anemia, and jaundice | Sivakumar et al. ; Roy et al. |  |
| *Babesia sp.* Tengchong | *Ixodes ovatus* | China | Asymptomatic | Li et al. |  |
| *T. annulata* | *Hyalomma* sp*.* | North Africa, Sudan, Middle East, Ethiopia, central and western Asia | Tropical theileriosis: fever, hemorrhages, anemia, and jaundice | *Theileria* s.s. (Clade V) | Sivakumar et al. |
| *Theileria* sp. Yokoyama | nk | Sri Lanka | nk | Sivakumar et al. |  |
| *T. parva* | *Rhipicephalus appendiculatus/R. zambeziensis* | East, central, and southern Africa | East Coast fever | Agina et al. |  |
| *T. taurotragi* | *Rhipicephalus* sp. | Eastern, southern, and central Africa | Considered non-pathogenic, but recently pathogenicity has been observed | Sivakumar et al. ; Biasibetti et al. |  |
| *T. orientalis* (syn. *T. buffeli/T. sergenti/T. sinensis*) | *Haemaphysalis* sp. | Worldwide | Oriental theileriosis exclusively caused by the Ikeda and Chitose types | Watts et al. |  |
| *T. mutans* | *Amblyomma* sp. | Africa, Caribbean Islands | Non-pathogenic | Sivakumar et al. |  |
| *T. verifera* | *Amblyomma* sp. | Sub-Saharan Africa | Non-pathogenic | Kiara et al. |  |
| *Theileria* sp. MSD | nk | South Africa, Uganda | Non-pathogenic | Chae et al. ; Byaruhanga et al. |  |

nk, not known

Molecular phylogenetic tree of 18S rRNA gene sequences of Babesia s.s. (Clade VI) infecting domestic animals. Carnivore clades A to D represent subclades of Babesia s.s. species that infect carnivore host species. Clades of B. caballi type A, B, and C are indicated. After alignment of 57 nucleotide sequences using MUSCLE, the Tamura-Nei (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.14, I = 39%) to infer a maximum likelihood tree (Tamura and Nei ). For tree estimation, 1227 positions were used. The 18S rRNA gene sequence of T. annulata (M65263) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

Human Babesia divergens infections can be asymptomatic and self-limiting in healthy individuals or be accompanied by fever, chills, headache, fatigue, loss of appetite, nausea, and shortness of breath. However, in immunocompromised, elderly, and splenectomized patients, infections can lead to severe clinical signs, including hemolytic anemia, splenomegaly, hepatomegaly, and renal failure, and are frequently fatal when untreated (Young et al. ).

Babesia bovis and B. bigemina are transmitted by the ixodid one-host ticks Rhipicephalus microplus, R. annulatus, R. australis, and R. geigyi, found in tropical and subtropical regions of the world (Gray et al. ; Estrada-Peña et al. ). Furthermore, B. bigemina can be transmitted by R. decoloratus and R. evertsi, which extends the distribution of this parasite in the African continent, making it the most widespread bovine Babesia species (Rodriguez et al. ). Babesia divergens is transmitted by Ixodes ricinus in Europe and Northern Africa. This tick thrives in moisture-saturated microhabitats and tolerates a large range of temperatures, which determines its distribution in various climatic regions (Zintl et al. ; Azagi et al. ).

Recently, a yet unnamed novel species, Babesia sp. Mymensingh, causing clinical babesiosis characterized by fever, hemoglobinuria, anemia, and jaundice, has been identified in cattle of Vietnam, Sri Lanka, Uganda, Mongolia, and Argentina. This species is most closely related to B. bigemina (Fig. ). The tick vector of this parasite is still unknown (Roy et al. ; Sivakumar et al. ; Otgonsuren et al. ; Sivakumar et al. ). Identification of an additional isolate designated Babesia sp. Hue-1 warrants further characterization to confirm its status as species (Sivakumar et al. ).

Besides Bos taurus infections, B. bovis and B. bigemina commonly cause asymptomatic infections in zebu (Bos indicus) and water buffalo (Bubalus bubalis) (Ferreri et al. ; Jonsson et al. ; Romero-Salas et al. ; Benitez et al. ). In addition, water buffaloes from Vietnam and Sri Lanka were also found to be infected with Babesia sp. Mymensingh (Sivakumar et al. ). Absent or attenuated clinical signs upon infection of these ruminants might have resulted from long coevolutionary adaptations with Rhipicephalus ticks and Babesia parasites. Their natural resistance to hemoparasites may be one of the reasons why these types of bovids are favored for meat and/or milk production in many tick-endemic regions (Jonsson et al. ; Benitez et al. , ; Florin-Christensen et al. ).

Babesia spp. infecting cattle with low virulence and limited geographic distribution include B. ovata and B. major, transmitted by Haemaphysalis sp. (Ganzinelli et al. ). However, in the case of B. ovata, immunocompromised cattle or those coinfected with T. orientalis can develop clinical disease (Sivakumar et al. ). Phylogenetic analysis strongly suggests that Babesia sp. Kashi, isolated in China from Hyalomma anatolicum ticks and causing asymptomatic infections, is identical to B. occultans (Fig. , Luo et al. , ). Babesia occultans, reported to be transmitted by Hyalomma sp., has generally been regarded as mildly pathogenic. Nonetheless, acute bovine babesiosis cases associated with this parasite have been reported in Italy and Iran indicating that this parasite may be of greater clinical relevance than initially thought (Decaro et al. ; Noaman et al. ). Babesia orientalis is closely related to B. occultans, transmitted by R. haemaphysaloides, and has low virulence in cattle; however, water buffaloes are highly susceptible to this parasite and clinical cases with fever, anemia, icterus, hemoglobinuria, and even death have been reported in Asia (Liu et al. ; He et al. ).

Babesia bigemina, B. bovis, and B. ovata infections were also detected in yaks (Bos grunniens and Bos mutus), long-haired bovids adapted to high altitudes and important for the livelihood and economy of dwellers of the Himalayan region. The relevance of these infections for the welfare and productivity of yaks is still unknown (Li et al. ). Importantly, an additional novel species, Babesia sp. Tengchong, has been isolated from white yaks and Ixodes ovatus ticks feeding on goats (Fig. , Liu et al. ; Li et al. ). The significance of goats as a host of this species needs to be confirmed.

Finally, infections of cattle with non-bovine Babesia spp., such as the ovine B. motasi, are occasionally detected by molecular methods. However, it is unclear whether these parasites can efficiently use bovines as intermediary hosts (Sun et al. ).

Unlike naïve adult cattle, young animals do not generally present clinical signs upon Babesia sp. infection due to the existence of competent innate immune defense mechanisms (Rodriguez et al. ). Animals that survive acute babesiosis develop a strong protective adaptive immunity and do not manifest clinical signs. However, low-level persistent infections allow parasite transmission and perpetuation in tick-endemic areas (Bock et al. ).

In summary, the clinical manifestations of Babesia sp. infections of bovids depend on the pathogenic phenotype of the infecting species and strain but host factors, such as species, breed, age, and immune status, are also involved (Chauvin et al. ). While the impact of clinical babesiosis is clear, it remains to be investigated whether asymptomatic infections of bovids with Babesia spp. result in a decrease in health and/or productivity parameters.

Distinct management strategies, including tick control using acaricides, chemotherapy, and vaccination, are applied to prevent or decrease the impact of clinical manifestations of bovine babesiosis in endemic areas. Although chemical acaricides are still the main means of tick control, they do have important shortcomings, such as contamination of the environment and animal products with chemical residues and the emergence of acaricide-resistant ticks (Maya-Delgado et al. ; Kumar et al. ). An environment-friendly and efficacious alternative to acaricides to reduce tick infestation consists of immunization of cattle with recombinant tick antigens. This strategy has resulted in the development of commercial vaccines based on the R. microplus Bm86 gut antigen, as well as a great deal of research efforts to identify additional tick targets for new anti-tick vaccine formulations (de la Fuente et al. ; Ndawula and Tabor ).

Imidocarb dipropionate and diminazene acetate are the most common drugs used in the treatment of babesiosis. However, the accumulation of drug residues in meat and milk and the risk of development of drug resistance have prompted an active search for alternative suitable chemotherapeutics (Mosqueda et al. ; Rodriguez et al. ).

Live vaccines based on attenuated parasites are available in some countries for the prevention of B. bovis and B. bigemina infections and are effective against the devastating effects of the acute disease. However, although attenuated strains are usually poorly virulent for young calves, they can cause severe acute babesiosis and death when applied to adult animals (Florin-Christensen et al. , ). Thus, there is considerable interest in developing alternative options based on recombinant subunit vaccines. Genome analysis, transfection systems, and gene-editing technology can highly benefit and accelerate the development of such novel vaccine strategies (Silva et al. ; Suarez et al. ).

Theileria sp. parasites that infect bovids belong to a monophyletic group corresponding to Clade V as defined in Schnittger et al. () (Table , Figs. and ). Members of this clade are characterized by presenting a schizont stage in lymphoid cells and piroplasms in red blood cells of the vertebrate host, and exclusive transstadial but not transovarial transmission in the tick (Kiara et al. ).

Molecular phylogenetic tree of 18S rRNA gene sequences of Theileria s.s. (Clade V) infecting domestic animals. After alignment of 44 nucleotide sequences using MUSCLE, the Tamura-Nei (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.10, I = 72.50%) to infer a maximum likelihood tree (Tamura and Nei ). For tree estimation, 1378 positions were used. The 18S rRNA gene sequence of Cytauxzoon felis (AY679105) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. ) The clade of ´transforming Theileria´ refers to piroplasmid species that invade and transform leukocyte host cells

Among bovine-infecting Theileria parasites, T. annulata, T. parva, and T. orientalis, etiological agents of tropical theileriosis, East Coast fever (ECF), and oriental theileriosis, respectively, are the most important species from an economic point of view (Kiara et al. ).

Some Theileria parasites of Clade V (T. annulata, T. parva, T. taurotragi, possibly the recently in bovids identified Theileria sp. Yokoyama and the ovine-infecting species T. lestoquardi) have acquired the ability to transform leukocytes of their hosts (Sivakumar et al. , ). The transforming Theileria species are contrasted with non-transforming species (T. orientalis, T. mutans, and T. velifera in bovids). The former possess the ability to invade leukocytes, develop into schizonts, and synchronize schizont division with that of the host cells they infect. Transformed leukocytes proliferate indefinitely and disseminate in infected cattle in a cancer-like style. This unique feature results in a complex interplay between parasite and host and is often associated with high pathogenicity and mortality (Mans et al. ; Tajeri et al. ). Under the supposition of parasite-host cospeciation, phylogenetic inference supports the view that the ability of host cell transformation has been acquired only once by the most recent common ancestor (MRCA) of this monophyletic group about 14 to 16 mya (Fig. , Hassanin et al. ; Pienaar et al. ; Jalovecka et al. ). This highlights that host cell transformation is an autapomorphy and therefore not suitable to define the Theileria s.s. group.

Theileria annulata is probably the most important ruminant-infecting Theileria species with an estimation of over 250 million cattle heads at risk. Its distribution extends from North Africa through Southern Europe and the Middle East into India, southern regions of Russia, and Central Asia. It infects cattle as well as water buffalo, its likely natural host, and is transmitted by Hyalomma ticks (Sivakumar et al. ; Kiara et al. ; Gharbi et al. ). Theileria annulata sporozoites invade MHC class II–expressing cells, mainly macrophages and B cells, leading to the formation of schizonts and uncontrolled proliferation of parasite-infected host cells. Further multiplication of the piroplasms occurs in the red blood cells, and high parasitemia levels are associated with hemolytic anemia. In addition, tropical theileriosis is characterized by enlarged lymph nodes, fever, increased pulse and respiratory rates, swollen eyelids, profuse lachrymation, jaundice, and sometimes death (Agina et al. ). A T. annulata-like parasite was recently detected in cattle from Sri Lanka, and phylogenetic analysis based on the 18S rRNA and cytochrome b gene showed that it corresponds to a new species, which has been provisionally named Theileria sp. Yokoyama (Fig. ). Morphological, clinical, and pathological differences of this parasite with respect to T. annulata remain to be studied (Sivakumar et al. ). However, as this species segregates into the monophyletic group of the transforming Theileria, it is reasonable to assume that it shares this characteristic with the other Theileria species of this group (see above).

Theileria parva poses an enormous economic impact, especially on pastoralist and small farmers in Eastern and Southern Africa. It is mainly transmitted by the widespread tick vector R. appendiculatus, as well as by R. zambeziensis (Morrison et al. , ). Theileria parva transformation of T cells is associated with high virulence. ECF clinical signs include anorexia, fever, leukopenia, and enlarged lymph nodes. In addition, diarrhea, nasal discharge, soft coughs, and difficulties in breathing due to the accumulation of fluid in the lungs may occur. Sometimes, severe congestion and hemorrhages in the meninges and in the brain accompanied by nervous signs, paralysis, and death can take place if the parasites invade the central nervous system, in a manifestation known as bovine cerebral theileriosis or turning sickness (Morrison et al. ; Kiara et al. ).

Based on molecular detection in different potential hosts and in vitro experiments of host cell ***invasion***, the African buffalo (Syncerus caffer) is considered to be the natural reservoir of T. parva (Pienaar et al. ; Morrisson et al. ). Tick transmission of T. parva isolates from buffalo causes high mortality in cattle, a sickness termed Corridor disease. Strains adapted to cattle (cattle-derived T. parva) can be transmitted between cattle by ticks, causing ECF or January disease, and form a separately maintained subset population of those found in buffalo (Morrison et al. ). These observations highlight the adaptation and/or selection ***process*** undergone by the T. parva parasite population of African buffalo enabling the use of cattle as hosts after these bovids were introduced into the African continent. This may be an ongoing ***process*** taking place when both host animal species are maintained in proximity (Uilenberg ; Sivakumar et al. ). Consistent with this notion, African buffalo-derived strains were found to have a higher genetic diversity, with double the number of variants, compared to cattle-derived strains (Maboko et al. ).

Theileria taurotragi is transmitted by R. appendiculatus and, accordingly, shows an overlapping distribution with T. parva. Although this parasite is generally considered mildly pathogenic, cerebral theileriosis cases observed in bovine and zebu cattle have been linked to T. taurotragi infections (De Vos et al. ; Mans et al. ; Biasibetti et al. ). The natural reservoirs of T. taurotragi are the Tragelaphini species nyala (Tragelaphus angasii), eland (Taurotragus oryx), and kudu (Tragelaphus strepsiceros and T. imberbis), while this parasite does not infect the African buffalo (Pienaar et al. ). The Tragelaphini are a sister taxon of the Bovini (comprising of Bovina and Bubalina) within the Bovinae subfamily. Accordingly, assuming parasite-host cospeciation, T. taurotragi and Tragelaphini represent sister species to the remaining transforming Theileria spp. and Bovini hosts, respectively, except for sheep infected by T. lestoquardi in which host switching from cattle to sheep has occurred (Schnittger et al. ; Hassanin et al. ; Pienaar et al. ; Jalovecka et al. ).

Among the bovid non-transforming Theileria spp., T. orientalis is the most relevant and has a worldwide distribution with its greatest economic impact recorded in Australia, Japan, and New Zealand. Acute cases of oriental theileriosis, characterized by marked anemia as the main clinical sign, as well as pyrexia and elevated heart and respiratory rates, appear where naïve cattle have been introduced into an endemic area or in animals under stress (Watts et al., ).

Two additional related species, defined according to their geographical origin, T. sergenti in Japan and T. buffeli in Australia, were later reclassified as T. orientalis, based on the sequence analysis of the 18S rRNA gene and the major piroplasm surface protein (MPSP) genes (Kamau et al. ; Sivakumar et al. ; Watts et al. ). Analysis of MPSP sequences also revealed the presence of twelve MPSP types currently, some of which correlate with virulence (Li et al. ; Gebrekidan et al. ). Thus, the Ikeda (type 2) and Chitose types (type 1) are associated with anemia, while the Buffeli type (type 3), type C (type 4), and other isolates are not (Eamens et al. ; Sivakumar et al. ; Jenkins et al. ). A recent phylogenomic study suggests that Ikeda may most likely represent a different species when compared to Chitose and Buffeli types (Bogema et al. ). Furthermore, the third group of closely related isolates from China, referred to as T. sinensis, group within the T. orientalis complex. Consequently, this suggests that the name T. sinensis can be considered obsolete and these isolates should be referred to as T. orientalis (Fig. ). Combined infections of cattle with different T. orientalis genotypes have been suggested to contribute to the persistence of the parasite in the host by simultaneously presenting several targets to its immune system (Eamens et al. ). Asymptomatic infections of water buffaloes and yaks with Theileria orientalis have also been reported (Sivakumar et al. ; Li et al. ).

Other non-transforming Theileria spp. described in cattle that are often found in high prevalence and are not associated with clinical cases are T. mutans and T. velifera, which are transmitted by Amblyomma ticks (Sivakumar et al. ; Byaruhanga et al. ; Kiara et al. Ouedraogo et al. ). The T. mutans reference isolate (AF078815, cattle, Intona, Kenya) groups with isolates from zebu and goat into a single clade that is most closely related to Theileria sp. MSD, a species that has been isolated from cattle, zebu, African buffalo, and goats (Fig. , Byaruhanga et al. ; Chatanga et al. ). Importantly, isolates exclusively identified in African buffalo and referred to as T. mutans-like can be clearly distinguished from T. mutans and Theileria sp. MSD identified in cattle, zebu, and goat (Chaisi et al. ; Byaruhanga et al. ). Additional studies may be necessary to delineate the additional isolates that are associated with T. mutans.

Bovine theileriosis can be partially controlled by acaricides to decrease tick infestation and, to a lesser extent, by the production of cross breeds of cattle that are more resistant to the parasite than European breeds, as well as the use of anti-theilerial drugs to treat clinical cases. However, concerning the latter approach, several cases of treatment failure have been reported for T. annulata (Gharbi et al. ). Protection against clinical signs associated with acute tropical theileriosis can be achieved by vaccination with attenuated macroschizont cell lines, but so far this approach has only been experimental (Morrison and McKeever ). In the case of ECF, the so-called infection and treatment method is currently the only preventive immunization protocol available. It involves the inoculation of three different strains of live T. parva sporozoites, together with the administration of long-acting oxytetracycline (Morrison et al. ; Agina et al. ). As mentioned above for bovine babesiosis, preventive protocols based on live parasites imply a cumbersome production and the risk of coinfection with other pathogens. Important research efforts have been concentrated on identifying potentially useful vaccine antigens for subunit vaccines, but the experimental trials carried out so far in cattle did not yield satisfactory results (Musoke et al. ; Fry et al. ; Florin-Christensen et al. ).

Babesia and Theileria in sheep and goats

Piroplasmids of veterinary importance infecting sheep and goats all belong to Babesia s.s. (Clade VI) and Theileria s.s. (Clade V) (Table , Figs. , , and ). The diversity of these piroplasmids is challenging to assess from literature for several reasons, including (i) some species were described before the onset of molecular taxonomy and in some cases it is not possible to know to which species these old reports refer to; (ii) species names have changed since they were first described; (iii) publications are wrongly cited; (iv) deposited 18S rRNA sequences are too short to warrant a reliable phylogenetic analysis; or (v) sequences deposited in databases are not accompanied by a descriptive publication. In addition, several sequence variants of the 18S rRNA gene have been defined, but it is not yet clear if they belong to different species or subspecies. Despite these constraints, this section aims to provide a concise and thorough overview of what is currently known about small ruminant piroplasmids.

Babesia and Theileria spp. of sheep and goat

| **Species** | **Tick vector** | **Geographical distribution** | **Pathogenicity** | **Clade** | **Reference** |
| --- | --- | --- | --- | --- | --- |
| *B. ovis* | *Rhipicephalus bursa*, *Rhipicephalus turanicus* | Southern Europe, Middle East, some African and Asian countries | Pathogenic for adult sheep, non-pathogenic for goat | *Babesia* s.s. (Clade VI) | Babes ; Yeruham et al. |
| *B. crassa* | nk | Iran, Turkey | Mildly pathogenic | Hashemi-Fesharki and Uilenberg |  |
| *B. motasi* | *Haemaphysalis punctata* | Europe | Mildly pathogenic for sheep, severely pathogenic for goats | Uilenberg et al. ; Lewis et al. |  |
| *B. motasi-*like (*Babesia* sp. Lintan) | *Haemaphysalis* sp., *Dermacentor silvarum*, *Ixodes persulcatus*, *Rhipicephalus sanguineus* s.l. | China | Moderately to severely pathogenic | Liu et al. ; Niu et al. |  |
| *Babesia* sp. Xinjiang | *Haemaphysalis longicornis*, *Hyaloma anatolicum* | China | Moderately pathogenic | Liu et al. ; Niu et al. |  |
| *T. uilenbergi* | *Haemapysalis qinghaiensis*, *Haemaphysalis longicornis* | China | Highly pathogenic for sheep and goats resulting in important mortality | *Theileria* s.s. (Clade V) | Schnittger et al. ; Schnittger et al. ; Yin et al. |
| *T. luwenshuni* | *Haemapysalis qinghaiensis* |  |  |  |  |
| *Theileria* sp. OT1 (syn. *T. luwenshuni*) | nk | Spain | Non-pathogenic | Nagore et al. (, ) |  |
| *T. lestoquardi* (syn. *T. hirci*) | *Hyalomma anatolicum anatolicum*, *Rhipicephalus sanguineus* s.l. | Sudan, Egypt, India, Turkey, Iran, Saudi Arabia, and Oman | Malignant sheep theileriosis: fever, lethargy, cough, lymphadenopathy, weight loss, high mortality | Hooshmand-Rad and Hawa , |  |
| *T. ovis* | *Hyalomma* sp., *Rhipicephalus evertsi* | Europe, Sudan | Non-pathogenic | Leemans et al. ; Uilenberg ; Schnittger et al. |  |
| *Theileria* sp. Malawi | nk | Malawi | Non-pathogenic | Chatanga et al. |  |
| *T. separata* | *Rhipicephalus evertsi* | Tanzania, Kenya, China? | Non-pathogenic | Uilenberg and Andreasen |  |
| *Theileria* sp. OT3 | nk | Spain, Turkey | Non-pathogenic (but increased rate of abortion was observed) | Nagore et al. , ; Altay et al. |  |
| *Theileria* sp. MK | nk | Turkey | Non-pathogenic | Altay et al. |  |

nk, not known

The first description of an intraerythrocytic microorganism causing disease in sheep was carried out by Viktor Babes in Romania soon after his first similar observation for bovines (Babes ). This pathogen, later named Babesia ovis, is now known to infect sheep and goats in Southern Europe, the Middle East, and some African and Asian countries, where it is transmitted by Rhipicephalus bursa and R. turanicus (Yeruham et al. ; Yin and Luo ; Ranjbar-Bahadori et al. ; Rjeibi et al. ). While infections of young animals are normally asymptomatic, adult naïve sheep can experience a severe disease with fever, hemolytic anemia, hemoglobinuria, and icterus, as well as significant mortality (Hurtado et al. ; Sevinc et al. ). Contrarily, there are no reports on clinical cases in goats infected with B. ovis. Two additional Babesia species have long been associated with infections of small ruminants: B. crassa, isolated in Iran, with low pathogenicity and unknown vector, and B. motasi, initially isolated in Europe, and transmitted by Haemaphysalis ticks. Babesia motasi has been suggested to comprise more than one species or subspecies, differing in pathogenicity, infectivity to sheep and goats, and morphology (Lewis and Herbert ; Uilenberg et al. ; Lewis et al. ; Uilenberg ). Infections with B. motasi lead to mild clinical signs in sheep but can result in severe anemia, ill thrift, and death in goats (Smith and Sherman ).

Several Chinese Babesia isolates from small ruminants, including Babesia sp. BQ1 (Lintan), Babesia sp. BQ1 (Ningxian), Babesia sp. Tianzhu, Babesia sp. Madang, Babesia sp. Hebei, and Babesia sp. Liaoning, were assigned to a B. motasi-like phylogenetic group, due to their similarities in morphology and 18S rRNA sequence to a European B. motasi isolate, as well as being also transmitted by Haemaphysalis sp. ticks (Fig. , Liu et al. ; Niu et al. ). In several publications, these parasites from China are referred to as B. motasi, but in this review, they are named B. motasi-like to avoid confusion. The finding of B. motasi-like DNA in Dermacentor silvarum, Haemaphysalis quinghaiensis, Haemaphysalis longicornis, Ixodes persulcatus, and Rhipicephalus sanguineus ticks from different areas of China might indicate an increased range of suitable vectors for these parasites and requires further investigation (Niu et al. ). The B. motasi-like group separates into two clades upon analysis of apicoplast and mitochondrial genomes, on one hand, into Babesia sp. Lintan and Babesia sp. Tianzhu, and, on the other hand, into Babesia sp. Hebei and Babesia sp. Ningxian, each of which may correspond to two distinct species or subspecies (Wang et al. , ).

An additional Babesia genotype, transmitted by Hyalomma anatolicum and Haemaphysalis quinghaiensis ticks and causing subclinical infections, was discovered in sheep in Xinjiang, China (Liu et al. ; Guan et al. ). It received the name Babesia sp. Xinjiang and could be clearly differentiated from the B. motasi-like phylogenetic group by its 18S rRNA sequence, as well as analysis of its apicoplast and mitochondrial genomes, indicating it is a species on its own (Guan et al. ; Wang et al. , ). Detection of Babesia sp. Xinjiang DNA in questing Haemaphysalis longicornis ticks opens the possibility that this is an additional vector for this piroplasmid (Niu et al. ). Interestingly, phylogenetic comparison of 18S rRNA genes shows that Babesia sp. Xinjiang is closely related to B. pecorum, described from cervids in Spain, and to Babesia species isolated from giraffe in South Africa. However, the far distant non-overlapping geographic distribution of these isolates and infection of distantly related host species distinguish them as different species (Jouglin et al. ).

Recently B. venatorum has been detected in sheep in the UK. In Continental Europe, roe deer (Capreolus capreolus) is considered the natural host of this species. Whether this represents an accidental infection, or whether the parasite is well established in this host, remains to be confirmed (Gray et al. ). Babesia taylori and B. foliate have also been reported to infect sheep and goats; however, as no molecular data are available for these species, it is not possible to verify their identity and taxonomic position (Levine ).

Ovine theileriosis is of concern for small ruminant producers in different regions of the world. In addition to direct costs due to morbidity and mortality, the high mortality of naïve animals after their first exposure to ticks prevents crossbreeding of indigenous animals with breeds imported from tick-free areas, therefore hampering the possibility of genetic improvement of herds from tick-endemic areas (Mehlhorn et al. ; Yin et al. ). Several Theileria species have been described to infect small ruminants, including T. lestoquardi, T. uilenbergi, T. luwenshuni, T. ovis, and T. separata (Ahmed et al. ). Additionally, Theileria sp. isolates that represent yet unrecognized species have been reported (Table , Figs. and ).

Theileria lestoquardi, initially named T. hirci, is highly pathogenic and belongs, together with T. annulata, T. parva, and T. taurotragi to the transforming group of Theileria spp., a unique characteristic proposed to derive from a common ancestor of this group as outlined previously (see “”; Hooshmand-Rad and Hawa ; Schnittger et al. ; Sivakumar et al. ). However, phylogenetic inference suggests that in contrast to the other transforming Theileria spp. which have most likely emerged by cospeciation evolution, T. lestoquardi, which is very closely related with T. annulata, has evolved most recently following a host switch to sheep. This view is supported by the fact that both piroplasmids, T. annulata and T. lestoquardi, are transmitted by the same tick species (Schnittger et al. ). Uncontrolled proliferation of T. lestoquardi schizonts within lymphocytes results in malignant theileriosis with high morbidity and mortality rates in sheep (El Iman et al. ; Tageldin et al. ). Interestingly, cross-infectivity studies show that acute infections with this parasite are characterized by generalized enlargement of the superficial lymph nodes, high fever, cessation of rumination, diarrhea or constipation, jaundice, and hemorrhages, while chronic infections are accompanied by intermittent fever, inappetence, anemia, jaundice, and emaciation (Tageldin et al. ). The outcome depends on genetics, nutrition, concomitant diseases, and infection dose (Preston ; El Imam et al. ). Although goats usually undergo subclinical infections with T. lestoquardi, an outbreak confirmed to be caused by this parasite, with typical clinical manifestations of malignant theileriosis and high lethality, was reported in a herd of goats in Sudan (Taha et al. ). Theileria lestoquardi is mainly transmitted by Hy. anatolicum, although other possible vectors include R. sanguineus (Razmi et al. ). Theileria lestoquardi infections of small ruminants have been reported in Sudan, Egypt, India, Turkey, Iran, Saudi Arabia, and Oman (El Imam and Taha ).

Theileria luwenshuni and T. uilenbergi were described in China as pathogenic Theileria spp. transmitted by Haemaphysalis qinghaiensis ticks and initially referred to as Theileria sp. 1 (China) and Theileria sp. 2 (China), respectively. These parasites were initially confused with T. ovis and T. lestoquardi, but phylogenetic analysis of their 18S rRNA gene sequences showed that T. luwenshuni and T. uilenbergi group differently from T. ovis and T. lestoquardi (Schnittger et al. , ; Yin et al. ). Following their classification as separate species, there are no descriptions of the pathogenic effects caused by T. luwenshuni and T. uilenbergi. However, outbreaks of ovine theileriosis, with high morbidity and mortality in sheep and goats from different regions of China, have long been reported, and although molecular studies to confirm the etiological agent are not available, they are likely associated with infections with these parasites. Reported clinical signs include fever, inappetence, and cessation of rumination, rapid heartbeat dyspnea, weakness, listlessness, and swelling of superficial lymph nodes. Lethality rates were especially high among lambs and animals of 1–2 years of age (Luo and Yin ; Guo et al. ). Importantly, outbreaks of ovine theileriosis due to T. luwenshuni infection have been recently demonstrated by molecular detection from India and the UK (Phipps et al. ; Dhaygude et al. ). Furthermore, it has been reported that T. luwenshuni and T. uilenbergi were not able to transform lymphocytes (Luo and Yin ; Yin et al. ). Recently, Theileria sp. OT1 has been isolated from sheep in Spain and phylogenetic inference based on the 18S rRNA gene demonstrates that it is identical with T. luwenshuni suggesting that the distribution of this parasite is wider than has been previously assumed (Fig. , Nagore et al. , ). Theileria uilenbergi has also been identified in sika deer (Cervus nippon) and T. luwenshuni in Japanese serow (Capricornis crispus), suggesting that these may be their respective natural hosts (Fig. , Schnittger et al. ; Li et al. ; Liu et al. ).

Theileria separata, initially named Haematoxenus separatus, causes subclinical infections in sheep in Tanzania and Kenya, and is transmitted by R. evertsi (Uilenberg and Andreasen ; Uilenberg and Schreuder ; Young and Mchinja ). Recently, the 18S rRNA gene sequence of a Theileria sp. isolated from an infected sheep in China showed high similarity to the 18S rRNA gene sequence of a T. separata isolate from South Africa (Sun et al. ). This finding could indicate that either the geographical distribution of T. separata extends beyond sub-Saharan Africa, or that this represents a rare case, perhaps connected to sheep trade between South Africa and China. If the first scenario holds true, then a suitable vector needs to be identified, since R. evertsi is an afrotropical tick, not present in China (Walker et al. ).

Theileria ovis causes asymptomatic infections and seems to be widespread since it has been identified in Spain, France, Turkey, Sudan, and China. Recently, a Theileria sp. has been identified in sheep and goats in Malawi, Africa, which seems to be most closely related to T. ovis (Chatanga et al. ). However, this isolate, designated as Theileria sp. Malawi, represents a novel species as demonstrated in the inferred phylogenetic tree of 18S rRNA genes (Fig. , Table ).

Two additional non-pathogenic isolates, Theileria sp. OT3 and Theileria sp. MK, have been reported in sheep of Spain and Turkey, and based on 18S rRNA sequences analysis, both represent novel species that await further characterization (Nagore et al. , ; Altay et al. ). Interestingly, Theileria sp. OT3 has been identified in several wild hosts such as red and roe deer (Capreolus capreolus) and in Pyrenean chamois (Rupicapra pyrenaica), suggesting a low host specificity. Theileria recondita is mentioned in some publications, but there is not enough information about this species and no molecular data are available. Thus, the existence of this parasite and demonstration that it represents a separate species would need confirmation (Alani and Herbert ; Schnittger et al. ).

Piroplasmids in companion animals

Equine piroplasmids

Theileria equi, the recently described Theileria haneyi, and Babesia caballi are obligate intraerythrocytic apicomplexan parasites that infect domestic equids (horse, donkey, and mule) as well as zebra (Equus zebra, Equus quagga, and Equus grevyi) and wild asses (Equus africanus, Equus hemonius, and Equus kiang) (Nuttall and Strickland ; Mehlhorn and Schein ; Knowles et al. ; Librado and Orlando ). Theileria equi and T. haneyi are placed into a single monophyletic Clade IV (Equus group, Figs. and ) that is clearly distinguishable from Theileria s.s. (Clade V, Figs. and ) as inferred by phylogenetic analysis using single marker genes or phylogenomics (Schnittger et al. ; Jalovecka et al. ; Muñoz-Gomez et al. ). In contrast, B. caballi is the only piroplasmid species infecting horses that is placed into Babesia s.s. (Clade VI, Figs. and ). Infection by these hemoparasites causes equine piroplasmosis (EP), a globally significant disease, which is maintained in equid populations in areas where competent tick vectors are present (Schein ).

Molecular phylogenetic tree of 18S rRNA gene sequences of Theileria (Clade IV, Equus group) infecting domestic horses. After alignment of 38 nucleotide sequences using MUSCLE, the Hasegawa-Kishino-Yano (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.11, I = 72.69%) to infer a maximum likelihood tree (Hasegawa et al. ). For tree estimation, 1388 positions were used. The 18S rRNA gene sequence of Cytauxzoon felis (AF39990) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

EP can have acute, peracute, and chronic manifestations. Clinical signs of acute and peracute cases are often non-specific and include fever, inappetence, malaise, tachycardia, and increased respiration rate, constipation followed by diarrhea, splenomegaly, anemia, and hemoglobinuria. Complications such as pneumonia and enteritis as well as abortion, due to pyrexia of the mare or intrauterine infection of the fetus, can occur. In the case of B. caballi infections, central nervous system involvement has been reported. Chronic infections are characterized by mild inappetence, loss of weight, and poor performance (Ueti et al. ; Laus et al. ; Ueti and Knowles ). Significant economic losses to the equine industry connected to EP are due to loss of activity, treatment, abortions, and death. Additionally, EP imposes restrictions on the international movement of horses (Rothschild ).

In addition to 33 ixodid tick species belonging to six genera (Amblyomma, Dermacentor, Haemaphysalis, Hyalomma, Ixodes, and Rhipicephalus) that have been identified and/or are suspected as vectors of EP, iatrogenic transmissions have been reported for T. equi and B. caballi, whereas transplacental transmission has been reported exclusively for T. equi (Scoles and Ueti ; Short et al. ; Wise et al. ; Sant et al. , ). EP is endemic in many parts of the world, including Southern Europe, Asia, Central and South America, and Africa (Onyiche et al. ). Non-endemic countries include the United States (USA), Canada, the United Kingdom (UK), New Zealand, Japan, and Australia (Tirosh-Levy et al. ). However, outbreaks of T. equi have been reported in the UK and USA, endangering their current piroplasmosis-free status (Scoles et al. ; Short et al. ; Coultous et al. ).

The description of EP dates to the early twentieth century when the disease was initially described as either anthrax fever, biliary fever, a bilious form of African horse sickness, or equine malaria (Hutcheon ; Nunn ; Theiler ; Henning ). In 1901, one EP etiological agent was classified in the genus Piroplasma following the recognition of an intraerythrocytic protozoan parasite in the blood of horses from South Africa (Laveran ). At around the same time, the disease was reported in a group of imported mules in French Indo-China and, in 1908, in Sardinia, in a group of horses imported from Hungary (Bimbi ; Schein ).

Since its initial discovery, the taxonomy of Piroplasma equi, later reclassified as Babesia equi and then as Theileri equi, has changed several times (Laveran ; Levine et al. ; Schein et al. ). Piroplasma caballi (later reclassified as Babesia caballi) was discovered shortly after, in 1904, as the largest of two morphologically distinct parasites infecting horses in Zimbabwe (Nuttall and Stickland ). Although both parasites belong to the phylum Apicomplexa and are classified in the family Piroplasmida, only B. caballi is regarded as a true Babesia species (Babesia s.s.). In contrast, the discovery of schizogony in the lymphocytes of horses led to the reclassification of B. equi into Theileria equi as it was assumed at this time that this characteristic was unique to the true Theileria (Theileria s.s.) (Mehlhorn and Schein ). Many years later, phylogenetic analysis demonstrated that T. equi does not belong to Theileria s.s., but represents a distinct independent monophyletic lineage (Clade IV, Schnittger et al. ) that has been recently referred to as the Equus group (Jalovecka et al. ; Bhoora et al. ). In accordance with their taxonomic positioning, B. caballi and T. equi are transmitted transovarially and transstadially in the vector tick, respectively (Ueti and Knowles ).

Piroplasmids of the Equus group split into at least five 18S rRNA gene sublineages that are commonly referred to as genotypes A, B, C, D, and E. Reference to isolates belonging to these sublineages as genotypes, combined with the fact that coinfection is frequently observed, may have obscured the view that they most likely represent a complex of at least five different species, as strongly suggested by phylogenetic analysis using the 18S rRNA gene (Table , Fig. ). The term genotype refers to allelic variants between which genetic exchange takes place (a characteristic that is sufficient, though not necessary, for species definition), which in turn implies that isolates represent variants of a single species. It would therefore be preferable to refer to them in an impartial manner, such as sublineages or isolates of types A–E, until evidence has been presented that they correspond to either a single species or a complex of different species infecting the same host. Noteworthy, delineation of species using the 18S rRNA gene has been very widely used and is a highly reliable taxonomic and phylogenetic tool for classifying Babesia, Theileria, and other hemoprotozoan species (Schnittger et al. ; Greay et al. ). Molecular phylogeny based on the 18S rRNA gene reveals that piroplasmids infecting equids diverge into two major lineages, one composed of sublineages A (found in most countries and all continents), B (endemic in Africa and the Mediterranean region), and E (present in Northern and Eastern Europe, and Middle and the Far East), whereas the other lineage diverges into the sublineages D (endemic in Africa, the Mediterranean region, and Middle East) and C (distributed in all continents). Importantly, A and C are the genetically most distant types corroborating that they represent two independent species, albeit displaying a common, widely overlapping global distribution. It would appear that these two specific types may have been distributed by the introduction and worldwide trading of the domestic horse. Groups E and B, which exhibit a closely related genetic identity, show a non-overlapping geographic distribution that supports the hypothesis that they represent distinct species (Tirosh-Levy et al. ; Bishop et al. ).

Piroplasmid species in equids

| **aSpecies** | **Type (= genotype), proposed species** | **eGeographic distribution** | **Pathogenicity and remarks** | **Candidate tick vectors** | **Clade** | **Reference** |
| --- | --- | --- | --- | --- | --- | --- |
| d*T. equi* | Type A | Most countries and all continents except Australia | Pathogenic, genome available | *AmblyommaRhipicephalus*- *R. bursa*- *R. sanguineus* s.l.*Dermacentor*- *D. reticulatus*- *D. marginatusHyalomma*- *H. marginatumHaemaphysalis*- *H. punctataIxodes*- *Ixodes ricinus* | Clade IV (Equus group) | Bhoora et al. , ; Kappmeyer et al. |
| b*Theileria haneyi* | Type C | North America, South Africa | Moderate pathogenic, genome available | Knowles et al. ; Bhoora et al. |  |  |
| b*Theileria equi*-like | Type C c*Theileria* sp. (Africa) | All continents except Australia | Non-pathogenic | Bhoora et al. , |  |  |
| Type D, c*Theileria* sp. (Africa) | Africa, Mediterranean region, Middle East | Non-pathogenic; frequently detected in zebras and donkey | Salim et al. ; Qablan et al. , ; Bhoora et al. ; Coultous et al. |  |  |  |
| Type E, d*Theileria* sp. (Europa) | Northern and Eastern Europe, Middle and Far East | Non-pathogenic | Salim et al. ; Qablan et al. , ; Wang et al. |  |  |  |
| Type B | Africa and Mediterranean region | Non-pathogenic; frequent in zebra, infrequent in horses | Bhoora et al. , ; Bhoora et al. |  |  |  |
| *Babesia caballi* | Types A, B (B1), and C (B2) | All continents except Australia | Moderately pathogenic | Clade VI (*Babesia* s.s.) | Nuttall and Stickland |  |

aSince T. equi type A represents the reference species T. equi s.s., types B–E are referred to as Theileria equi-like or T. equi s.l.

bLinkage of Theileria haneyi with genotype C is observed suggesting both represent a single species (Bhoora et al. )

cGenotypes C and D have been reported to represent the putative novel species Theileria sp. Africa

dType E has been reported as putative novel species Theileria sp. Europa (Dahmana et al. )

eThe geographic distribution is given according to Tirosh-Levy et al. ()

Consistent with this view, Dahmana et al. () reported two putative novel species, on one hand, Theileria sp. (Africa), which corresponds to types C and D, and, on the other hand, Theileria sp. (Europa), which corresponds to type E. Consequentially, a recent study including field horses, race horses, and wild zebras showed that infections with types A, B, C, and D represent independent stochastic events, strongly supporting that each type corresponds to an independent species (Bhoora et al. ). Interestingly, type B was confined to zebras, suggesting that this type is rather associated with wild equids and, perhaps, other wild species.

When types A to E are finally recognized as different species, it will be important to determine which represents T. equi taxonomically. Once a type has been accepted as T. equi (T. equi s.s.), then consequently isolates of all other sublineages will need to be referred to as T. equi-like (T. equi s.l.) or given exclusive isolate designations. In the context of this study, we have sequenced the 18S rRNA and cox1 gene of the reference isolate on which the redescription of T. equi is based and determined it as type A (GenBank: accession no. OL638195 and OL672235; Table , Fig. , Mehlhorn and Schein ). This finding agrees with the type of the T. equi USDA (United States Department of ***Agriculture***) reference strain, and therefore, it seems to be most appropriate to refer to type A as T. equi (or T. equi s.s.). Accordingly, naming or referring to other type isolates as T. equi should be discouraged; however, they might be referred to as T. equi-like (or T. equi s.l.). Phylogenetic analysis based on the 18S rRNA gene and the acquisition of the first genome sequence of the USDA Florida strain of T. equi (type A) has provided insight into the phylogenetic placement and taxonomic classification of this parasite and these data suggest that creation of a new genus, here referred to as Equus group, might be appropriate (Kappmeyer et al. ; Schnittger et al. ; Jalovecka et al. ).

The recently described T. haneyi has been isolated and sequenced from a stray horse captured at the USA-Mexico border near Eagles Pass, Texas (Knowles et al. ). Furthermore, it has been clearly distinguished from T. equi type A by phylogenomics and absence of ema-1 compared to T. equi type A (USDA reference strain), demonstrating that the two 18S rRNA sublineages A and C represent two distinct piroplasmid species (Knowles et al. ). The presence of T. haneyi has since been reported to occur in several countries from North and South America, Africa, and Asia (Knowles et al. ; Bhoora et al. ; Bishop et al. ; Mshelia et al. ).

Phylogenetically, as demonstrated by 18S rRNA gene comparison, T. haneyi segregates with T. equi-like type C sequences from horses and zebra (Fig. ) (Knowles et al. ; Bishop et al. ; Manna et al. ). Furthermore, T. haneyi infections were reported to occur in South African equids infected with T. equi-like type C and results strongly suggested that there is an association between T. haneyi, and T. equi ema-1, and 18S rRNA type C (Bhoora et al. ). The phylogenetic clustering of T. haneyi with T. equi-like type C therefore suggests that these parasites may represent one species and further implies that other T. equi types (B, D, E) also represent distinct parasite species. Based on these observations and considerations, delineation of T. haneyi with remaining type C isolates warrants further investigation. To this aim, analysis of the variable cox1, cox2, or cox3 gene sequence may facilitate distinguishing and delineating piroplasmid species of the Equus group, as has been successfully achieved for Babesia and Cytauxzoon species of other piroplasmid lineages (Sivakuma et al. ; Hrazdilová et al. ; Panait et al. ).

Experimental infections with T. haneyi have been shown to induce minimal clinical disease in spleen-intact horses, characterized by mild changes in packed cell volume (PCV) and occasional development of fever during the acute phase (Sears et al. ). In contrast, T. equi type A, which has been identified in both endemic and non-endemic countries, has been reported to cause infections of varying degrees, inducing severe anemia, sometimes resulting in mortality in domestic equids (Hall et al. ; Manna et al. ; Bishop et al. ; Sebastian et al. ). Furthermore, type A has been linked to two EP outbreaks in the USA and was found to be associated with clinical cases of EP in Italy and Israel while types B, C, and D appear to be non-pathogenic (Hall et al. ; Manna et al. ; Tirosh-Levy et al. ).

Generally, the reported prevalence of B. caballi globally is much lower than that reported for T. equi. However, in Turkey and some Asian countries, the opposite scenario appears to be the rule (Acici et al. ; Sloboda et al. ; Munkhjargal et al. ; Tirosh-Levy et al. ). Babesia caballi infections are self-limiting, usually persisting for 1–4 years without any clinical signs until they are naturally eliminated. Furthermore, sequestration of piroplasms to the bone marrow generally results in extremely low parasitemia levels, rarely exceeding 1% in naturally infected B. caballi horses (Schein ; de Waal ; Sant et al. ). Genetic variants based on the 18S rRNA gene of B. caballi and classified as types A, B (or B1), and C (or B2) have been identified in Asia, Europe, Africa, and South America (Fig. ; Aziz and Al-Barwary ; Bhoora et al. ; Braga et al. ; Manna et al. ; Munkhjargal et al. ; Ros-García et al. ; Tirosh-Levy et al. ).

Several drugs have been described for alleviating EP clinical signs, among which imidocarb propionate is the most efficient (Grause et al. ; Ueti and Knowles ; Onyiche et al. ). However, it was recently shown that treatment with this drug was not effective against T. haneyi and its effect against T. equi was diminished in T. haneyi-T. equi coinfection cases. Thus, studies focusing on alternative chemotherapeutic agents are required (Sears et al. ). In addition to chemotherapy, supportive care, including intravenous fluids, anti-inflammatory drugs, pain management, and blood transfusion, are often needed (Wise et al. ).

In tropical and subtropical regions, where tick infestation of equids is a big challenge, acaricides such as organophosphates, pyrethroids, and amidines are used to alleviate tick burdens and partially prevent EP transmission (Ueti and Knowles ). Prophylactic treatment of horses is also sometimes applied. Additionally, special care is recommended to avoid transmission through blood-contaminated equipment or blood transfusions (Onyiche et al. ). In EP non-endemic countries, prevention is carried out by imposing strict regulations for the import of horses from endemic regions, which include serological testing, acaricide treatment, chemotherapy, and quarantine (Wise et al. ). Notably, as few as one T. equi-infected tick is sufficient to transmit the parasite to a naïve horse (Ueti et al. ). This illustrates the high risk of introducing chronically infected horses into a non-endemic area where competent vectors occur, especially considering the likelihood of acaricide resistance development (George et al. ). Vaccination is considered a potentially useful preventive tool; however, no commercial vaccines are presently available for EP (OIE ).

Babesia in dogs

Piroplasmids infecting dogs all belong to the genus Babesia, where they group within the Babesia s.s. clade (Clade VI, Figs. and ) and into two distinctly different Babesia s.l. clades, referred to as the Western clade (Clade II, Figs. and ) and the Babesia vulpes group (Clade Ib, Figs. and ) (Jalovecka et al. ).

Molecular phylogenetic tree of 18S rRNA gene sequences of Babesia s.l. (Clade II, Western group). After alignment of 21 nucleotide sequences using MUSCLE, the Tamura-Nei (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.12, I = 75.37%) to infer a maximum likelihood tree (Tamura and Nei ). For tree estimation, 1364 positions were used. The 18S rRNA gene sequence of Babesia microti (U09833) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

Molecular phylogenetic tree of 18S rRNA gene sequences of Babesia s.l. (Clade I, B. microti group). After alignment of 18 nucleotide sequences using MUSCLE, the Tamura-Nei (G = 0.15) parameter model was applied to infer a neighbor-joining tree (Saitou and Nei ; Tamura and Nei ). The differences in sequence composition were considered in evolutionary comparisons (Tamura and Kumar ). For tree estimation, 1506 positions were used. The 18S rRNA gene sequence of Cardiosporidium cionae EU052685 was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

Well-described Babesia spp. infecting domestic dogs include B. vogeli, B. canis, B. rossi, B. gibsoni, Rangelia vitalii, B. vulpes, B. conradae, B. negevi, and Babesia sp. Coco (Table ). Due to some peculiarities of its life cycle, such as the ***invasion*** of and propagation in leukocytes and endothelial cells, and the distinct clinical signs observed after R. vitalii-infection, the parasite was proposed to belong to a separate genus and given the generic name Rangelia (Carini and Maciel ; Loretti and Barros ; Soares et al. ). However, our phylogenetic analysis of its 18S rRNA gene sequence clearly places this species within the Babesia s.s. Clade VI (see Fig. ), confirming previous phylogenetic analysis based on 18S RNA and hsp70 genes by Soares et al. (). It is most reasonable to assume that ***invasion*** and propagation of the parasite in leukocytes and endothelial cells represents an autapomorphy within Babesia s.s. This is reinforced by the observation that R. vitalii places as a sister taxon to a subclade of Babesia s.s. parasites (see carnivore clade D, Fig. ; Soares et al. ; Inácio et al. ). Furthermore, the traditional definition of Babesia s.s. as piroplasmids that exclusively infect erythrocytes is based on a symplesiomorphy as it is also presented by Babesia s.l. parasites (Clades I and II). Importantly, it is well established that symplesiomorphies are not suited to define a taxonomic group. Therefore, the taxonomic classification of this parasite needs revision, to correspond with its phylogenetic placement into Babesia s.s. (Clade VI). Interestingly, a parallel situation with respect to R. vitalii is observed for transforming Theileria parasites (e.g., T. parva, T. annulata, T. lestoquardi, T. taurotragi) displaying the autoapomorphy of leukocyte transformation, resulting in unique and severe cancer-like pathologies after infection; however, as inferred by molecular phylogeny, they clearly place with non-transforming Theileria into Theileria s.s (Clade V).

Babesia infecting domestic dogs

| **Species** | **Candidate or confirmed tick hosts** | **Distribution** | **Pathogenicity** | **Merozoite sizeb** | **Cladec** | **Reference** |
| --- | --- | --- | --- | --- | --- | --- |
| *B. vogeli* | a*Rhipicephalus sanguineus* s.l. | Worldwide | Subclinical or mild in adults; severe in pups | L | *Babesia* s.s. (Clade VI) | Uilenberg et al. ; Zahler et al. ; Carret et al. ; Schnittger et al. |
| *B. canis* | a*Dermacentor reticulatus* | Europe | Mild to severe depending on the individual | L |  |  |
| *B. rossi* | a*Haemaphysalis elliptica*, *Haemaphysalis leachi* | Southern Africa, Nigeria, Sudan | Severe | L |  |  |
| *R. vitalii* | a*Amblyomma aureolatum* | South America | Severe | S/M | Loretti and Barros ; Soares et al. |  |
| *Babesia* sp. Coco | nk | USA | Severe in immunosuppressed dogs | L | Birkenheuer et al. ; Sikorski et al. |  |
| *B. gibsoni* | a*H. longicornis*, *H. bispinosa*, *R. sanguineus* s.l. | Southeast Asia, USA, Australia, Europe | Mild to severe depending on the individual | S | Patton |  |
| *Babesia* sp. Akita610 | *Ixodes ovata* | Japan | Asymptomatic | nk | Inokuma et al. |  |
| *B. negevi* | *Ornithodoros tholozani* | Israel | Severe | S/M | Western group (Clade II), *Babesia* s.l. | Baneth et al. |
| *B. conradae* | nk | USA, China | Severe | S | Kjemtrup et al. |  |
| *B. vulpes* | *D. reticulatus*, *Ixodes hexagonus*, *I. ricinus*, *I. canisuga*, *R. sanguineus* s.l. | Europe, North America | Severe | S | *Babesia vulpes*-group (Clade Ib), *Babesia* s.l. | Baneth et al. , |

nk, not known

aThese tick species have been experimentally confirmed as vector

bL = large: 4.5 to 6 μm long; M = medium: 1.2 to 4.8 μm long; S = small: 2.5 to 3 μm long

cClades according to Schnittger et al. ()

The most recent addition to the array of canine Babesia spp. is Babesia negevi, a parasite detected in dogs of Israel, which belongs with B. conradae into Clade II (Western group, Fig. ) (Kjemtrup et al. ; Baneth et al. ). Conversely, B. vulpes places into Clade Ib (Babesia vulpes group, Fig. ) and together with B. negevi and B. conradae, is considered a Babesia s.l. parasite. All remaining canine-infecting species belong to the Babesia s.s. group (Clade VI, Fig. ) (Schnittger et al. ; Baneth et al. ; Baneth ).

As mentioned above, no canine piroplasmid belongs to the Theileria and Cytauxzoon genera; however, B. vulpes had originally been described as a Theileria s.s. (T. annae) but was later reclassified in Babesia s.l. of Clade Ib (Baneth et al. , ; Jalovecka et al. ). Nonetheless, incidental infections of dogs with ruminant Theilera spp. have recently been detected by molecular methods in dogs from Myanmar, though it is considered unlikely that these parasites prosper in canids as only hosts (Bawm et al. ). In addition, T. equi has been identified in dogs; however, it is yet unclear whether this species can propagate and be further transmitted in this host species (Beck et al. ; Rosa et al. ; Inácio et al. ; Bishop et al. ). Furthermore, a Babesia isolate has been identified in a dog in Nigeria (GenBank: accession no. AB935162, without published report), which was found to be most closely related to B. hongkongensis infecting cats. In addition, the isolate Babesia sp. Akita has been identified from ticks sampled from a dog in Japan. It was found to be most closely related to two Babesia sp. isolates, one named Iwate248 from a Japanese black bear, Japan, and another from a captive maned wolf in the USA (Fig. , Inokuma et al. ). However, the validity of these isolates as species would need to be confirmed in future studies. Noteworthy, an accidental infection of dogs with B. caballi has also been recently reported (de Sousa et al. ).

Infection of dogs by Babesia spp. results in very varying clinical presentations, depending on the species as well as the age, immune status, and concomitant infections of the affected animal. Clinical signs can include fever, anemia, lethargy, anorexia, thrombocytopenia, tissue anoxia, and organ dysfunction, among others, and infections can be fatal (Baneth ).

For some species, such as B. vogeli, at least one tick species has been identified as vector of transmission, while for others, this information is either not available, as in the case of B. conradae, or is only speculative, as in the case of B. negevi. Interestingly, B. negevi parasite DNA was detected by PCR in the soft tick Ornithodoros tholozani, and if confirmed, this would be the first canine Babesia described to be transmitted by an argasid tick (Table , Baneth et al. ).

The geographical distribution of canine Babesia spp. according to Baneth () and Baneth et al. () is shown in Table . This distribution could partly be confirmed by a molecular survey focused on the detection of the five canine species B. canis, B. vogeli,B. gibsoni, B. rossi, and B. conradae in 100,000 dog samples sent to a commercial diagnostic laboratory from 52 countries of all continents, excluding Africa. Babesia canis, B. vogeli, and B. gibsoni were the most prevalent species found in Europe, South America, and Asia, respectively. Interestingly, B. gibsoni was the most prevalent canine Babesia sp. among dog samples from North America, and this was, overall, the most frequent species detected among the studied samples from all regions (Birkenheuer et al. ). Babesia gibsoni was originally described in Asia and could have increased its distribution range through the expansion of its tick vector, Haemaphysalis longicornis, which was recently found in North America (Saleh et al. ). Transmission by additional tick vectors, which include the widespread R. sanguineus s.l., may have contributed to the expansion of B. gibsoni outside its original geographical range, although this has not yet been confirmed (Baneth , ). In addition to transmission through tick vectors, transmissions by blood transfusion and bites among fighting dogs, as well as transplacental transmission, have been reported for B. gibsoni (Fukumoto et al. ; Baneth ). The latter could constitute a highly efficient way for the transboundary expansion of this parasite independent of the tick vector especially in the case of pure breed dogs destined to be exported.

For two canine Babesia spp., it has been possible to determine the wild canid that constitutes their natural hosts. This is the case for the black-backed jackal (Canis mesomelas) for B. rossi and the fox (Vulpes vulpes) for B. vulpes. In both cases, parasite prevalence in the natural host populations is quite high and infections are subclinical, as expected for long-lasting, well-adapted host-parasite interactions (Baneth et al. ; Penzhorn et al. ; Shabangu et al. ). In addition, R. vitalii infections of free-ranging neotropical wild canids including the maned wolf (Chrysocyon brachyurus), the crab-eating fox (Cerdocyon thous), and the pampas fox (Lycalopex gymnocercus) have been reported and these hosts may represent the natural reservoir of this species (Soares et al. ; Fredo et al. ; Silveira et al. ; de Lorenzo et al. ).

It is possible that domestic dogs first acquired these infections through the bite of compatible ticks when accompanying humans in early settlements. Although reports of babesiosis of dogs are only available from the late nineteenth century, first exposure of domestic dogs to B. rossi likely took place quite recently at the seventeenth century when European colonizers settled in the southern region of South Africa. Thus, local dog-parasite interactions are relatively recent and this could explain why babesiosis by B. rossi is highly pathogenic in domestic dogs. Following the same reasoning, the association between B. vogeli and the domestic dogs might be the oldest since dog infections by this parasite generally result in subclinical or mild disease (Penzhorn ).

Canine babesiosis has attracted considerable research efforts due to the social impact of companion dog diseases and the resulting interest of pharmaceutical companies. Several drugs and drug combinations have been described for the treatment of acute canine babesiosis; however, they are not able to eliminate the parasite leading to asymptomatic carrier animals that may relapse and transmit the infection. Importantly, effective chemotherapy depends on the infecting agent, since drug susceptibility varies between large and small Babesia spp. Therefore, a correct diagnosis before treatment is of paramount importance (Baneth ). Tick control with systemic or cutaneously administered synthetic acaricides decreases the risk of transmission of Babesia as well as other tick-borne pathogens (Pfister and Armstrong ). Effective commercial vaccines against B. canis and B. rossi based on culture supernatant antigens have been developed (Schetters ; Schetters et al. ; Freyburger et al. ). In addition, an experimental vaccine against B. canis based on a recombinant form of an immunodominant antigen present in culture supernatants proved protective against challenge, suggesting that this type of approach may also be effective against other Babesia species (Moubri et al. ). Finally, canine blood donors should be regularly screened to prevent transmission of Babesia sp. parasites through blood transfusion (Wardrop et al. ).

Babesia and Cytauxzoon in cats

Cats can be infected by two genera of piroplasmids, Babesia and Cytauxzoon (Fig. , Schnittger et al. ). While felid-infecting Babesia are placed within the Babesia s.s. clade (Clade VI, Fig. ), the Western group (Clade II, Fig. ), and the B. felis group (Clade Id, Fig. ), all Cytauxzoon species segregate into a single Clade III (Fig. ).

Molecular phylogenetic tree of 18S rRNA gene sequences of Cytauxzoon (Clade III). After alignment of 11 nucleotide sequences using MUSCLE, the Tamura-Nei (G + I) parameter model was applied with a rate difference of 5 categories (G = 0.10, I = 45.87%) to infer a maximum likelihood tree (Tamura and Nei ). For tree estimation, 1114 positions were used. The 18S rRNA gene sequence of Babesia negevi (MN864544) was used as an outgroup. Bootstrap values were estimated based on 1000 replicates. The length of the bar corresponds with the indicated number of substitutions per site. Phylogenetic analysis was carried out using MEGA7 (Kumar et al. )

Reports on feline babesiosis are scarce especially when compared to the vast number of publications on babesiosis of dogs and other domestic species, as these infections are usually asymptomatic except for some species found in southern Africa. Several Babesia sp. infecting domestic cats have been identified using molecular methods. Those associated with wild and domestic felines include B. panickeri, B. hongkongensis, B. canis subspecies presentii, and a recently detected Babesia sp. from South Africa, provisionally named Babesia sp. Western Cape and groups into Babesia s.s. (Clade VI, Fig. ), whereas B. lengau groups into the Western clade (Clade II, Fig. ), and B. felis and B. leo into the B. microti group (Clade I, Fig. ); the latter two clades represent Babesia s.l. (Table , Penzhorn et al. ; Baneth et al. ; Bosman et al. , , ; Schnittger et al. ; Wong et al. ; Jalovecka et al. ; Panicker et al. ; Penzhorn and Oosthuizen ). Additionally, Babesia spp. that are typically found in other hosts, such as B. canis, B. vogeli, B. gibsoni, and B. vulpes from canines, B. microti from rodents, or B. lohae from the marsupial brushtail possum (Trichosurus vulpecula), have been detected in domestic cats using molecular methods. However, most of them seem accidental infections, as they represent rare incidental findings. On the other hand, B. microti and B. vogeli have been reported to infect cats with moderate prevalence, but cause asymptomatic infections (André et al. , ; Malheiros et al. ; Baneth et al. , ; Loh et al. ; Greay et al. ; Bosman et al. ; Penzhorn and Oosthuizen ). Noteworthy, 18S RNA gene sequences (n = 2, KP402163-4) most closely related to T. cervi (MW008528) and 18S RNA gene sequences (n = 3, KP410267-9) most closely related to Theileria sp. isolated from African buffalo (Syncerus caffer) (HQ895976) have been reported from domestic cats in Brazil. In addition, 18S RNA gene sequences of an isolate designated Theileria sp. Cat (n = 5, KP410270-3, KF970930), highly similar with sequences of a T. equi-like piroplasmid (MZ4910896, MZ491096) recently reported from tapir (Tapirus terrestris), have been identified in domestic cats in Brazil (André et al. , ; Silva et al. ). As reported sequences are relatively short, they could not be integrated in our tree. However, the findings show that Theileria s.s.-related and T. equi-related piroplasmids are able to infect cats. It will be important to determine whether these piroplasmids can propagate in domestic cats and which is their natural host. In the case of Theileria sp. Cat, the finding of similar sequences in tapir suggests that they may represent spillover or accidental infections in domestic cats (André et al. , ).

Babesia spp. infecting domestic cats

| **Species** | **Wild host** | **Country** | **Clade** | **Reference** |
| --- | --- | --- | --- | --- |
| *Babesia* sp. Western Cape | nk | South Africa | *Babesia* s.s. (Clade VI) | Bosman et al. |
| *B. hongkongensis* | nk | Hong Kong | Wong et al. |  |
| *B. canis presentii* | nk | Israel | Baneth et al. |  |
| *Babesia panickeri* | Asian lion (*Panthera leo persica*) | India | Panicker et al. |  |
| *B. lengau* | Cheetah (*Acinonyx jubatus*), African lion (*Panthera leo*) | South Africa | Western group (Clade II) | Bosman et al. , |
| *B. felis* | African lion (*Panthera leo*) | South Africa | *Babesia felis* group (Clade Id) | Penzhorn et al. |
| *B. leo* | African lion (*Panthera leo*) | South Africa | Penzhorn et al. |  |

nk, not known

The first clinical case of feline babesiosis was reported in South Africa, which remains the country where most clinical cases are observed. Clinical signs in domestic cats are associated with infections of B. felis, B. leo, B. lengau, B. panickeri, and Babesia sp. Western Cape and include lethargy, anorexia, anemia, and, in some cases, pyrexia. Information on ticks involved in the transmission of feline Babesia spp. is not yet available (Bosman et al. , ; Panicker et al. ; Penzhorn and Oosthuizen ).

The genus Cytauxzoon is known primarily for the infection of wild and domestic felines (Feliformia suborder, Felidae family), but infections were also found in meerkats (Herpestidae family of the same suborder) and other carnivores that include the Hokkaido brown bear (Ursus arctos yesoensis) and the Japanese black bear (Ursus thibetanus japonicus, both from the Caniformia suborder, Ursidae family) (Jinnai et al. ; Sherrill and Cohn ; Leclaire et al. ; Alvarado-Rybak et al. ; Wang et al. ; Moustafa et al. ). Notably, this genus was initially defined based on a parasite infecting a small antelope in South Africa, which invaded erythrocytes and formed schizonts in histiocytes. This piroplasmid, referred to as Cytauxzoon sylvicaprae, had similar features to T. parva and was thus proposed to belong to the Theileridae family, but as it was not found in lymphocytes, a separate genus, Cytauxzoon, was created (Neitz and Thomas ). In the 1970s, domestic cats from Missouri, USA, were reported to be infected with a highly virulent Cytauxzoon-like pathogen which was later named C. felis (Wagner ; Kier et al. ). Experimental infection of cats with C. felis showed a high rate of mortality (Ferris ). The advent of molecular methods for species discrimination demonstrated that Cytauxzoon infections are exclusively associated with carnivores, and it can thus be concluded that the parasite referred to as C. sylvicaprae in the 1940s was likely a Theileria sp. Indeed, it was shown that Theileria parasites can invade different mononuclear cells, thus invalidating the classification of the parasite found by Neitz and Thomas () as a separate genus from Theileria sp. based on the absence of lymphocyte ***invasion*** (Spooner et al. ).

The phylogenetic placement of the Cytauxzoon genus has been controversial. In the analysis of Schnittger et al. () based on 18S rRNA gene sequences, C. felis, C. manul, and Cytauxzoon sp. UR1 isolated from a Hokkaido brown bear fell in a strongly supported monophyletic group (designated Clade IIIb), clearly separated from Theileria s.s. and more closely related to some Theileria s.l. species. On the other hand, a phylogenetic analysis using concatenated mitochondrial genes (cox1, cox2, and cox3) together with the 18S rRNA gene integrated C. felis and Theileria s.s. into a single monophyletic group (Schreeg et al. ). Recent genomic evidence, however, further supports that Cytauxzoon sp. and Theileria s.s. parasites represent independent evolutionary lineages. First, analysis of piroplasmid cysteine C1A proteases (C1A-Cp) showed that C. felis-C1A-Cp sequences segregate with high support and consistently as a sister taxon to sequences of Theileria s.s. (Ascencio et al. ). Additionally, the pattern of N-glycosylation of C. felis and Theileria s.s. species, as inferred by the array of glycosyl transferases encoded in their genomes, is decisively different. While C. felis can produce an N-glycan chain composed of two N-acetyl-glucosamine (NAcGlc) and one mannose molecule, and subsequently transfer it to a nascent protein, Theileria s.s. parasites are limited to the generation of a dolichol-P-linked N-glycan, composed of two NAcGlc molecules, which are not transferred to proteins. In other words, Cytauxzoon sp. proteins display N-glycans, while Theileria s.s. proteins do not, which highlights possible important differences in the biology of these two groups of piroplasmids (Florin-Christensen et al. ). Furthermore, in two recent phylogenomic analyses, one based on 90 nucleus-encoded genes and another on 35 apicoplast-encoded genes, C. felis was placed consistently and with strong support as a sister taxon to Theileria s.s. (Clade V) and T. equi (Clade IV) (Muñoz-Gomez et al. ).

Cytauxzoon felis is currently considered an emerging pathogen of veterinary importance in the USA (Table ). Since its first detection in Missouri, its geographical distribution has expanded to several south eastern and south-central states (Wang et al. ). Cytauxzoon felis-infected domestic cats develop fever, anorexia, dehydration, icterus, lethargy, and hepatosplenomegaly and may die in a few days (Sherrill and Cohn ). The natural host of C. felis in the USA is thought to be the bobcat (Lynx rufus), in which infections are usually asymptomatic (Glenn et al. ). However, the parasite has also been detected causing asymptomatic infections in Florida panthers (Puma concolor coryi) and Texas cougars (P. concolor stanleyana), and in captive-born tigers kept in a C. felis-endemic region of the USA (Yabsley et al. ; Lewis et al. ). Molecular studies confirmed that the principal tick vector of C. felis is the lone star tick, Amblyomma americanum, whose distribution overlaps with that of the natural host, the bobcat. Dermacentor variabilis, the American dog tick, has been reported as a competent vector; however, this could not be confirmed in subsequent experiments (Blouin et al. ; Kocan et al. ; Reichard et al. , ; Saleh et al. ).

Cytauxzoon spp. infecting domestic cats

| **Species** | **Wild host** | **Country** | **Reference** |
| --- | --- | --- | --- |
| *C. felis* | Bobcat (*Lynx rufus*); Florida panther (*Puma concolor coryi*); Texas cougar (*P. concolor stanleyana*) | USA | Kier ; Allsopp and Allsopp ; Yabsley et al. |
| *C. europaeus* | Wildcat (*Felis silvestris*), Eurasian lynx (*Lynx lynx*) | Europe | Panait et al. |
| *C. banethi* | Wildcat (*Felis silvestris*), Eurasian lynx (*Lynx lynx*) | Romania | Panait et al. |
| *C. otrantorum* | Wildcat (*Felis silvestris*) | Romania | Panait et al. |
| *Cytauxzoon* sp. Kozhikode | nk | India | Malangmei et al. |

nk, not known

Cytauxzoon sp. has also been detected in domestic cats of several European countries, including Spain, France, Portugal, Italy, Switzerland, and Germany, and was likely erroneously referred to as C. felis. The common clinical sign encountered has been a mild anemia and only in a very few ***exceptionally*** cases the infection was associated with severe clinical disease and mortality (Criado-Fornelio et al. , ; Carli et al. ; Alho et al. ; Wang et al. ; Nentwig et al. ; Panait et al. ). Importantly, a recent study has shown that the 18S rRNA gene of the causative agent of cytauxzoonosis in a cat from Germany displayed the highest identity with those of other European Cytauxzoon spp., but it was distantly related to sequences of C. felis from the USA (Panait et al. ). Thus, Cytauxzoon spp. infecting cats in Europe belong to any of the recently described species, C. europaeus, C. otrantorum, or C. banethi, that have been identified in their natural hosts, the European wildcat (Felis silvestris) and the European lynx (Lynx lynx) (Panait et al. ). Interestingly, phylogenetic analysis using the 18S rRNA gene segments of 1000 to 1200 bp length of Cytauxzoon isolates from European wildcats and the Eurasian lynxes did not discriminate between the three European Cytauxzoon spp. isolates. Nonetheless, when cox1 and cox2 nucleotide sequences of the Cytauxzoon isolates from European wildcats and the European lynx were analyzed, the three abovementioned separate species could be clearly delineated. This finding does not exclude that longer 18S RNA gene sequences may have the discriminatory power to distinguish between these species. However, it may exemplify that cox sequences may be better suited to detect more recent species splits than 18S rRNA gene sequences and facilitate the detection of cryptic species (Wang et al. ). Cytauxzoon europaeus was found in F. silvestris and L. lynx and corresponds to the cox1-cox2 major EU1 haplotype identified in isolates from Germany, Italy, Czech Republic, Luxemburg, Romania, and Bosnia and Herzegovina. In contrast, C. otratorum and C. banethi correspond to the cox1-cox2 minor EU2 and rare EU3 haplotype, respectively, which have been recovered from F. silvestris from Romania (Panait et al. ). At least four Cytauxzoon sp. isolates have been sequenced from the Iberian lynx (Lynx pardinus) (Millán et al. ; Meli et al. ). Based on their 18S rRNA gene, these isolates place into the C. europaeus/C. otrantorum/C. banethi clade; however, cox1-cox2 gene analysis might have the potential to reveal that they represent a cryptic additional novel Cytauxzoon species. Conversely, extended 18S rRNA gene sequences of C. europaeus/C. otrantorum/C. banethi may be able to distinguish parasites isolated from the Iberian lynx.

Reports on Cytauxzoon sp. findings in different locations and carnivore hosts, including domestic and wild cats in Brazil, meerkats in South Africa, Hokkaido bears in Japan, and Pallas’ cats from Mongolia, indicate that the Cytauxzoon genus is far more geographically spread and diverse than initially expected (Ketz-Riley et al. ; André et al. ; Moustafa et al. ; Reichard et al. ; André et al. ; Furtado et al. ; de Sousa et al. ; Pedrassani et al. ; Sherrill and Cohn ; Leclaire et al. ; Wang et al. ; Moustafa et al. ). Accordingly, in a phylogenetic analysis of Cytauxzoon sp. 18S rRNA gene sequences, it has been demonstrated that the meerkat isolate occurred as a sister taxon to a large clade including at least five well-supported subclades: (i) Cytauxzoon sp. UR1; (ii) USA C. felis isolates; (iii) Cytauxzoon sp. isolated from ocelots (Leopardus pardalis) from Brazil; (iv) European isolates from domestic and wild cats; and (v) a Cytauxzoon species infecting Pallas’ cats from Mongolia, defined as C. manul (Fig. , Panait et al. ).

It may therefore not be a surprise that an additional novel species designated Cytauxzoon sp. Kozhikode from domestic cats in India has just been reported (Malangmei et al. ). Most likely, this isolate represents a spillover infection from an indigenous not yet identified native cat species. Future investigations are needed to unravel the array of hosts that can harbor Cytauxzoon sp. infections, the extent of Cytauxzoon intragenus diversity, and the pathogenic effects of different species in domestic cats and wild hosts.

Discussion

Since the discovery of the first piroplasmid by the turn of the twentieth century, a great number of species have been described as infecting wild and domestic hosts. Initially, species were described based on microscopic observations and the host from which they had been isolated. However, the unreliability and scarcity of morphological characteristics of hemoparasites have necessitated the use of molecular markers as characters for species identification, phylogenetic assessment, and taxonomy (Schnittger et al. ).

Traditionally, the 18S rRNA gene has been used as a phylogenetic and taxonomic marker and for species identification in piroplasmids and other hemoparasites (Greay et al. ). Several characteristics make the 18S rRNA gene a highly suitable marker across many taxonomic units. The 18S rRNA gene of eukaryotes possesses eight variable regions (V1 to V9, of which V6 displays low variability), highly appropriate for species identification. The V4 hypervariable region represents a fingerprint or barcode that is often exploited for the use of diagnostic PCR and PCR-based detection methods such as RLBH (reverse line blot hybridization; Gubbels et al. ; Schnittger et al. ; Criado-Fornelio ; Martínez-García et al. ). However, this highly variable region cannot be reliably aligned and its use may even result in artificial tree topologies, making it unsuitable for phylogenetic comparison. The remaining highly conserved 18S rRNA regions are appropriate for deep phylogeny, but as for any single marker gene, limitations exist, which may be best overcome by phylogenomics (Silva et al. ). Furthermore, mitochondrial cox1 to 3 marker genes are more variable than conserved regions of 18S rRNA genes. They may therefore be assumed to increase resolution between species that could not be distinguished by 18S rRNA genes; however, for the aforementioned reason, they are expected to exhibit lower resolution at deeper taxonomic levels and this supposition is supported by the demonstration of a high saturation rate of mitochondrial as compared to nuclear genes in Plasmodium (McIntosh et al. ; Silva et al. , ).

When inferring phylogenetic trees, it is highly desirable to use complete or near-complete 18S rRNA genes since only then a reliable placement of an isolate can be achieved. As molecular phylogeny informs taxonomy, only then the latter will reflect the natural relationship of organisms, avoiding the representation of an artificial system. Molecular phylogeny of piroplasmids based on the 18S rRNA gene has identified at least six monophyletic lineages (Schnittger et al. ; Lack et al. ). The identity of the six piroplasmid lineages has been subsequently confirmed by alternative genomic approaches, such as the comparison of paralog expansion of the papain-like family of cysteine and serine rhomboid proteinases, deep sequencing, the use of mitochondrial genome markers, and the diversity of N-glycan biosynthesis pathways (Schreeg et al. ; Šlapeta et al. ; Ascencio et al. ; Florin-Christensen et al. ; Gallenti et al. ). Most importantly, a phylogenomic approach using 90 nuclear- and 35 apicoplast-encoded genes resulted in a strongly supported similar phylogenetic topology when taxonomic units from Clade I and Clade III to VI were used (Muñoz-Gomez et al. ).

To the best of our knowledge, we have compiled in this study a summary of all piroplasmid species of farm and companion animals that have been described and/or characterized by molecular phylogenetic analysis using near-complete 18S rRNA or alternative reliable marker genes such as the cox1 gene. In addition, isolates that are well-defined by molecular characterization, but still require a formal description, are also included (e.g., Babesia sp. Mymensingh; Babesia sp. Tengchong; Babesia sp. Xinjiang; Babesia sp. Akita 610; Babesia sp. Nigeria2014; Babesia sp. Coco; Babesia sp. Western Cape; Theileria sp. Yokohama; Theileria sp. Malawi; Theileria sp. OT3; Theileria sp. MK; Theileria sp. MSD; and Cytauxzoon sp. Kozhikide). In some cases, species names refer to a complex of isolates masking the real number of existing species (e.g., T. orientalis, B. motasi-like).

Overall, we present the existence of 55 species and/or well-defined isolates, and two species complexes (Table ). By far the most piroplasmid species (15 species + 1 species complex) have been identified in cattle (including bovines, zebu, yak, and water buffalo). The second most frequent piroplasmid hosts are sheep and goats (12 species and one species complex). Interestingly, considerably more Babesia than Theileria spp. are found in cattle (9 vs. 6 + 1 species complex) than in small ruminants (4 + 1 species complex vs. 8). Noteworthy, all Babesia and Theileria spp. infecting farm animals belong to Clades V and VI. In contrast, Theileria spp. infecting the horse have been estimated to comprise at least six species, all belonging to Clade IV (Equus group; T. equi, T. equi-like), whereas only a single species of Clade VI (Babesia s.s.; B. caballi) has been reported.

Inventory and classification of molecular characterized Babesia, Theileria, and Cytauxzoon species, well-defined isolates, and species complexes in farm and companion animals

|  | ***Babesia*** | ***Theileria*** | ***Cytauxzoon*** | **Piroplasmida** | **Clade** |
| --- | --- | --- | --- | --- | --- |
| Cattle | 9 | 6 + 1a | 0 | 15 + 1a | V, VI |
| Sheep and goat | 4 + 1a | 8 | 0 | 12 + 1a | V, VI |
| Horse | 1 | 6 | 0 | 7 | IV, VI |
| Dogs | 9 | 0 | 0 | 9 | Ib, II, VI |
| Cat | 7 | 0 | 5 | 12 | Id, II, III, VI |
| ? | 30 + 1a | 20 + 1a | 5 | 55 + 2a |  |

aNumber of species complexes

In contrast to farm animals and equids, dogs are exclusively infected by Babesia spp. (nine species), whereas cats are infected by Babesia spp. (seven species) and Cytauxzoon spp. (five species); furthermore, Cytauxzoon species have not been identified in any farm or companion animal other than cats. It is worthy to note that piroplasmids infecting dogs and cats segregate into three (Clades VI, II, Ib) and four (Clades VI, III, II, Id) distinct monophyletic lineages, respectively. Based on this observation, we hypothesize that carnivores represent earlier vertebrate hosts of piroplasmids than ruminants and equines, which corresponds with the earlier evolutionary origin of Canidae (≈ 40 mya) and Felidae (≈ 25 mya) compared to that of Bovidae (≈ 20 mya) (Bovini, cattle ≈ 13 mya); sheep and goat (Caprini, ≈ 9 mya); and the modern horse (Equus, ≈ 5 mya) (Wang and Tedford ; Werdelin et al. ; Hassanin et al. ; Jiang et al. ; Chen et al. ; Librado and Orlando ).

It is remarkable that exclusively Babesia s.s. parasites have conquered all species of farm and companion animals as hosts. In this context, it must be emphasized that Babesia s.s. are unique among hemoparasites and represent the only group of piroplasmids (Clade VI) that have developed transovarial transmission. This feature has turned the long-term strategy of piroplasmid survival upside down. This is best exemplified by T. equi and B. caballi infecting the horse, which are transmitted transstadially and transovarially, respectively. For T. equi transmission, tick larvae must first feed on a T. equi-infected horse to be able to transmit the parasite subsequently to an uninfected horse, with the possible outcome that T. equi establishes itself in the horse population. Therefore, the key survival strategy for this piroplasmid is to promote a lifelong carrier status of the horse to ensure infection of newly born ticks. In contrast, in the case of the transovarially transmitted B. caballi, the parasite will be passed on into the next tick generation once a tick is infected, without the need for prior feeding on an infected horse. Thus, for B. caballi, the tick functions as a carrier, so this species does not depend on a prolonged carrier status of the horse for transmission into the next generation, and its establishment in a vertebrate host population is greatly facilitated. This assumption is corroborated by the worldwide collection of experimental data comparing molecular (presence of the parasite in the host) and seroprevalence (parasite exposure of the host) of T. equi and B. caballi infection of the horse. The molecular and seroprevalence rates of T. equi infection of horses are similar (34.6% vs. 33.2%), whereas the molecular prevalence of B. caballi infection is consistently three times lower than its seroprevalence in diverse geographic areas (7.4% vs. 20.5% in average) (Tirosh-Levy et al. ). From what has been outlined, it becomes clear that host switching might be significantly facilitated by transovarial transmission, explaining why it is relatively frequently observed in Clade VI piroplasmids, but absent in Clades III, IV, and V, and infrequent in the remaining piroplasmid lineages Clades I and II (Figs. , , , and ).

Our study reveals that a considerable number of different piroplasmid species may regularly infect a single host species. This is not restricted to farm and companion animals but is also regularly observed in wild animal hosts (e.g., Leclaire et al. ; Yabsley et al. ; Garrett et al. ; Moustafa et al. ). Therefore, it can be extrapolated that the number of piroplasmid species that exist is considerably larger than the number of vertebrate host species they infect. Multiple species infecting a single vertebrate host may belong to different piroplasmid lineages (e.g., C. felis and B. felis infecting cats or T. equi and B. caballi infecting the horse) but may also belong to the same piroplasmid lineage (e.g., B. bovis and B. bigemina, or different MPSP types of the T. orientalis sp. complex infecting cattle) (Jenkins et al. ; Alvarado-Rybak et al. ; Romero-Salas et al. ; Li et al. ; Penzhorn and Oosthuizen ). Furthermore, piroplasmid species infecting the same host may be endemic in the same region (e.g., B. bovis and B. bigemina in bovines; T. equi and T. haneyi in the horse), but they may also show very distinct geographic distribution patterns (e.g., B. bovis and B. divergens in cattle; C. felis and B. leo in cats) (Zintl et al. ; Alvarado-Rybak et al. ; Onyiche et al. ; Tirosh-Levy et al. ). Observed geographic distribution patterns of piroplasmid species are complex since the ecological needs of both the mammalian host and the vector tick must be met (Zimmermann et al. ).

It is commonly acknowledged that the observation of specific piroplasmid DNA in a tick does not mean that it represents a competent vector. Following the same argument, the identification of specific piroplasmid DNA in a vertebrate host may not mean that the parasite finalizes its developmental cycle with this host. The latter phenomenon has been studied in cross-infection experiments for T. annulata and T. lestoquardi, which infect cattle and small ruminants, respectively. Both piroplasmid species are very closely related; however, although T. annulata can infect sheep, it does not complete its development into the piroplasmid parasite stage. Thus, after infection, T. annulata DNA can be detected in sheep, though its life cycle will not be completed, and it will not become established in this host. On the other hand, infection of cattle with the sheep-infecting T. lestoquardi could not be achieved, suggesting a strict host specificity for this species (Leemans et al. , ).

Increasingly, infections in unexpected hosts are reported and it may be assumed that human interventions favor this observation (Schnittger et al. ; Uilenberg et al. ; Bishop et al. ; Penzhorn and Oosthuizen ). Farm and companion animals are commonly raised in close proximity, and it is to be assumed that this strongly promotes spillover or accidental infections (Schnittger and Florin-Christensen ). It is preferable to interpret an accidental infection as an infrequent transmission that may or may not result in the immediate successful infection of an individual host and, in a longer period, possibly in the continuous establishment of a piroplasmid species in a new vertebrate and/or tick host. Thus, it represents an incipient evolutionary ***process*** of adaptation of a piroplasmid species to a potential tick-vertebrate host system. If all necessary factors are favorable, an accidental infection may finally result in the successful establishment of the piroplasmid parasite in the tick-vertebrate host system.

Although ticks typically feed on a wide range of hosts and, correspondingly, piroplasmid DNA is commonly found in unexpected hosts, phylogenetic analysis strongly suggests that a host switch that results in successful prolonged establishment of a piroplasmid species in a tick-vertebrate host system is an utterly rare event. When scrutinizing phylogenetic trees, in many piroplasmid lineages, evolution by cospeciation seems to prevail and, as mentioned above, host switch is, on an evolutionary time scale, only observed in Babesia s.s. (Clade VI), yet it is either a completely absent or an extremely rare event in all other piroplasmid lineages (Figs. and , Jalovecka et al. ). Interestingly, host switch between carnivore and prey animals is virtually absent, a finding that seems to be counterintuitive given the periodic close encounter over a huge span of evolutionary time between these two groups of animals (Fig. , carnivore clades A to D). It may be assumed that the piroplasmid-tick-vertebrate triad represents a highly complex system in which a considerable number of biotic and abiotic factors must be met before a successful prolonged establishment of piroplasmid transmission is finally achieved.

Although the 18S rRNA gene is a reliable marker for the identification of piroplasmid species, several novel species have been identified using additional molecular markers. Panait et al. () could not resolve Cytauxzoon spp. in wild cats and European lynx using 1000- to 1200-bp-long 18S rRNA gene sequences but could distinguish and describe C. europaeus, C. otratorum, and C. banethi when using the cox1 and cox2 marker genes. The 18S rRNA sequence results could indicate that these parasite species represent cryptic species; however, it cannot be ruled out that longer 18S rRNA gene sequences would be able to distinguish these three parasite species. The 18S rRNA genes could distinguish Theileria sp. Yokoyama and Babesia sp. Mymensingh from the closely related T. annulata and B. bigemina, respectively. For an improved delineation of Theileria sp. Yokoyama, Sivakumar et al. (, ) used the highly variable surface protein-encoding genes tams1 (merozoite-piroplasm surface antigen-1) and tasp (T. annulata surface protein), while for Babesia sp. Mymensingh, the more variable ama-1 (apical membrane antigen 1) and cox3 gene was used to corroborate their findings. However, tams1, tasp, and ama-1 genes are exclusively present in very closely related taxons of these species and are therefore not applicable to identify and differentiate other distantly related piroplasmid isolates.

Increasingly, the use of deposited sequences for isolate identification and bioinformatic analysis is becoming cumbersome and complicated. Whenever possible, it is highly preferable to generate full-length 18S rRNA gene sequences as only this allows a confident inference of phylogenetic relations and the determination to which species or clade a given isolate belongs to. When depositing sequences in the GenBank, it is highly desirable to give them a single unique isolate designation, which in some cases is lacking, which complicates referral to them before a formal species description is available (e.g., Leclaire et al. ). In our view, the scientific community of piroplasmid researchers would benefit from avoiding a continuous change in the designation of an isolate but be consistent in its use as otherwise this results in confusion and complicates scientific communication (Baneth et al. , ). As an example, inconsistent use of designations has been observed for the B. motasi-like group infecting sheep, which makes it extremely difficult to approach this research field (Liu et al. ; Niu et al. ). Furthermore, annotation of sequences with species names is often done without certainty, leading to confusing sequence designations that may lead to artificial studies when sequences are not highly critically evaluated. Importantly, the formal species description of isolates should be encouraged as in many cases the required biological information is available (e.g., Cytauxzoon and Babesia isolated from meerkat, Leclaire et al. ).

Sequences that have been obtained by cloning after amplification with Taq polymerase are more prone to errors than when polymerases with proofreading activity are used. The informational background noise is continuously increasing through an accumulation of such sequences in databases, and the risk of the generation of artificial research results is increased when such sequences are included in phylogenetic analyses, studies of molecular evolution, and/or searched by BLAST. This is not a forecast of the future but the report of artifactual or misdesignated sequences is not uncommon and the deposit of sequences that contain sequence errors is steadily increasing (e.g., Man et al. , the reported 18S RNA gene sequence of Babesia sp. XXB/HangZhou likely originates from the fungi Cladosporidium; Malandrin , the 18S RNA gene of B. bennetti represents highly likely an artificial chimeric sequence). This observation is not limited to piroplasmid research, but the growing report of artifactual research results due to sequence errors is already becoming increasingly evident in human genetics research (Else ; Park et al. ). It needs to be considered that databases are only as good as the data they contain and only members of the scientific community can prevent their deterioration by taking responsibility to keep them highly accurate.

As has been recently emphasized by Penzhorn and Oosthuizen (), to refer to all piroplasmids that infect cats as B. felis is scientifically irresponsible. This argument extends to Cytauxzoon spp. identified in cats from Europe, which should not be referred to as C. felis, unless identification of this species has been demonstrated by molecular analysis. Another example in this regard may refer to isolates of the Equus group (Clade IV). Currently, all Theileria isolates from the horse, and other hosts, that segregate into this clade are indiscriminately referred to as T. equi; however, it should be borne in mind that by this habit, the scientific name T. equi becomes increasingly meaningless. Recently, isolates from tapir (Tapirus terrestris) have been referred to as T. equi. However, the fact that these isolates place as a sister group to all other isolates of the Equus group strongly suggests that they represent a novel species; it may have been therefore preferable to refer to them either as T. equi-like or give them an alternative isolate designation (de Souza Gonçalves et al. ).

Concerns of piroplasmid infections of domestic animals are especially related to direct and indirect productive losses in the case of bovids and small ruminants; decreased performance and restrictions to international travel in the case of equids; and animal welfare in the case of companion animals, the latter of which applies to all animal species. Currently, the tools to combat these infections are scarce and/or need improvement. Chemical acaricides contaminate the environment and create resistance (Mosqueda et al. ). Vaccines only target a handful of piroplasmids and have a limited distribution, and the most used drugs to combat these parasites in livestock leave residues in meat and milk (Coldham et al. ; Florin-Christensen et al. ). In a scenario of global warming in which ticks are extending their geographical ranges, new ***measures*** are urgently needed to control the deleterious effects caused by piroplasmids in domestic animals (Inci et al. , Nicaretta et al. ). As to our knowledge, the presently known piroplasmid species, isolates, and species complexes of farm and companion animals have been presented in this study and it can be foreseen that novel species and phylogenetic lineages of this group of parasites will emerge.

**Notes**

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**Load-Date:** September 6, 2023

**End of Document**



[***Australia news live update: NSW flooding; NT reports nine new Covid cases; Victoria debates pandemic laws***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6436-KJC1-DY4H-K2RS-00000-00&context=1516831)

The Guardian (London)

November 15, 2021 Monday 8:24 PM GMT

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**Section:** AUSTRALIA NEWS; Version:25

**Length:** 27502 words

**Byline:** Cait Kelly (now) and Matilda Boseley (earlier)

**Highlight:** Evacuation order given as floods approach Forbes; Katherine lockdown extended as nine Indigenous Northern Territory residents test positive to Covid; Victorian pandemic bill declared 'urgent' as debate continues; MPs demand Victorian opposition leader condemn party members who appeared at protest overnight; Victoria records 797 new Covid-19 cases and eight deaths; NSW records 212 cases and two deaths - follow all the day's newsNSW floods: Forbes residents ordered to evacuate before water closes roadsVictorian government agrees to amend controversial pandemic legislationQueensland moves to cancel hundreds of Covid travel exemption requests amid long delaysBarnaby Joyce says Nationals did not sign Cop26 pact and Australia is 'happy with targets'Get our free news app ; get our morning email briefing

**Body**

block-time published-time 8.04am GMT

And with that, it's time to end this blog for the evening. We will, of course, be back tomorrow to do it all again.

But before we say goodnight, let's recap the big stories:

Victorian crossbench MP Andy Meddick demanded the opposition leader condemn MPs who appeared at a controversial protest last night as changes were made to Victoria's pandemic powers bill. New South Wales records 212 new Covid-19 cases and two deaths, while Victoria records 797 new cases and eight deaths, 12 in the ACT and zero in Queensland. People in Forbes were ordered to evacuate as the Lachlan River floods. New Zealand shortens isolation time for Covid-positive people. The Northern Territory announced there were nine new Covid cases - all Aboriginal Territorians. South Australia introduced vaccine mandate for school and childcare staff

It was, as always, a total pleasure.

block-time updated-timeUpdated at 8.22am GMT

block-time published-time 7.53am GMT

When ABC journalist Mollie Gorman was doing her live cross earlier today the Lachlan River was slowly inching closer.

A reminder that residents in low areas around Forbes need to be evacuating.

More details [*on the SES website*](https://www.ses.nsw.gov.au/evacuation-notices/flood-evacuation-order-forbes-evacuate-by-tuesday-16th-november-2021-930pm/?major=1&active=EvacuationOrder).

enltrFlood waters sneaking past ? [*@\_MollieGorman*](https://twitter.com/_MollieGorman?ref_src=twsrc%5Etfw) ? while she prepares for a live cross on ? [*@abcnews*](https://twitter.com/abcnews?ref_src=twsrc%5Etfw) ? [*#Forbes*](https://twitter.com/hashtag/Forbes?src=hash&ref_src=twsrc%5Etfw) [*#LachlanRiver*](https://twitter.com/hashtag/LachlanRiver?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/zvO4UHtJbf*](https://t.co/zvO4UHtJbf)

- Hugh Hogan (@Hughiehogan) [*November 16, 2021*](https://twitter.com/Hughiehogan/status/1460410668914413571?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 7.59am GMT

block-time published-time 7.39am GMT

Essendon football club's chief executive, Xavier Campbell, is confident the club's football program and training schedule can go ahead as normal despite him testing positive to Covid-19.

Campbell developed mild symptoms on Monday afternoon and immediately got tested. The positive result was confirmed on Tuesday morning.

Related: [*Essendon AFL chief executive Xavier Campbell tests positive for Covid-19*](https://www.theguardian.com/sport/2021/nov/16/essendon-afl-chief-executive-xavier-campbell-tests-positive-to-covid-19)

block-time updated-timeUpdated at 7.43am GMT

block-time published-time 7.31am GMT

enltrMan wrongly named as Cleo Smith abduction suspect launches defamation action against Seven [*https://t.co/ESrBvNTZju*](https://t.co/ESrBvNTZju) via [*@smh*](https://twitter.com/smh?ref_src=twsrc%5Etfw)

- Michaela Whitbourn (@MWhitbourn) [*November 16, 2021*](https://twitter.com/MWhitbourn/status/1460505338831011841?ref_src=twsrc%5Etfw)

block-time published-time 7.22am GMT

Rock art that has lasted tens of thousands of years is being destroyed by the climate emergency in a matter of years.

Coastal erosion, fires, floods and cyclones are among the extreme events predicted to get more severe with global heating. Archaeologists and historians are now warning that serious damage has already been done.

Related: [*Global heating is destroying rock art tens of thousands of years old, experts warn*](https://www.theguardian.com/artanddesign/2021/nov/16/global-heating-is-destroying-rock-art-tens-of-thousands-of-years-old-experts-warn)

block-time published-time 7.18am GMT

enltrMajor flooding similar to the September 2016 flood expected at [*#Forbes*](https://twitter.com/hashtag/Forbes?src=hash&ref_src=twsrc%5Etfw) from late today (Tues) into Wed. For the latest forecasts & warnings, go to [*https://t.co/S4dyP1u5bA*](https://t.co/S4dyP1u5bA) or the [*#BOMWeather*](https://twitter.com/hashtag/BOMWeather?src=hash&ref_src=twsrc%5Etfw) app. Please follow the advice of emergency services and stay out of floodwater [*@NSWSES*](https://twitter.com/NSWSES?ref_src=twsrc%5Etfw) [*pic.twitter.com/EB0pmGBq1t*](https://t.co/EB0pmGBq1t)

- Bureau of Meteorology, New South Wales (@BOM\_NSW) [*November 16, 2021*](https://twitter.com/BOM_NSW/status/1460475872750850053?ref_src=twsrc%5Etfw)

block-time published-time 7.07am GMT

This from AAP:

A collapsed property investment scheme which cost elderly Australians their homes and life savings has been referred for possible criminal charges.

The Australian Securities and Investments Commission has handed information about Sterling Income Trust to the commonwealth director of public prosecutions to weigh up criminal charges.

Former ASIC investigator Niall Coburn told a Senate inquiry on Tuesday it was "incredible" the corporate cop took so long to start investigating and the delay allowed the scheme to "spread its tentacles".

The scheme lured Western Australian investors into signing long-term tenancy agreements, with returns from a lump-sum investment used to pay rent.

Senators are scrutinising ASIC's oversight and looking at what is needed to prevent it from happening again, as well as broader laws for financial misconduct victims.

block-time updated-timeUpdated at 7.13am GMT

block-time published-time 7.03am GMT

There's been so much happening today around the Victorian pandemic bill.

I've got two really good articles for those wanting to catch up / understand why it has created so much confusion.

Here is Calla Wahlquist and Michael McGowan on how the bill became fuel for Victoria's anti-government protests:

Related: [*How Daniel Andrews' beleaguered pandemic bill became fuel for Victoria's anti-government protests*](https://www.theguardian.com/australia-news/2021/nov/16/victoria-pandemic-bill-daniel-andrews-new-laws-legislation-covid-far-right)

And here is Caitlin Cassidy with everything you need to know about what changes were made today to the controversial bill:

Related: [*Victorian pandemic laws: what changes have been made to the controversial bill?*](https://www.theguardian.com/australia-news/2021/nov/16/victorian-pandemic-legislation-what-changes-have-been-made-to-the-controversial-bill)

block-time updated-timeUpdated at 7.12am GMT

block-time published-time 6.53am GMT

The [*Coalition*](https://www.theguardian.com/australia-news/coalition) has radically revised its proposed religious discrimination bill, scrapping the so-called Folau clause and removing the ability for health providers to refuse treatment on the basis of "conscientious objection".

The revised bill - which has been signed off by cabinet and was briefed to government MPs on Monday - still includes a controversial "statement of belief" clause which would override other commonwealth, state and territory anti-discrimination laws.

Related: [*Coalition waters down religious discrimination bill by scrapping Folau clause*](https://www.theguardian.com/world/2021/nov/16/coalition-waters-down-religious-discrimination-bill-by-scrapping-folau-clause)

block-time published-time 6.43am GMT

The young family stranded in the Simpson desert have been rescued by police. I will bring you more details when I have them.

block-time published-time 6.40am GMT

Earlier I said we would chase up some further details on the report in The Australian that the NSW government has approved plans to extend the state's Covid-19 emergency powers until March 2023.

We now have a response from NSW Premier Dominic Perrottet, who we asked to comment on the story.

"Only the health provisions that need to be extended will be extended," he said.

"I will be carefully considering this matter over the summer break."

block-time published-time 6.33am GMT

NT Senator Malarndirri McCarthy earlier said one of the cases was her sister - on Twitter she has now revealed she is related to all the cases.

I think it's really important to highlight her point that catching Covid is not something to be ashamed of - it is a pandemic after all. We just need to work together to limit the spread.

Earlier McCarthy said overcrowded housing in remote communities needed to be urgently addressed to protect Aboriginal Territorians.

"This is a serious matter. This is a case of life and death here," she said.

"And unless families have an ability to be able to isolate in their own home - and how can they when you have 15-20 people, which is the case of my families.

"[There is] absolute urgency that must be placed on housing for remote homelands and outstations with the federal government."

enltrAll of the new nine positive cases announced today are my direct family. COVID is here and this is serious. It is moving quickly. NT mob, don't be afraid and don't be shame. Get tested and get vaccinated. Stay strong Katherine and Robinson River. [*#covid*](https://twitter.com/hashtag/covid?src=hash&ref_src=twsrc%5Etfw)

- Malarndirri McCarthy (@Malarndirri19) [*November 16, 2021*](https://twitter.com/Malarndirri19/status/1460489267092738048?ref_src=twsrc%5Etfw)

block-time published-time 6.19am GMT

enltrToday the St Basil's inquest will be hearing evidence from staff at the home at the time of the outbreak. This includes the Index Case, the St Basil's staff member who was the first infection recorded associated with the home.

- Melissa Davey (@MelissaLDavey) [*November 15, 2021*](https://twitter.com/MelissaLDavey/status/1460378747891183619?ref_src=twsrc%5Etfw)

enltrIt is becoming clear form the St Basil's inquest that those tasked with going into the home to see if infection control was up to scratch often made their assessment based on talking to management of the home, but not by observing and directly speaking to clinical and care staff.

- Melissa Davey (@MelissaLDavey) [*November 15, 2021*](https://twitter.com/MelissaLDavey/status/1460395209045405697?ref_src=twsrc%5Etfw)

enltrFor example assessment forms asking whether staff were correctly donning / doffing PPE were marked with responses by assessors like 'reportedly so, not witnessed'. "We were accepting management's assertion," a staff member of the Victorian Prevention Nurses Team told the inquest. [*https://t.co/QHi0jyHxOF*](https://t.co/QHi0jyHxOF)

- Melissa Davey (@MelissaLDavey) [*November 15, 2021*](https://twitter.com/MelissaLDavey/status/1460395944000638977?ref_src=twsrc%5Etfw)

block-time published-time 6.09am GMT

The search for the remains of William Tyrrell has continued but is yet to turn up any answers.

Police have been going through a garden bed near the foster grandmother's house. They are digging up the bed and sifting through it before putting it through a mulcher.

There are hundreds of officers involved in the search.

This from AAP:

Police have dug up the garden at the Kendall home where his foster grandmother lived and where he was last seen in 2014.

A mechanical sift was brought on to the property while in nearby bushland volunteers cut down trees to help in the search.

NSW Police commissioner Mick Fuller confirmed there had been a significant breakthrough in the case, saying he was confident police would solve the mystery of the boy's fate.

"There is certainly one person in particular that we are looking closely at," he told Sydney radio 2GB on Tuesday.

Police minister David Elliott was asked about a report that police were investigating whether William died after falling from a balcony at the Kendall home.

"With a mysterious incident like this, every single option has to be investigated, every scenario has to be reviewed and tested," he said.

block-time updated-timeUpdated at 6.18am GMT

block-time published-time 6.06am GMT

NSW emergency powers extended to March 2023

The NSW government has approved plans to extend the state's Covid-19 emergency powers until March 2023.

First reported in The Australian, the paper said the decision prompted "heated backlash" from some MPs, who have argued that it is overreach.

The emergency powers allow the government to limit movement between LGAs, require people to wear masks and put a curfew in place.

We are chasing further details.

block-time published-time 5.56am GMT

Shadow assistant treasurer Stephen Jones is asked to comment and he takes the opportunity to have a dig at the Coalition for backing the Australian Space Agency.

We are talking about investing billions of dollars in a program for space exploration.

I'm not against space exploration but surely putting a roof over somebody's head, getting fresh food into communities, is more important than some of these other things that we are spending money on at the moment.

block-time updated-timeUpdated at 5.58am GMT

block-time published-time 5.50am GMT

Liberal MP Jason Falinski, who is currently chairing the federal parliamentary inquiry into housing and supply is on Afternoon Briefing now.

PK has asked him about concerns the outbreak in the NT will spread quickly because of overcrowding in homes.

"I mean, how much time do you have?"

He says the country's housing issues were created by all levels of government and need to be fixed by all levels of government.

I was going to quote it but that is pretty much it - there are no suggestions past we need all governments to work on it. Moving on then...

block-time updated-timeUpdated at 5.53am GMT

block-time published-time 5.41am GMT

Opposition whip Bernie Finn in the legislative council is up critiquing the Victorian government's pandemic bill and commending the protesters who camped outside parliament house yesterday evening.

Finn attended a rally on Saturday which he said was attended by "the most massive crowd" he'd seen in decades.

Those people in the streets aren't going to wear what this premier is trying to pull. You've got people prepared to sleep on the streets of this parliament as a vigil, such is their commitment. Daniel Andrews has given people a reason to be interested in politics, every cloud has a silver lining... I wish them well, I hope it doesn't rain, I commend them for taking a stand for freedom in this state.

The people are marching in the street not because they're some kind of left-wing or right-wing neo nazi or white supremacist, they're people who have been ignored by Daniel Andrews for far too long ... they've been pushed to breaking point.

I'm not sure there are self-described "left-wing neo nazis", and it's worth reminding that nooses and placards calling for violence against politicians were pictured among the crowds of protestors over the weekend, but anyway.

Earlier, Finn dismissed a picture he posted of the premier depicted as Hitler as "a joke" because he replaced the swastika with an ABC logo.

block-time updated-timeUpdated at 6.20am GMT

block-time published-time 5.36am GMT

The Morrison government has been accused of neglecting to assess the impact of the pandemic on young children, with current policies labelled "a series of crisis responses".

Jay Weatherill, the former Labor premier of South Australia and chief executive of Minderoo Foundation's Thrive by Five initiative, made the comments at the Senate's Covid-19 inquiry on Tuesday.

Related: [*Coalition's 'crisis response' neglects impact of pandemic on young children, inquiry hears*](https://www.theguardian.com/australia-news/2021/nov/16/coalitions-crisis-response-neglects-impact-of-pandemic-on-young-children-inquiry-hears)

block-time published-time 5.31am GMT

Reason Party's Fiona Patten has just confirmed the Victorian government's pandemic legislation, if it passes, will be reviewed within two years.

This was one of the key recommendations the Law Institute of Victoria called for in its response to the amendments.

Patten says it is a "delicate balance" protecting human rights and protecting health:

Doing nothing seems to be what we're saying... let the disease run wild, let's do nothing. It's not acceptable here, it's not acceptable in Australia, it's not acceptable anywhere in the world. The ultimate human right is to protect life, and that is what we are doing... I would not have accepted another extension of the state of emergency.

I said in March, we needed pandemic specific legislation because otherwise we're dealing with legislation designed to deal with floods... fires... not global pandemics... we should not let the perfect get in the way of the good and I support this legislation.

block-time updated-timeUpdated at 5.37am GMT

block-time published-time 5.29am GMT

Bandt is asked about how ambitious everyone's climate policies need to be - he is saying they need to be in line with the science.

Australia's leading climate scientists have said to limit global warming to 1.5 degrees, Australia's fair share is a 74% cut by 2030.

The Liberals have just been so terrible over the last few years that they have given us less time to turn the ship around and as a result, climate targets have to be 75% by 2030 to be consistent with the Glasgow pact.

We have to have a plan to get out of coal and gas. We certainly can't as Labor wants to do, open up new gas and coalmines. That is just a red line that can't be gone below.

block-time updated-timeUpdated at 5.38am GMT

block-time published-time 5.24am GMT

PK has asked Bandt about CoP26 and he is taking the opportunity to attack both the Libs and Labor for "wanting more coal and gas".

Coal and gas are on death row now after the Glasgow climate summit.

They have had their day and you can argue about whether it's an orange light or a red light that is flashing after this summit but what is absolutely clear is that it is on its way out.

And it is really countries like Australia under Morrison and Joyce and Russia and Saudi Arabia who are saying no, we think we can open up more.

This is going to be a test for Labor as well because there is 116 new coal and gas mines currently in the pipeline that may - that are yet to be opened or expanded.

Now post-Glasgow there is no room for more coal and gas but Labor and Liberal want more coal and gas.

block-time updated-timeUpdated at 5.40am GMT

block-time published-time 5.22am GMT

PK has asked Bandt what he makes of the report Perrottet is also pushing for extended powers.

This is a balancing act that we've all had to go through and as the Greens, we have always been very concerned about making sure that there's not government overreach when it comes to these powers.

That in New South Wales, but also in Victoria, is exactly the debate that we've been engaging in parliament to ensure that there's some more civil liberties protections built-in but at the same time that we protect public health.

I think the community is now used to that debate and saying that it's something that should result in people being hanged is just contemptible.

block-time updated-timeUpdated at 5.41am GMT

block-time published-time 5.18am GMT

And Adam Bandt is on Afternoon Briefing right now with Patricia Karvelas.

PK has asked about the protests in Victoria the last few days, which have been ***exceptionally*** violent in rhetoric and symbolism.

"When people are bringing nooses and gallows to parliament and giving speeches about how they want to see people hanged it doesn't matter what part of the political spectrum the MP they are talking about is from, that should be condemned.

We have heard nothing from the prime minister on this. He was very, very quick to come out and condemn Black Lives Matter protesters who were trying their hardest to be peaceful but we have heard not a whisper.

This needs to be condemned by all political leaders and I think in terms of the frustration that you are feeling, there has been a lot of misinformation about the legislation that's been proposed, there's been a lot of fear-mongering.

block-time updated-timeUpdated at 5.42am GMT

block-time published-time 5.15am GMT

This is really very cool news:

enltrPremier Daniel Andrews has confirmed that Victoria will reach its 90 per cent vaccination milestone later this week, triggering a number of changes to the state's [*#COVID19*](https://twitter.com/hashtag/COVID19?src=hash&ref_src=twsrc%5Etfw) roadmap. [*#9News*](https://twitter.com/hashtag/9News?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/KRGSGXx1uH*](https://t.co/KRGSGXx1uH)

- 9News Melbourne (@9NewsMelb)

[*November 16, 2021*](https://twitter.com/9NewsMelb/status/1460465191011848197?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 5.42am GMT

block-time published-time 5.13am GMT

And it's been announced today that living legend/national treasure Ernie Dingo will tour Western Australia, to encourage people to get the Covid vaccine.

There are fears some Aboriginal communities will be left vulnerable when WA opens up to the rest of the country next year, as only 32.6% of the population have had both jabs.

The federal government is funding the two-month tour.

"I know that we can beat hesitation around vaccines and needles with this approach - that's why I'm packing up and heading up north to have a yarn with local influencers and elders in each community," Dingo said.

"I'll be having a cuppa and a yarn with countrymen over brekkie barbecues, listening to their concerns and encouraging them to be ready for the jab when the health teams come through the towns again.

"It's about knowledge, about making our communities feel ready for the vaccine when it comes around."

block-time updated-timeUpdated at 5.34am GMT

block-time published-time 5.08am GMT

enltrThe reveal: [*#WeWearAustralian*](https://twitter.com/hashtag/WeWearAustralian?src=hash&ref_src=twsrc%5Etfw) campaign video, featuring new faces Cindy Rostron, Naomi Stevens, Will Kalimba, India Anderson & Angus Minear. Shot on Yawuru and Miriwoong Country. [*#thisisWA*](https://twitter.com/hashtag/thisisWA?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/HDbqMp7a82*](https://t.co/HDbqMp7a82)

- Glynis Traill-Nash (@GlynisTN) [*November 16, 2021*](https://twitter.com/GlynisTN/status/1460415203607080965?ref_src=twsrc%5Etfw)

block-time published-time 5.04am GMT

From AAP:

Unions are fighting the NSW government's "cheap and nasty" plan to roll back a special Covid-19 protection for frontline workers who kept the state going at the height of the pandemic.

Unions NSW secretary Mark Morey urged the government to abandon its repeal of automatic Covid workers' compensation coverage for exposed workers.

Failing that, he's calling on crossbench MPs to "block the attack on workers' rights".

"This is a mean and nasty piece of legislation that is saying to every worker that kept the economy going: 'You are on your own'," he said.

Premier Dominic Perrottet this week announced his intention to scrap a provision in the Workers Compensation Act allowing for the presumption that frontline workers who test positive caught the virus while on duty.

The government estimates keeping the protection could invite 25,000 extra claims over the next 12 months, forcing insurance premiums up by an average of $950.

Covid-19 claims could cost the workers compensation system as much as $638m in the coming year.

block-time updated-timeUpdated at 5.31am GMT

block-time published-time 4.55am GMT

The Law Institute of Victoria has released a statement on the amendments to the pandemic management bill. It says the changes go "some way" to addressing its concerns, but not far enough to be fit for purpose.

The institute released its position paper on the bill on 11 November, which outlined 32 recommendations in full, six of which have been included in the proposed amendments.

Law Institute of Victoria (Liv) president Tania Wolff said the amendments were moving in the right direction compared with the original bill:

The Liv is pleased to see these amendments... however, the Liv continues to have concerns over some aspects of the bill and urges members of parliament to continue working through amendments to the legislation to ensure it is fit for the purpose of protecting our democracy and safeguarding members of the community.

The most significant of our concerns are that:

the use and exercise of the powers should require effective independent oversight and scrutiny, such as by the ombudsmanthere should be accessible external merits review of all decisions relating to detention and that Vcat be given jurisdictionthe bill should not include terms of imprisonment, andthere needs to be stricter controls on the use of information gathered for public health purposes to protect individual privacy.

If these recommendations... are not adopted, then at a minimum, we call for a sunset clause so that the new part would expire in 18-24 months from its commencement.

This allows the government to continue to meet the challenges of this current pandemic, but ensures an opportunity for further independent review so that the legislation is fit for purpose for any future pandemic.

block-time updated-timeUpdated at 5.04am GMT

block-time published-time 4.50am GMT

The corporate regulator asked for its ability to decide claims under a compensation scheme to be restored in 2016 but was knocked back by Treasury, a parliamentary inquiry has heard.

Giving the Australian Securities and Investments Commission the power to decide claims under the Compensation for Detriment caused by Defective Administration scheme would have prevented a group of investors who are seeking $200m over a large corporate collapse from falling into a limbo where neither the watchdog nor Treasury will decide their claim.

Parliament's joint committee on corporations and financial services has been looking into the plight of the investors, victims of the collapse of the Prime Retirement and Aged Care Property Trust, following Guardian Australia's coverage of the issue. [*https://www.theguardian.com/australia-news/2021/aug/22/stuck-in-limbo-investors-blame-asic-for-200m-loss-but-no-one-will-hear-their-claim*](https://www.theguardian.com/australia-news/2021/aug/22/stuck-in-limbo-investors-blame-asic-for-200m-loss-but-no-one-will-hear-their-claim) Under questioning from Labor MP Julian Hill, Treasury assistant secretary Mohita Zaheed said Asic previously held authorisation to make decisions under the CDDA scheme.

The authorisation lapsed when assistant treasurer Josh Frydenberg, who made the authorisation, left the post in September 2015.

Asic asked for it to be restored but, Zaheed said, treasury refused the request because it took the view doing so would conflict with section 12 of the Asic act, which prohibits the government of the day giving the regulator instructions "about a particular case".

In letters to Treasury and the minister for financial services, Jane Hume, investors have said they do not accept this argument. Hill said: "The whole thing looks like a protection racket to stop citizens or investors or anyone in Australia lodging a CDDA claim against the corporate regulator."

Zaheed said investors had access to make a payment for an act of grace payment, which she said was a "very similar scheme". Hill also became frustrated after Treasury first assistant secretary Simon Writer batted away his questions about why the decision not to renew the authorisation was made. "With respect, I know you're an intelligent man, but you sound like a talking parrot and I'm pressing a button, saying the same thing without actually answering the question," Hill said.

block-time updated-timeUpdated at 4.57am GMT

block-time published-time 4.43am GMT

And wham - NSW joins the fray.

enltrExclusive: The Perrottet government has approved plans to extend the state's extraordinary Covid-19 emergency powers until March 2023, prompting a heated backlash from the Coalition party room, where MPs branded the decision an unacceptable overreach. [*https://t.co/gOP1MCgz4L*](https://t.co/gOP1MCgz4L)

- Yoni Bashan (@yoni\_bashan) [*November 16, 2021*](https://twitter.com/yoni_bashan/status/1460450951483965443?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 4.44am GMT

block-time published-time 4.41am GMT

Queensland cancels some applications for exemptions to enter state

Queensland health authorities have automatically cancelled some long-running applications for compassionate and medical exemptions to enter the state, including cases where people had waited more than five weeks with no formal response.

Last week, Queensland's health directions exemption service wrote to hundreds of people who had been seeking to cross the state border, advising that their cases had taken so long to assess they would now be "closed".

Related: [*Queensland moves to automatically cancel hundreds of Covid travel exemption requests amid delays*](https://www.theguardian.com/australia-news/2021/nov/16/queensland-moves-to-cancel-hundreds-of-covid-travel-exemption-requests-amid-long-delays)

block-time updated-timeUpdated at 4.45am GMT

block-time published-time 4.34am GMT

And it is still a very wet November - in fact, it is fast becoming the wettest on record. Grab yer' brollies people!

enltrThis Nov is quickly becoming one of the wettest on record for [*#Australia*](https://twitter.com/hashtag/Australia?src=hash&ref_src=twsrc%5Etfw). Alice Springs (196mm) & Orange (224mm) have already broken their records with data to the 1870s! Another low with another band of heavy rain & flooding is heading in this weekend. [*@SkyWeatherAUS*](https://twitter.com/SkyWeatherAUS?ref_src=twsrc%5Etfw) [*@SkyNewsAust*](https://twitter.com/SkyNewsAust?ref_src=twsrc%5Etfw) [*pic.twitter.com/RRAlppoD16*](https://t.co/RRAlppoD16)

- Thomas Saunders (@TomSaundersSNW) [*November 16, 2021*](https://twitter.com/TomSaundersSNW/status/1460459301017829383?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 4.44am GMT

block-time published-time 4.31am GMT

Philip Lowe was speaking earlier today - the RBA governor said he doesn't expect interest rates to rise until 2024.

Given the global and domestic forces I have discussed, the inflation outlook is more uncertain than it has been for some time, but our central scenario is the underlying inflation reaches the middle of the target by 2023.

If this comes to pass, it would be the first time in nearly seven years that we will be at the midpoint of the target range.

This by itself does not warrant an increase in the cash rate. As I have said, much will depend on the trajectory of the economy and inflation at the time, so it is still plausible that the first increase in the cash rate will not be before 2024.

block-time updated-timeUpdated at 4.43am GMT

block-time published-time 4.23am GMT

Australia's frontier history is still being pieced together, errors are still being corrected and new information is coming to light, according to the emeritus professor of history Lyndall Ryan and her research team at the University of Newcastle's massacre map project.

Nowhere is this more apparent than in western Victoria, where Ryan says the "mass of dots" denoting massacre sites has remained, despite researchers correcting locations and even removing some sites from the map.

Related: [*The killing times: Australia's map of frontier war massacres updated*](https://www.theguardian.com/australia-news/2021/nov/16/the-killing-times-australias-map-of-frontier-war-massacres-updated)

block-time updated-timeUpdated at 4.26am GMT

block-time published-time 4.21am GMT

enltrFlood affected landholders in the wider Forbes area ?? If you need advice with evacuation or assistance with emergency care of livestock and companion animals during the floods, get in touch with Local Land Services on 1300 795 299. [*pic.twitter.com/2JnzBZQq1M*](https://t.co/2JnzBZQq1M)

- Central West LLS (@CentralWestLLS) [*November 16, 2021*](https://twitter.com/CentralWestLLS/status/1460421972865679365?ref_src=twsrc%5Etfw)

block-time published-time 4.15am GMT

In Victoria's Legislative Council, the Liberal MP David Davis is up chatting all things pandemic bill, or pandemic bill adjacent:

We've got the terrible trifecta, the worst of all outcomes... the longest lockdowns of any jurisdiction in the world, that has amazingly negative consequences on our business and kids, at the same time in Australia, we had the worst death rate by far...

We have still never seen the evidence for the curfew, the extraordinary decision... to lock down the state with a sharp curfew... who ever came up with the curfew? It was Andrews in his office - in the bunker, that's what they call his office.

The Labor MP Shaun Leane rises and asks why Davis's points are relevant to debating the legislation. But the Reason party's Fiona Patten rebukes him, saying "Mr Davis has an opportunity to go very broadly, which is what he is doing."

Davis returns to the bunker.

block-time updated-timeUpdated at 4.22am GMT

block-time published-time 4.13am GMT

The Australian Medical Association has released a statement about the attorneys general agreeing to raise the age of criminal responsibility to 12.

Much like many advocacy groups, they say it is still far too young to put people in prison.

"Last week's meeting was a missed opportunity to make real progress in stopping harms to children," the AMA president, Dr Omar Khorshid, said.

"Agreement by MAG to consider a proposal that would raise the age to 12 falls well short of what is needed. It will result in more children being locked up and ignores the expert medical, legal and social advice on the real harm of the current laws, which in reality make kids more likely to reoffend.

"Evidence shows the younger a child is at first contact with the justice system, the higher the rate of recidivism and children in contact with the criminal justice system at a young age are less likely to complete their education, find employment and are more likely to die an early death."

According to [*AIHW data*](https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2019-20/data) , 456 out of the 499 children under 14 in prison in 2019-20 were aged 12 to 13 years old.

"Raising the age of criminal responsibility only to 12 will do little to lower the number of children locked away behind bars."

block-time updated-timeUpdated at 4.20am GMT

block-time published-time 4.04am GMT

The federal MP Andrew Hastie has announced the birth of his third child.

"Ruth and I are delighted to welcome a beautiful baby girl into the world, Jemimah Faith Hastie!" the assistant minister for defence told party supporters in an email.

"Jemimah was born at 11.11am yesterday, 3kgs, 49cm.

"Mum and baby are both doing well.

"Thank you to everyone who has offered their prayers and support over the last few months."

block-time updated-timeUpdated at 4.07am GMT

block-time published-time 3.51am GMT

enltrThis daily infographic provides the total number of vaccine doses administered in Australia ???? as of 15 November 2021 ?? ??Stay up to date with COVID-19 vaccine information here: [*https://t.co/lsM33j9wMW*](https://t.co/lsM33j9wMW) [*pic.twitter.com/dO1tOdJ94f*](https://t.co/dO1tOdJ94f)

- Australian Government Department of Health (@healthgovau) [*November 16, 2021*](https://twitter.com/healthgovau/status/1460442516101160970?ref_src=twsrc%5Etfw)

block-time published-time 3.42am GMT

South Australia to introduce vaccine mandate for school and childcare staff

In South Australia, a vaccine mandate is being introduced that will force all staff and volunteers at schools and childcare centres to at least have their first vaccine by 10 December.

Exceptions include people with medical exemptions, students, parents or carers that are dropping off/picking up children and incidental visitors at school.

The government also says masks will remain optional for adults and high school students in school.

The education minister, John Gardner, made the announcement, saying it was an important move to "ensure that we will be able to keep our children safe".

block-time updated-timeUpdated at 4.25am GMT

block-time published-time 3.30am GMT

The Victorian attorney general Jaclyn Symes' motion for the pandemic bill to be declared "urgent" has just been passed in the Legislative Council 19 votes to 18. Symes has now called for the bill to go through a second reading.

It comes as the Victorian Bar has released a statement saying the amendments don't go far enough to protect the rule of law. The Victorian Bar president, Roisin Annesley, said:

The proposed amendments largely address low-priority issues and not the most fundamental problems with the bill. The major issues include the lack of effective parliamentary control over the minister's pandemic orders and the lack of provision for an independent review of authorised officers' exercise of power.

block-time updated-timeUpdated at 3.34am GMT

block-time published-time 3.25am GMT

enltrA personal message from me about the Covid case in the NT. This hits close to home. I encourage families to get tested, get vaccinated, listen to the health advice and ignore the disgraceful misinformation being spread in communities particularly on social media. [*pic.twitter.com/MRsXN6OCp4*](https://t.co/MRsXN6OCp4)

- Malarndirri McCarthy (@Malarndirri19) [*November 16, 2021*](https://twitter.com/Malarndirri19/status/1460424144512634880?ref_src=twsrc%5Etfw)

block-time published-time 3.20am GMT

Victoria's Legislative Council is back after a lunch break to continue to debate the government's pandemic legislation.

Before lunch, the attorney general, Jaclyn Symes, raised a motion for the bill to be declared urgent.

The Liberal MP Gordon Rich-Phillips says there is no justification for the bill to be deemed urgent when the state of emergency declaration isn't due to expire until 15 December:

All Victorians have cause to be concerned when the attorney general comes in here as she did this afternoon with an argument the Victorian community will benefit from certainty, seeks to sweep aside parliamentary ***process*** and ram this through.

I'm reminded about the purpose of urgent bills... one that is needed to fix an urgent problem of governance in the state of Victoria... this is not an urgent legislation. We have two sitting weeks to deal with this situation before changes to the current framework is required.

At least half a dozen questions have been put by Sarc to the relevant minister. Those questions have not been answered... even Sarc, with its feeble scrutiny has further situations for the government. When you look at the ways urgent bills have been used before... really urgent matters that need to be dealt with quickly... every single time this chamber has sought to declare a bill an urgent bill, it has been done with the unanimous support of the House... this is not one of those situations. This is a highly contested bill with enormous ramifications for the people of Victoria. There are genuine reasons people are marching on the streets and the front steps of parliament.

A reminder nooses and signs inciting violence against parliamentarians have been spotted among those people marching, even if they're doing so for "genuine reasons".

block-time updated-timeUpdated at 3.24am GMT

block-time published-time 3.13am GMT

The Victorian Equal Opportunity and Human Rights Commission has welcomed today's news the state government will amend the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

The commissioner, Ro Allen, said "the amendments and clarity announced today strengthen the bill and its human rights commitments".

Allen had raised her concerns with Victoria's attorney general Jaclyn Symes, highlighting a clause that would allow the government to make targeted pandemic orders based upon people's attributes. The clause has been amended as part of crossbench negotiations.

Another of the commission's key demands - that the bill would require pandemic orders to be compatible with the human rights charter - has also been secured.

Victorian attorny general Jaclyn Symes. Photograph: James Ross/AAP

block-time updated-timeUpdated at 3.21am GMT

block-time published-time 3.08am GMT

Supplies of the Pfizer vaccine have begun to trickle into pharmacies across the country, as the sector prepares to administer booster shots to early recipients.

Government data shows about 3,690 Pfizer doses were ordered for delivery to community pharmacies in the first week of the month. Last week, about 150,000 doses were expected to be delivered to community pharmacies.

There are currently about 3,434 pharmacies participating in the vaccine rollout. They will be able to administer booster shots to the high-priority recipients who received the vaccine early this year. Pharmacies can also administer first and second doses.

"This means from today, all primary care sites around the country will progressively be able to offer all three Covid-19 vaccines approved for use in Australia, increasing choice and making it easier for whole families to get vaccinated at the same time," the health department said in its most recent weekly update.

The Pharmacy Guild of Australia has previously expressed concern about the take-up of the Pfizer vaccine by its members.

The Sydney Morning Herald reported earlier this month that [*only about 20% of Australian pharmacies had ordered Pfizer doses*](https://www.smh.com.au/politics/federal/national-booster-program-launched-with-pfizer-in-pharmacies-20211107-p596op.html). The Guild expressed concern in an email to its members, saying only 1,156 of the then 3,416 participating pharmacies had placed orders.

block-time updated-timeUpdated at 3.15am GMT

block-time published-time 3.03am GMT

And that is it for the Northern Territory Covid presser - but I will bring you more on the story as it develops throughout the afternoon.

block-time updated-timeUpdated at 3.09am GMT

block-time published-time 3.02am GMT

Pain says health authorities do not think the transmission is widespread in Katherine.

However, we cannot be absolutely confident of that. With the testing, although it has not been desirable, we wouldn't have had the testing rates we would have liked.

Even with those tests we would have expected to pick up cases if it was widespread, but I don't want to give any false reassurance about that.

We are in a desperate fight now to identify new cases in Katherine and I do need people to come forward and get tested.

block-time updated-timeUpdated at 3.09am GMT

block-time published-time 3.01am GMT

Pain says the woman in her 60s who is in hospital is not in ICU.

"She did need hospitalisation, so is acutely unwell, but at this stage not requiring intensive care."

He says the hospitals have good capacity for the number of cases "we are expecting".

We have the ability to expand that capacity as well. We can more or less double our capacity if we need to.

Obviously an assessment will be made of our needs for that as the numbers of cases rise, if they do.

block-time updated-timeUpdated at 3.07am GMT

block-time published-time 2.59am GMT

Dr Charles Pain says Katherine hospital has four beds for Covid patients.

They do have some limited capacity to manage Covid patients but at this stage, with the small numbers, our priority is to get them up either to the CNR or Royal Darwin hospital if they need treatment.

block-time updated-timeUpdated at 3.07am GMT

block-time published-time 2.57am GMT

The Northern Territory police commissioner, Jamie Chalker, says this is a worst-case scenario but they have planned for it.

"As I've mentioned on many occasions, the harsh reality of overcrowding is something that leads this particular Delta strain to be very problematic."

He says "additional resources" have been sent to Borroloola, which may have to go into lockdown if cases have spread there.

He says there have been a few events in recent days, including funerals of key community figures, that meant people have travelled around.

He says police will be across the NT in the coming days and they will not tolerate protests.

"I can't be bothered dealing with your rubbish in the interim. There is just too much at stake. Compliance... in Katherine has been pretty good, although there are already some people pushing the boundaries."

block-time updated-timeUpdated at 3.03am GMT

block-time published-time 2.51am GMT

The Northern Territory deputy chief health officer, Dr Charles Pain, is now speaking:

We are now in a clearly very serious situation. We have 11 cases now associated with this second cluster. Nine of those, we're informed, notified to us overnight. There is clearly a significant spread in two households.

We can see how fast it can spread. We don't know how far it is spread. We really need our community, please, to come forward and get tested at this stage.

He says everyone has been compliant with contact tracing:

If you are still waiting to get vaccinated you could be exposed to the virus at any time.

You're taking that risk of being exposed to the virus unvaccinated and the consequences of that, particularly for the communities in the Territory, could be dire. On the contact tracing, please, it is extremely important, we've had very good cooperation.

I would like to thank all those two who have helped us with the contact tracing and giving their information. Much of that is very confidential. We treat it as highly confidential.

block-time updated-timeUpdated at 2.56am GMT

block-time published-time 2.48am GMT

Gunner is now speaking about Robinson River, the remote community where cases have been detected.

Our rapid assessment team arrived last night and are hard at work. Their top two priorities - to offer the vaccine to anyone who needs it and test for new Covid cases.

We have conducted about 20 priority tests in Robinson River that should soon leave for Darwin and we should have results in the morning. We have enough tests to test the whole of that community.

We are under no illusions that the risk there remains real and there is more testing to do there today. I mentioned yesterday they have a good vaccination rate - 87% first dose and 77% full vaccination.

As per our rapid response plan, additional supplies of the vaccine have been offered to anyone who is eligible... and this ***measure*** can save lives.

block-time updated-timeUpdated at 2.53am GMT

block-time published-time 2.46am GMT

Gunner urges everyone to get the vaccine.

The vaccine rate for Katherine overall and within vulnerable pockets is not at a level where we can consider lockout as an option.

This is our challenge to the people of Katherine. This is how you can best help us, yourself, your loved ones and the community. We need to see a vaccine response in Katherine, we need to see a testing response in Katherine. I know you can do this. Not in theory, in fact. You have done this before, let's smash this, Katherine.

block-time updated-timeUpdated at 2.51am GMT

block-time published-time 2.45am GMT

Gunner says there will be daily wastewater testing in Alice Springs, Tennant Creek, Katherine and Darwin.

A positive wastewater result in one of these locations may be enough to trigger a lockdown or lockout decision. These are tough times for Katherine. I thank you all for complying with last night's snap lockdown direction. This is the third time Katherine has had to be locked down.

I feel for the people of Katherine and Katherine businesses. We do not want to have to lock you down. You have done everything we have asked and made sacrifices for every Territorian.

block-time updated-timeUpdated at 2.50am GMT

block-time published-time 2.43am GMT

Gunner says the Katherine lockdown has been extended to 6pm Monday 22 November.

All Territorians have a call to action. There will be a mask mandate for all Territorians until 6pm Monday 22 November. You must wear a mask whenever you leave the home. You are permitted to remove your mask if undertaking vigorous exercise.

If clusters one and two are linked, there is a significant gap between the last case on 4 November and the first case of cluster two on 13 November. There is a chance the virus has seeded and moved.

I need all symptomatic Territorians to get tested. We want to see a testing response across the territory.

block-time updated-timeUpdated at 2.49am GMT

block-time published-time 2.41am GMT

Gunner is now listing the exposure sites and says there are currently 161 close contacts.

I want to touch on two important exposure sites separately so I will run through the other exposure sites now. These are all close contact sites. So if you have been to these places at these times, you must immediately self-quarantine, call the Covid hotline and we will organise a test.

Captain Jack's Fish and Chips yesterday, 15 November, from 12pm to 12.35pm. Again close contact site.

Wurli health service main clinic yesterday from 10am to 11.45pm.

Kirby's pub, Katherine hotel, Friday 12 November from 12pm to 4.30pm.

Two important exposure sites I want to run through now, and they are the Katherine hospital and the MacFarlane primary school in Katherine.

First Katherine hospital. The times and specific locations we are still working on. Please keep monitoring the coronavirus website as we provide that information shortly. Please pay close attention.

Second MacFarlane primary school. I encourage parents whose kids normally attend MacFarlane primary school but because of the lockdown are not at school today to please get your kids tested today. That is a request.

block-time updated-timeUpdated at 2.47am GMT

block-time published-time 2.39am GMT

Gunner says the nine new cases are concerning:

This is obviously a serious escalation in the Covid-19 situation in the Northern Territory. A major contact tracing effort has been under way since the first case we reported yesterday.

block-time updated-timeUpdated at 2.43am GMT

block-time published-time 2.38am GMT

The Northern Territory chief minister, Michael Gunner, is speaking - he is listing the age of each case.

A 71-year-old man, a 65-year-old woman who has been admitted to Royal Darwin hospital, a 62-year-old woman, a 40-year-old woman, a 38-year-old woman, a 22-year-old woman, a 16-year-old girl, two five-year-old girls - twins.

"I don't have vaccination status details yet. Bar the 65-year-old woman who is at Royal Darwin hospital, all other cases are going to the centre for national resilience.

block-time updated-timeUpdated at 2.42am GMT

block-time published-time 2.37am GMT

Northern Territory reports nine new Covid cases

We're going to Darwin, where Northern Territory authorities have announced there are nine new Covid cases. They are all Aboriginal Territorians.

block-time updated-timeUpdated at 2.41am GMT

block-time published-time 2.27am GMT

Victoria's attorney general, Jaclyn Symes, has just raised a motion to label the pandemic bill "urgent" in the Legislative Assembly. A motion under this standing order can't be amended and debate can't be adjourned:

The Victorian community will benefit from certainty... debating this legislation in a timely manner will provide time for preparations as we reach our second opening up target.

This legislation should be afforded adequate time to be debated and scrutinised by this chamber... [but] when the opposition want to make a point rather than just vote against it, they want to make sure there is the theatre they are opposing the bill at every juncture... it's a flawed strategy, the bill has been available for 20 days, I'm not sure what an additional two will seek to deliver to those opposite. The public already know we're debating this week, I'd like to get on with it.

Symes says if the bill is not passed, the ability to contain Covid-19 will be significantly hindered. The state of emergency is due to lapse on 15 December.

The Liberal MP David Davis has called it an "extraordinary" move, that has been used just nine times since 1996.

On those occasions, on each occasion, it has been used without a vote. This occasion the government is using it to override the normal procedures of the House... completely unreasonably and undemocratically... the government's arrogant approach typified by this inappropriate use of an urgency provision. The government couldn't even wait one or two days to deal with this properly.

block-time updated-timeUpdated at 3.12am GMT

block-time published-time 2.20am GMT

The Labor senator for the Northern Territory Malarndirri McCarthy has revealed her sister was the first case of Covid-19 in Robinson River.

McCarthy's sister came forward for testing when she developed symptoms and it was currently unknown how she picked it up.

Yesterday afternoon the premier, Michael Gunner, said authorities would not have picked up the fact Covid had entered a remote community if the woman had not come forward.

We are expecting a Covid update from the NT soon - the time keeps getting pushed back.

enltrA personal message from me about the Covid case in the NT. This hits close to home. I encourage families to get tested, get vaccinated, listen to the health advice and ignore the disgraceful misinformation being spread in communities particularly on social media. [*pic.twitter.com/MRsXN6OCp4*](https://t.co/MRsXN6OCp4)

- Malarndirri McCarthy (@Malarndirri19) [*November 16, 2021*](https://twitter.com/Malarndirri19/status/1460424144512634880?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 2.25am GMT

block-time published-time 2.10am GMT

enltr. [*@calgodde*](https://twitter.com/calgodde?ref_src=twsrc%5Etfw) asked Victoria Police just now about the gallows. Was told there hasn't been a report made to police about the incident, but if premier or another person made a complaint & felt it was a legitimate threat, they would investigate it in line with the Crimes Act [*#springst*](https://twitter.com/hashtag/springst?src=hash&ref_src=twsrc%5Etfw) [*https://t.co/G8w1pafX40*](https://t.co/G8w1pafX40)

- Kaitlyn Offer (@KaitlynOffer) [*November 16, 2021*](https://twitter.com/KaitlynOffer/status/1460419996358623238?ref_src=twsrc%5Etfw)

block-time published-time 2.06am GMT

We reported earlier that Forbes residents have been asked to leave - emergency services are now warning residents "it may be too dangerous to rescue you" if they remain.

We have the full story here:

Related: [*NSW floods: Forbes residents ordered to evacuate before water closes roads*](https://www.theguardian.com/australia-news/2021/nov/16/nsw-floods-forbes-residents-ordered-to-evacuate-before-water-closes-roads)

block-time updated-timeUpdated at 2.17am GMT

block-time published-time 1.58am GMT

The Victorian government's controversial pandemic legislation is currently being debated in the Legislative Council.

Liberal MP David Davis says the Scrutiny of Acts and Regulations Committee, Sarc, has "dropped the ball badly":

Forcing it through the lower house was appalling, refusing to have Sarc look at the bill before the assembly had the opportunity... was fundamentally undemocratic.

Sarc needs to lift its game... it needs to properly inquire into these bills and it can't continue to sweep the abuses of this government under the carpet. This committee has lost its way.

The Reason party's F iona Patten responds to Davis, saying, as a member of Sarc, she takes "great offence" to his comments:

But I would also like to note the liberal members of Sarc are rarely there.

Mr Smith, we haven't seen him for quite some time, Mr Burgess I'd have to note was relatively silent on this bill. Sarc discussed and scrutinised this bill for two and a half hours and the report reflects that scrutiny. I would suggest if the opposition wants to play a role in Sarc, turn up.

block-time updated-timeUpdated at 2.18am GMT

block-time published-time 1.51am GMT

From AAP:

NSW police could face a large compensation bill if a class action lawsuit alleging unlawful searches took place at a popular music festival is successful.

Hundreds of people who attended Splendour in the Grass from 2016 to 2019 in northern NSW may have been unlawfully searched, according to law firm Slater & Gordon and the Redfern Legal Centre.

"This ground-breaking class action will seek redress for the many people subjected to invasive and traumatic searches," Redfern Legal Centre principal solicitor Alexis Goodstone said on Tuesday.

The legal centre and Slater & Gordon claim they have evidence "systemic and unlawful police searches" were carried out.

An investigation by the Law Enforcement Conduct Commission last year reported NSW police performed unlawful strip searches at the 2018 Splendour in the Grass, including on a 16-year-old girl.

block-time updated-timeUpdated at 2.05am GMT

block-time published-time 1.41am GMT

Looks like AAP journo Benita Kolovos spoke to Human Rights Law Centre about the amendments to the pandemic laws.

enltrDaniel Webb, Legal Director at the Human Rights Law Centre on amendments to pandemic laws: "We still need to see the detail, but it looks like these changes include many of the extra human rights and accountability safeguards we have been calling for".

- Benita Kolovos (@benitakolovos) [*November 16, 2021*](https://twitter.com/benitakolovos/status/1460415819100286978?ref_src=twsrc%5Etfw)

enltr"The easy thing for these crossbench MPs to do would have been to just grant another extension under the existing law. Instead, they've used this moment to take advice from a range of experts and worked to make the law better," he said.

- Benita Kolovos (@benitakolovos) [*November 16, 2021*](https://twitter.com/benitakolovos/status/1460415952579796995?ref_src=twsrc%5Etfw)

enltr"It looks like we'll emerge from all of this with a much better law than we had before, thanks largely to their efforts," he said. (3/3)

- Benita Kolovos (@benitakolovos) [*November 16, 2021*](https://twitter.com/benitakolovos/status/1460416103084019714?ref_src=twsrc%5Etfw)

block-time published-time 1.35am GMT

Australia's attorneys general have agreed to formulate a plan to raise the age of criminal responsibility from 10 to 12 years old, but the move has been criticised by justice advocates as a "nothing" decision that will do little to reduce the juvenile detention population.

Related: [*Australia moves towards raising age of criminal responsibility but advocates say 12 still too young*](https://www.theguardian.com/australia-news/2021/nov/16/australia-moves-towards-raising-age-of-criminal-responsibility-but-advocates-say-12-still-too-young)

block-time published-time 1.28am GMT

There will be a Covid update from the NT very soon - and we are hearing reports that there will be more cases announced. Expected shortly after 11 am ACST.

block-time published-time 1.17am GMT

A police helicopter is on its way to rescue a Perth family who have been stuck in the Simpson Desert since Wednesday last week.

On Friday they put out a beacon saying the need to be rescued. They do have food and no one is injured but they have two young children with them.

The helicopter left about 10am, South Australian time, and stopped on the way to refuel.

It should reach the family within the next 20 minutes. They will be taken to Olympic Dam, which is a remote mine next to Roxby Downs in the state's far north.

I will bring you updates on the rescue and families health when we have them.

block-time updated-timeUpdated at 1.35am GMT

block-time published-time 1.13am GMT

I've got some more information on the Forbes evacuation warnings.

About 800 properties are impacted, of which 500 are homes.

The river peaked overnight upstream at the floodgate and was about 1 metre higher than the peak in September 2016. That resulted in damaging flooding for the area.

It is expected to peak tomorrow.

If you have Twitter follow [*@NSWSES*](https://twitter.com/NSWSES) and [*@BOM\_NSW*](https://twitter.com/BOM_NSW) for updates and warnings.

If you don't, [*the SES website has updates.*](https://www.ses.nsw.gov.au/evacuation-notices/flood-evacuation-order-forbes-evacuate-by-tuesday-16th-november-2021-930pm/?major=1&active=EvacuationOrder)

block-time updated-timeUpdated at 1.32am GMT

block-time published-time 1.05am GMT

Thank you, Matilda. As always impossibly large blog shoes to fill. Cait Kelly here, I will be taking you through the afternoon news.

An Evacuation Order has been issued for low lying areas of [*#Forbes*](https://twitter.com/hashtag/Forbes?src=hashtag_click). There is more information below and I will bring you updates throughout the afternoon.

enltr??Evacuation Order issued for low lying areas of [*#Forbes*](https://twitter.com/hashtag/Forbes?src=hash&ref_src=twsrc%5Etfw) ?? Low lying areas of FORBES evacuate by: Tues 16th Nov 2021, 9.30pm NSW SES is directing people within low-lying areas of Forbes to evacuate out of the high danger area. Continue reading [*https://t.co/Iu51oTJJOM*](https://t.co/Iu51oTJJOM) [*pic.twitter.com/37sOjpR61F*](https://t.co/37sOjpR61F)

- NSW SES (@NSWSES) [*November 16, 2021*](https://twitter.com/NSWSES/status/1460406693003550721?ref_src=twsrc%5Etfw)

block-time published-time 1.00am GMT

With that, I shall hand you over to the amazing Cait Kelly who will take you through the rest of the afternoon in news.

See you all tomorrow!

block-time published-time 12.58am GMT

More on the Victorian opposition's opposition to the new pandemic powers bill:

enltrOpposition Leader Matthew Guy spoke earlier about the pandemic bill before parli this week: "It's time to move on from everything associated with COVID. Legislation like this reminds people of what we've been through and it's very damaging to a lot of people's mental health".

- Benita Kolovos (@benitakolovos)

[*November 16, 2021*](https://twitter.com/benitakolovos/status/1460410098648432642?ref_src=twsrc%5Etfw)

enltrHe said the legislative framework also needs to be looked at to protect employers who want to impose rules for patrons. "Let's have that discussion, but that's about moving on. That's about finding ways for our labour market to move on safely and securely," Mr Guy said.

- Benita Kolovos (@benitakolovos) [*November 16, 2021*](https://twitter.com/benitakolovos/status/1460411601836597249?ref_src=twsrc%5Etfw)

[*https://twitter.com/benitakolovos/status/1460411601836597249*](https://twitter.com/benitakolovos/status/1460411601836597249)

block-time published-time 12.55am GMT

ACT records 12 local Covid-19 cases

The Australian Capital Territory has recorded 12 new local Covid-19 cases.

There are now four people in the territory hospitalised due to the virus, one of these people are in the ICU and require ventilation.

block-time published-time 12.52am GMT

'Inappropriate' Morrison government hasn't done more to study 0-5 year olds with Covid

Jay Weatherill, the chief executive of Minderoo Foundation's Thrive by Five, just told the Senate's Covid-19 committee the government should commission a children-specific Covid plan, and make the impact on children a standing item at the national cabinet.

Weatherill said the commonwealth should have commissioned Doherty Institute modelling of the spread and impact of Covid on children aged 0 to 5, and that it was "inappropriate" that hadn't happened already.

Weatherill said current policies towards children were "a series of crisis responses" but something more systematic needs to be in place for coming challenges, including monitoring international developments on whether a vaccine can be developed and approved for those aged 0 to 5, and standardising testing regimes for children.

block-time updated-timeUpdated at 1.45am GMT

block-time published-time 12.51am GMT

This is the end of days.

enltrThe nutbush being performed by anti-bill protesters on the steps of Parli [*@9NewsMelb*](https://twitter.com/9NewsMelb?ref_src=twsrc%5Etfw) [*#springst*](https://twitter.com/hashtag/springst?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/Tklx2GXC6P*](https://t.co/Tklx2GXC6P)

- Gillian Lantouris (@gillianlant) [*November 15, 2021*](https://twitter.com/gillianlant/status/1460371426091749381?ref_src=twsrc%5Etfw)

block-time published-time 12.46am GMT

Crowds outside Victoria's Parliament House appear to have become hostile to media, forcing senior 7 News reporter Nick McCallum to retreat up the road.

enltrProtesters at Parliament House drive veteran 7 reporter Nick McCallum from the crowd as he approached demonstrators for comment. They pursued him up the road, yelling abuse as he retreated [*@theage*](https://twitter.com/theage?ref_src=twsrc%5Etfw) [*pic.twitter.com/lLQvKNENIr*](https://t.co/lLQvKNENIr)

- David Estcourt (@davidestcourt) [*November 16, 2021*](https://twitter.com/davidestcourt/status/1460408244346650624?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 12.53am GMT

block-time published-time 12.43am GMT

New Zealand records 222 Covid-19 cases and one death

New Zealand has reported 222 new cases of Covid-19 in the community, the highest daily tally since the pandemic began. The ministry of health said there are 197 new cases in Auckland, 20 in Waikato, 2 in Wairarapa, 2 in Lakes District and 1 in Northland. There are now 5973 cases in the August outbreak. The ministry reported another death of a person with Covid-19 on Tuesday. The patient, who was in their 70s, was admitted to Auckland City Hospital on 11 November and subsequently tested positive for the virus.

Our thoughts are with the patient's whanau [family] and friends at this deeply sad time.We would also like to acknowledge the team at Auckland City Hospital and all health care workers for their continued hard work and dedication.

There are 91 people in hospital, including 7 in intensive care. Of today's cases, 87 are yet to be epidemiologically linked to the outbreak, bringing the total of unlinked cases in the past fortnight to 866. To date, 90% of the eligible population over 12 years old have had at least one dose of the Pfizer vaccine, and 81% are fully inoculated.

block-time updated-timeUpdated at 12.56am GMT

block-time published-time 12.39am GMT

Blog treat! You've earned it!

enltrThis is Eugene Bostick. He noticed that people were abandoning their dogs on a dead end street near his farm, so he took them in en built a train to take them out for rides.. The dream job for everyone.. ?? IG/YT Fort Worth Star Telegram [*pic.twitter.com/Jz8T7rXdO1*](https://t.co/Jz8T7rXdO1)

- Buitengebieden (@buitengebieden\_)

[*November 15, 2021*](https://twitter.com/buitengebieden_/status/1460327103245737991?ref_src=twsrc%5Etfw)

block-time published-time 12.28am GMT

enltrEmotional scenes at the Brisbane airport this morning. The arrival of a flight from Sydney reuniting husbands and wives, parents and children, families and friends. Welcome home to Queensland [*@abcbrisbane*](https://twitter.com/abcbrisbane?ref_src=twsrc%5Etfw) [*pic.twitter.com/oJVoHMjcfc*](https://t.co/oJVoHMjcfc)

- Rachel McGhee (@\_rachelmcghee)

[*November 16, 2021*](https://twitter.com/_rachelmcghee/status/1460404122755076099?ref_src=twsrc%5Etfw)

block-time published-time 12.28am GMT

enltrHighway Patrol have pulled over a silver Toyota outside of Parliament House with "KILL THE BILL" sprayed on it. [*@9NewsMelb*](https://twitter.com/9NewsMelb?ref_src=twsrc%5Etfw) [*#springst*](https://twitter.com/hashtag/springst?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/F3Ue2Cjfqy*](https://t.co/F3Ue2Cjfqy)

- Gillian Lantouris (@gillianlant) [*November 16, 2021*](https://twitter.com/gillianlant/status/1460403824284164097?ref_src=twsrc%5Etfw)

block-time published-time 12.26am GMT

At the Senate's Covid-19 committee, experts from the Murdoch Children's Research Institute have revealed the impact of coronavirus on children and current thinking on vaccines.

Prof Andrew Steer said evidence in Australia and internationally suggests about 0.7% of children who contract Covid-19 require admission to hospital and 0.07% require intensive care.

From 30 August to 10 October in Australia there were 79,000 positive cases, of whom 21,000 were kids (26%). Some 636 children were admitted to hospital, 3% of the 21,000. There were no deaths.

Steer said in Australia there are higher rates of hospitalisation because in some jurisdictions, especially NSW, they are being admitted for social reasons - because their parents are unwell - and the children are admitted "with that rather than for Covid".

Steer said it was "pleasing to see" that Pfizer results for the under 12 show that it is an effective vaccine and there is "every reason to think it will be safe" but there is still reason for caution because there is "not enough information about risks".

He noted there were [*some cases of \*mild\* myocarditis (inflammation of the heart)*](https://www.tga.gov.au/periodic/covid-19-vaccine-weekly-safety-report-28-10-2021#section-1130) - but children have recovered. Still, researchers want to see results from the 400,000 children under 12 who have had Pfizer in the US and Canada.

Prof Sharon Goldfield was asked about the impact of lockdown on children and said there was some evidence of more frequent suicidal and self-harm ideation and presentations to the emergency department, especially at the end of 2020 and beginning of 2021 when Victoria was "in and out of lockdown".

block-time updated-timeUpdated at 12.40am GMT

block-time published-time 12.14am GMT

The first plane full of travellers from Sydney to Queensland destined for home quarantine has touched down.

Since the sunshine state reached a 70% double vaccination rate for its 16 and over population, they have launched a soft reopening of their borders, whereby travellers from NSW will be allowed to quarantine at home rather than in hotel facilities.

enltrBorder opens a crack. First air arrivals in Brisbane from Sydney under Qld home quarantine set-up after 70pc plus of population fully vaxed. [*@SBSNews*](https://twitter.com/SBSNews?ref_src=twsrc%5Etfw) [*#auspol*](https://twitter.com/hashtag/auspol?src=hash&ref_src=twsrc%5Etfw) [*#qldpol*](https://twitter.com/hashtag/qldpol?src=hash&ref_src=twsrc%5Etfw) [*#COVID19*](https://twitter.com/hashtag/COVID19?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/PSgEghwwBJ*](https://t.co/PSgEghwwBJ)

- Stefan Armbruster (@StefArmbruster) [*November 16, 2021*](https://twitter.com/StefArmbruster/status/1460399801493647367?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 12.40am GMT

block-time published-time 12.11am GMT

enltr?? 54 new cases of COVID-19 in HNE ?? 27 were infectious in the community (4 unknown) ?? 42 cases are linked ?? 762 total active cases ?? 12 active cases in hospital. 3 in ICU For vaccinations [*https://t.co/0zIqt4DG7G*](https://t.co/0zIqt4DG7G) [*pic.twitter.com/7lz7KUcf45*](https://t.co/7lz7KUcf45)

- HNE Health (@HNEHealth) [*November 16, 2021*](https://twitter.com/HNEHealth/status/1460397904892358657?ref_src=twsrc%5Etfw)

block-time published-time 12.11am GMT

Opposition leader Anthony Albanese has joined the calls for Liberal politicians to condemn the violent imagery present at recent demonstrations protesting proposed new Victoria pandemic powers legislation. This included multiple prop gallows being taken to Parliament House.

enltrPeaceful protest is a fundamental right in our democracy. The violent images on display in Melbourne have no place and should be condemned by all political leaders.

- Anthony Albanese (@AlboMP) [*November 16, 2021*](https://twitter.com/AlboMP/status/1460399346537545728?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 12.28am GMT

block-time published-time 12.09am GMT

NSW Health has released further details on the two people infected with Covid-19 who died in the last reporting period.

Sadly, NSW Health is today reporting the deaths of two men.

A man in his 70s died at Mercy Place aged care facility in Albury, where he acquired his infection. He had received one dose of a Covid-19 vaccine and had underlying health conditions. There have been 10 deaths linked to an outbreak at this facility.

A man in his 70s from south-west Sydney died at Liverpool Hospital. He had received two doses of a Covid-19 vaccine and had underlying health conditions.

NSW Health expresses its sincere condolences to their loved ones.

block-time updated-timeUpdated at 12.22am GMT

block-time published-time 12.01am GMT

It seems the recent amendments to the Victoria pandemic powers legislation haven't been enough to win over the state opposition (although in fairness probably nothing would have been):

enltrOpposition leader [*@MatthewGuyMP*](https://twitter.com/MatthewGuyMP?ref_src=twsrc%5Etfw) on pandemic legislation 'Nothing has changed. The amendments last night seek to put a little bit more power in the hands of the scrutiny of acts and regulations committee which is government controlled.' [*pic.twitter.com/cglSdVq7IJ*](https://t.co/cglSdVq7IJ)

- Sharnelle Vella (@SharnelleVella)

[*November 15, 2021*](https://twitter.com/SharnelleVella/status/1460391312373342213?ref_src=twsrc%5Etfw)

block-time published-time 11.59pm GMT

OK, but you are telling me that the Queensland premier just tweeted this and DIDN'T include a photo of Mariah Carey? Missed opportunity.

enltrThere is only one thing I want for Christmas. For the people of this state to be protected. The way to do that is to get vaccinated. Keep staying safe, Queensland ??

- Annastacia Palaszczuk (@AnnastaciaMP) [*November 15, 2021*](https://twitter.com/AnnastaciaMP/status/1460394744316452867?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 12.01am GMT

block-time published-time 11.56pm GMT

More very normal and not at all concerning news coming from Victoria:

enltrOL [*@MatthewGuyMP*](https://twitter.com/MatthewGuyMP?ref_src=twsrc%5Etfw) : 'Some of the things we saw last night are ridiculous. Of course we condemn it. There's no place for any kind of behavior like that.' He adds [*@AndyMeddickMP*](https://twitter.com/AndyMeddickMP?ref_src=twsrc%5Etfw) supports the ***invasion*** of people's private property so farm animals can be confiscated, stolen and seized.

- Sharnelle Vella (@SharnelleVella)

[*November 15, 2021*](https://twitter.com/SharnelleVella/status/1460396026020253698?ref_src=twsrc%5Etfw)

block-time published-time 11.55pm GMT

Satanic temple oppose changes to federal religious discrimination

Satanists from the Noosa Temple of Satan have met with Queensland senator Amanda Stoker to discuss their objections to the third draft of the new religious discrimination bill.

Robin Bristow, known as Brother Samael, said in a statement that the meeting with the (devoutly Christian) politician went well:

It was an amicable meeting.

Senator Stoker listened carefully to our objections and gave us a fair hearing.

Satanic temples generally operate somewhere more as a semi-satirical political activist organisation than a traditional faith congregation and often work to highlight the need for a separation of church and state.

The Noosa temple objects to the new bill as they fear it will allow religious organisations to discriminate against those of different faiths.

In their statement, the Temple's lawyer, Trevor Bell, outlined the organisation's objections to the bill.

We have no problem with the idea of protecting individuals from religious discrimination. Unfortunately, the proposed laws will do more than that. The new laws will enable religious institutions to discriminate against people of different faiths.

For example, a Catholic school will be able to sack or refuse to hire a physics teacher just because she is not Catholic.

Senator Stoker trotted out the usual argument that people of a faith should have the freedom to gather and form groups to the exclusion of others. If discrimination is bad then it doesn't suddenly become OK just because a group of religious people want to do it.

The temple said the senator assured them that smaller faith groups supported the laws as strongly as the larger faith groups, but Bell doesn't agree.

These new laws will favour the big established religions which have large institutions. We were shocked to learn that smaller religions have not joined with us Satanists in rejecting these proposed laws. Apparently, smaller religions hope to build institutions and conduct their own discrimination programs in future.

Bristow closed out the media release with this kicker of a line:

I fear Hell has frozen over... Satanists are the only faith group willing to fight against this injustice.

block-time updated-timeUpdated at 11.59pm GMT

block-time published-time 11.39pm GMT

No new Covid-19 cases in Queensland

Queensland has recorded another day of no new Covid-19 cases.

enltrTuesday 16 November - coronavirus cases in Queensland: No new cases detected in Queensland overnight. [*#covid19*](https://twitter.com/hashtag/COVID19?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/i5S7OyzR4T*](https://t.co/i5S7OyzR4T)

- Annastacia Palaszczuk (@AnnastaciaMP) [*November 15, 2021*](https://twitter.com/AnnastaciaMP/status/1460391637822029828?ref_src=twsrc%5Etfw)

block-time published-time 11.32pm GMT

The renewed police search continues for the remains of toddler William Tyrrell who went missing in NSW seven years ago.

enltrPolice have returned to the Kendall home where William [*#Tyrrell*](https://twitter.com/hashtag/Tyrrell?src=hash&ref_src=twsrc%5Etfw) was last seen. [*@9NewsSyd*](https://twitter.com/9NewsSyd?ref_src=twsrc%5Etfw) [*pic.twitter.com/zvpxntr17F*](https://t.co/zvpxntr17F)

- Kelly Fedor (@KellyFedor) [*November 15, 2021*](https://twitter.com/KellyFedor/status/1460366527274704899?ref_src=twsrc%5Etfw)

block-time published-time 11.29pm GMT

enltrFinal Minor Flood Warning for Mitchell River. For more info: [*https://t.co/ZktakahK9I*](https://t.co/ZktakahK9I) [*#vicfloods*](https://twitter.com/hashtag/vicfloods?src=hash&ref_src=twsrc%5Etfw)

- VicEmergency (@vicemergency) [*November 15, 2021*](https://twitter.com/vicemergency/status/1460382434285875203?ref_src=twsrc%5Etfw)

block-time published-time 11.20pm GMT

Federal Labor has also come out to condemn politicians who have participated in the Melbourne anti-vaccination/anti-pandemic powers protests across the last week.

Opposition frontbencher Andrew Leigh has condemned controversial MP Craig Kelly's appearance on Saturday, suggesting that, despite him leaving the party early in the year, the Liberals were also implicated in this:

Craig Kelly's only in parliament because Scott Morrison stepped in to save his preselection at the last election. If not for that, Craig Kelly would not be a member of parliament. So he's very much a creation of Scott Morrison's and he continues to vote very strongly with the government.

Certainly I think what we're seeing with vaccination hesitancy is that it's the latest tool of populists to try and marshal people against the government. We saw that with climate change, we've seen it with a range of fringe economic theories. We've also seen up with the attempt to deploy racist language.

The way to counter it is is calm, sound science and just being very clear with people about the risks of not being vaccinated right now. People that haven't been vaccinated are now accounting for the substantial majority of deaths.

block-time updated-timeUpdated at 11.59pm GMT

block-time published-time 11.07pm GMT

Evacuation order likely as floods approach

A NSW central west town is preparing to evacuate as flooding from days of heavy rain raises rivers across the state, reports AAP.

Of prime concern to authorities is the swollen Lachlan River, with more than 8,000 people in the town of Forbes in its path.

The Bureau of Meteorology forecast major flooding in the town from Tuesday, with the river expected to peak on Wednesday morning at a level similar to or higher than the September 2016 floods.

The NSW SES deputy zone commander, Barry Griffiths, says an evacuation order for low-lying areas in Forbes is likely to be issued on Tuesday morning.

He says the river is expected to peak overnight but an evacuation order will be issued earlier than that "to try and give the community as much time as they can to evacuate safely and calmly".

SES and Rural Fire Service volunteers are door-knocking and delivering about 10,000 sandbags to residents as well as helping prepare properties.

Griffiths told Nine's Today show on Tuesday morning:

We are confident that the actions we are taking at the moment are suitable enough for the predicted flood event, but it is going to be a bit of a waiting game over the next 24 hours. We need to see what the water actually does.

Moderate flooding has occurred upstream at Cowra, and major flooding occurred at Nanami on Monday night, with the river peaking at more than 12.4m.

The river there reached levels higher than in September 2016 but lower than in August 1990.

It was too early to tell how high the river will rise when those floodwaters reach Forbes, the BOM said on Monday, but the SES has warned locals in up to 800 homes to prepare to leave before they hit the town.

Downstream from Forbes, major flooding is also expected at Cottons Weir and Jemalong.

BOM hydrologist Justin Robinson said:

One fortunate thing about the floods in western NSW is that they're a slow moving, evolving event.

Hopefully we'll be able to provide them adequate warning and leave time for them to prepare ahead of the floods actually arriving and impacting their personal properties and communities.

St Andrews Church in Forbes has been set up as an evacuation centre as residents are urged to be on high alert for an SES evacuation text message.

The Macquarie, Paroo, Macintyre, Belubula, and Snowy rivers have also flooded, after parts of the state copped a month's worth of rain in days.

Yesterday meteorologist Agata Imielska said:

Some of those locations (received) even two to three times what you would get in November.

Catchments are wet, dams are full. This is exactly what we've been talking about for this season, with the elevated flood risk.

It is a really important time to really be keeping very close eye on any flood warnings.

block-time updated-timeUpdated at 11.30pm GMT

block-time published-time 11.01pm GMT

enltr [*@AndyMeddickMP*](https://twitter.com/AndyMeddickMP?ref_src=twsrc%5Etfw) demands OL [*@MatthewGuyMP*](https://twitter.com/MatthewGuyMP?ref_src=twsrc%5Etfw) publicly admonish his MPs who attended rallies. "It's time to step up, or stand down - to 100% renounce the violent rhetoric, to condemn in no uncertain terms ther threats of violence, or rape and death to my colleagues, my friends." [*pic.twitter.com/YQ8JwkHW5B*](https://t.co/YQ8JwkHW5B)

- Mitch Clarke (@96mitchclarke) [*November 15, 2021*](https://twitter.com/96mitchclarke/status/1460369377757335553?ref_src=twsrc%5Etfw)

block-time published-time 10.52pm GMT

Residents of the town of Nundle are calling on the [*New South Wales*](https://www.theguardian.com/australia-news/new-south-wales) government to impose the same standards of community consent for existing renewable development proposals as it has for the state's new renewable energy zones.

As the first two of five REZs were declared in the central west-Orana and New England regions, the NSW government's electricity infrastructure roadmap mandated that [*"renewables are developed where regional communities want them"*](https://www.nsw.gov.au/media-releases/energy-superpower-plan-to-turbocharge-renewable-energy-zones-and-pumped-hydro).

There has been an overwhelming expression of interest in response. As a result, the member for Northern Tablelands and NSW ***agriculture*** minister, [*Adam Marshall, said*](https://www.adammarshall.com.au/flood-of-interest-in-new-england-renewable-energy-zone/) the government had "the luxury of supporting only the best projects that benefit the community, maintain the highest and strictest development standards and maximise local renewable jobs and investment in the region".

You can read the full report below:

Related: [*Windfarm opponents in Nundle accuse NSW of double standards*](https://www.theguardian.com/australia-news/2021/nov/16/windfarm-opponents-in-nundle-accuse-nsw-of-double-standards)

block-time published-time 10.47pm GMT

enltrPremier Daniel Andrews on protests: "Victorians are united because more than 9 in 10 Victorians have gone and got vaccinated ... We're open because people have done the very thing that large elements of these protesters are urging Victorians not to do and that's get vaccinated". [*pic.twitter.com/y3d6S63lJo*](https://t.co/y3d6S63lJo)

- Benita Kolovos (@benitakolovos) [*November 15, 2021*](https://twitter.com/benitakolovos/status/1460378291915812870?ref_src=twsrc%5Etfw)

block-time published-time 10.39pm GMT

A minor to major flood warning has been issued for communities along the Lachlan River including Forbes, Cottons Weird and Jemalong.

enltr?? Minor to Major [*#Flood*](https://twitter.com/hashtag/Flood?src=hash&ref_src=twsrc%5Etfw) Warning issued for the [*#LachlanRiver*](https://twitter.com/hashtag/LachlanRiver?src=hash&ref_src=twsrc%5Etfw) at [*#Forbes*](https://twitter.com/hashtag/Forbes?src=hash&ref_src=twsrc%5Etfw) , [*#CottonsWeir*](https://twitter.com/hashtag/CottonsWeir?src=hash&ref_src=twsrc%5Etfw) and [*#Jemalong*](https://twitter.com/hashtag/Jemalong?src=hash&ref_src=twsrc%5Etfw). [*#Nanami*](https://twitter.com/hashtag/Nanami?src=hash&ref_src=twsrc%5Etfw) peaked Monday evening at a level higher than in the 2016 flood. See [*https://t.co/AdztI2rqg1*](https://t.co/AdztI2rqg1) for details and updates; follow advice from [*@NSWSES*](https://twitter.com/NSWSES?ref_src=twsrc%5Etfw). [*#NSWFloods*](https://twitter.com/hashtag/NSWFloods?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/Z62buLZFSY*](https://t.co/Z62buLZFSY)

- Bureau of Meteorology, New South Wales (@BOM\_NSW) [*November 15, 2021*](https://twitter.com/BOM_NSW/status/1460376256508276737?ref_src=twsrc%5Etfw)

block-time published-time 10.34pm GMT

NZ shortens isolation time for Covid-positive people

New Zealand will allow vaccinated Covid-positive people to self-isolate for shorter times, as vaccinations and case numbers across the country rise. For those who are fully vaccinated, the isolation time has been reduced from 14 days to 10 days, and must include 72 hours symptom-free.

"If you are vaccinated and catch Covid-19, by day 10 of infection you will pose a very low risk of passing on the virus - and do not need to isolate for as long as someone who's unvaccinated," associate health minister Ayesha Verrall said.

Those who are considered a "close contact" of a case and are vaccinated will have to self-isolate for seven days, or 10 days for those unvaccinated.

As of Monday, New Zealand's total outbreak was at 5,751 people, an increasing number of whom are self-isolating at home.

According to the Ministry of Health, 90% of eligible New Zealanders (those aged 12 and over) have now had at least one dose of the vaccine, and 81% are fully vaccinated.

block-time updated-timeUpdated at 10.37pm GMT

block-time published-time 10.24pm GMT

Andrews has also hinted at imminent announcements on further easing of restrictions in Victoria as the state nears its 90% double-vaccination milestone.

These will likely include the removal of mask mandates in office settings.

A little later this week we'll be able to have a chat about when we'll move from these settings to new settings, when that switch will happen.

That means we go down to masks in sensitive settings only, for instance, public transport, hospitals, aged care, things of that nature. So no masks in the office, which will be important in terms of getting people back into the office and density quotients and other caps go, other than for the 10 biggest venues in the state.

block-time updated-timeUpdated at 10.29pm GMT

block-time published-time 10.22pm GMT

Andrews has attacked the Victorian Liberals, accusing them of trying to have it "both ways", with some MPs attending anti-vaccination protests, while the party campaigns to open the state up.

We're back to just political games. You've got the opposition who are wanting to have it a bit both ways, you know, standing with people who are anti-vaxxers, sharing a podium with people who are anti-science, anti-vaccination, whilst at the same time talking about the place being closed.

The reason we're open and the reason we're going to stay open is that people have got vaccinated and I am extremely proud of Victorians and deeply grateful to them for having kept their end of the bargain and now we're keeping ours.

block-time updated-timeUpdated at 10.24pm GMT

block-time published-time 10.20pm GMT

Speaking of the protests in Victoria, the premier, Daniel Andrews, is speaking now from the back doors of Parliament House.

He has been asked about his government's decision to amend some of the most controversial elements of the new pandemic powers legislation following negotiations with key crossbenchers.

We have a ***process*** where we engage in good faith and this is not unusual, that after discussions with crossbenchers and the normal parliamentary ***process*** there are some changes made.

More often than not, they're about putting things beyond doubt. For instance, the characteristics changes that we've made, those terms that some have played political games with, of course those characteristics always related to the pandemic. It is a bill for the control of a pandemic after all.

But just to put those matters beyond any doubt at all, some amendments have been put forward and I think the minister for health has spoken to you about earlier.

Report:

Was that a mistake, though? Is it something you didn't plan properly? It was too easy for people to grab that?

Andrew:

I wouldn't put it in those terms. There are some who called for these ***measures*** a few weeks ago and as soon as the government did it they changed their position. That's the definition of a political game. The thing about these laws and our management of this pandemic is it's not a game. It's very much about keeping people safe.

That's why this week there will be parliamentary debate about these matters, obviously. But also we'll make exciting announcements about reaching our 90% double-dose target, a credit to every single Victorian who has gone and got the job, done exactly what we asked them to do.

block-time updated-timeUpdated at 10.24pm GMT

block-time published-time 10.17pm GMT

MPs demand Victoria opposition leader condemn party members who appear at controversial protest last night

As you might know, there were some worrying scenes outside Victoria's Parliament House overnight, including those protesting against the new pandemic power legislation bringing a mock gallows to the steps and chanting about hanging high-profile politicians.

enltrSo this is normal [*#QAnonCult*](https://twitter.com/hashtag/QAnonCult?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/bMUWZB87VY*](https://t.co/bMUWZB87VY)

- ?? DiscoDan ?? (@DiscoDan99) [*November 15, 2021*](https://twitter.com/DiscoDan99/status/1460245166627819525?ref_src=twsrc%5Etfw)

Well, the Victorian opposition has been fighting hard against the proposed emergency power bill, with some Liberal MPs even appearing at last night's protests.

Now crossbench MP Andy Meddick has come out this morning demanding that opposition leader Matthew Guy condemn those in his party who participated.

enltrCrossbench MP [*@AndyMeddickMP*](https://twitter.com/AndyMeddickMP?ref_src=twsrc%5Etfw) challenges Opposition Leader [*@MatthewGuyMP*](https://twitter.com/MatthewGuyMP?ref_src=twsrc%5Etfw) to publicly condemn members of his party who appeared at Saturday's protest. Says they "legitimised noose wielding maniacs". [*@10NewsFirstMelb*](https://twitter.com/10NewsFirstMelb?ref_src=twsrc%5Etfw) [*pic.twitter.com/aTJsaQsXc0*](https://t.co/aTJsaQsXc0)

- Patrick Murrell (@pamurrell)

[*November 15, 2021*](https://twitter.com/pamurrell/status/1460367368127868929?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 10.19pm GMT

block-time published-time 10.03pm GMT

NSW records 212 new Covid-19 cases and two deaths

The NSW case numbers are also out. The state recorded 212 new Covid-19 cases overnight.

Two Covid-19 patients have died in the latest reporting period.

enltrIn the 24-hour reporting period to 8pm last night: - 94.2% of people aged 16+ have had one dose of a COVID-19 vaccine - 91.1% of people aged 16+ have had two doses of a COVID-19 vaccine [*pic.twitter.com/a99aDKMNTN*](https://t.co/a99aDKMNTN)

- NSW Health (@NSWHealth) [*November 15, 2021*](https://twitter.com/NSWHealth/status/1460367299534151680?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 10.04pm GMT

block-time published-time 10.02pm GMT

Victoria records 797 new Covid-19 cases and eight deaths

There is good news and sad news coming out of Victoria today.

The state has recorded just 797 new Covid-19 cases this morning, continuing what appears to be a slight downward trend in numbers.

However, sadly eight people infected with Covid-19 have died in the latest reporting period.

enltrWe thank everyone who got vaccinated and tested yesterday. Our thoughts are with those in hospital, and the families of people who have lost their lives. More data soon: [*https://t.co/OCCFTAtS1P*](https://t.co/OCCFTAtS1P) [*#COVID19Vic*](https://twitter.com/hashtag/COVID19Vic?src=hash&ref_src=twsrc%5Etfw) [*#COVID19VicData*](https://twitter.com/hashtag/COVID19VicData?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/BKmlX1y0GQ*](https://t.co/BKmlX1y0GQ)

- VicGovDH (@VicGovDH) [*November 15, 2021*](https://twitter.com/VicGovDH/status/1460367071435321345?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 10.04pm GMT

block-time published-time 9.59pm GMT

Very normal things happening in Victoria today. Nothing to see there.

enltrLiberal MP Bernie Finn says when he posted an image of the Premier depicted as Hitler it was 'a joke' because the swastika was replaced with an ABC logo. [*@7NewsMelbourne*](https://twitter.com/7NewsMelbourne?ref_src=twsrc%5Etfw)

- Sharnelle Vella (@SharnelleVella)

[*November 15, 2021*](https://twitter.com/SharnelleVella/status/1460364852883431427?ref_src=twsrc%5Etfw)

block-time published-time 9.48pm GMT

It was the proposal designed to take the heat out of when and where the leaders of the two major parties would debate each other in the lead-up to the election.

But a take-it-or-leave-it model for an "Australian Debates Commission" circulated by the government - far from cementing the independence of the body - proposes six of its 10 members be appointed either by the government, opposition, Liberal or Labor head offices.

The model also proposes that if consensus isn't reached on when, where and how to engage, three debates will be slashed to just one outing in Canberra, overseen by the government-appointed "independent" commissioner or their choice of moderator.

At the conclusion of [*the third leader's debate in May 2019*](https://www.theguardian.com/australia-news/2019/may/08/final-leaders-debate-shorten-slams-climate-inaction-as-morrison-focuses-on-tax) Scott Morrison and the then opposition leader, Bill Shorten, both committed to set up "an independent debates commission".

You can read the full report below:

Related: [*Australian debates commission could signal end of 'inane debates about debates'*](https://www.theguardian.com/australia-news/2021/nov/16/australian-independent-debates-commission-could-signal-end-of-inane-debates-about-debates)

block-time updated-timeUpdated at 9.59pm GMT

block-time published-time 9.41pm GMT

enltrFlooding returns to the Port of Sale. [*#gippsnews*](https://twitter.com/hashtag/gippsnews?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/JhwjKcwt4H*](https://t.co/JhwjKcwt4H)

- David Braithwaite (@DaveismOfficial) [*November 15, 2021*](https://twitter.com/DaveismOfficial/status/1460354500468756482?ref_src=twsrc%5Etfw)

block-time published-time 9.36pm GMT

I'll be bringing you updates on the Northern Territory Covid-19 situation throughout the morning, but if you want to get all caught up on why the towns of Katherine and Robinson River are in lockdown, you can check up the article below:

Related: [*NT towns in lockdown as Covid reaches remote Indigenous community*](https://www.theguardian.com/australia-news/2021/nov/16/nt-towns-in-lockdown-as-covid-reaches-remote-indigenous-community)

block-time published-time 9.31pm GMT

enltrWater is slowly creeping up. The Lachlan River at Iron Bridge is now at 9.6m up from 9.2m yesterday. It's expected to reach 10.55m tonight or early tomorrow morning [*pic.twitter.com/F8c5DQjZab*](https://t.co/F8c5DQjZab)

- Xanthe Gregory (@xanthe\_gregory) [*November 15, 2021*](https://twitter.com/xanthe_gregory/status/1460354223321747462?ref_src=twsrc%5Etfw)

block-time published-time 9.26pm GMT

enltrSome Liberals, including Dave Sharma and Jason Falinski, want the Government to instead adopt a 2035 target. "This is not the view you get from Singleton or Muswellbrook and it's not the view you get from Gladstone." - [*@Barnaby\_Joyce*](https://twitter.com/Barnaby_Joyce?ref_src=twsrc%5Etfw) , Deputy Prime Minister

- RN Breakfast (@RNBreakfast)

[*November 15, 2021*](https://twitter.com/RNBreakfast/status/1460349961850089478?ref_src=twsrc%5Etfw)

block-time published-time 9.18pm GMT

Hundreds of [*New South Wales*](https://www.theguardian.com/australia-news/new-south-wales) police officers will descend on the area where missing boy William Tyrrell disappeared seven years ago in "high intensity" searches following new evidence in the investigation.

Detective chief superintendent Darren Bennett says the searches will last two to three weeks and some would be "subterranean".

"It's highly likely that if we found something it would be a body," Bennett told reporters on Monday.

"We are looking for the remains of William Tyrrell, there's no doubt about that."

You can read the full report below:

Related: [*Fresh evidence in disappearance of William Tyrrell sparks major police search in new areas*](https://www.theguardian.com/australia-news/2021/nov/15/fresh-evidence-in-disappearance-of-william-tyrrell-sparks-major-police-search-in-new-areas)

block-time published-time 9.06pm GMT

The deputy prime minister has labelled the idea that Australia can reduce coal exports without damaging the government's ability to provide services "blatantly childish"

Fran Kelly:

Boris Johnson said that the Glasgow deal, quote, "sounded the death knell for coal worldwide". Your colleague Matt Canavan says it's a big green light for us to build more coalmines. That's what he said the communique was. Who's right, the British prime minister or the senator from Queensland?

Joyce:

I think Matt's pretty smart.

Look what he's clearly saying is, if I look at Newcastle harbour and there are coal ships, taking away coal, and there are. If I got to Gladstone and there are coal ships taking away coal, and there are. If I got to Hay Point and there are coal ships taking away coal, and there are, then the world is still demanding coal. In fact they are demanding more of it at a high price, thermal coal, because of coal-fired power stations.

Kelly:

But that's gonna change though, isn't it? The government's own modelling to net zero indicates that changes. Demand for coal cuts, I think it's by 50% within two or three decades, so it's changing.

Joyce:

Well, that will be determined by the global market. If people don't want to buy it, they don't want to buy it, but they're now buying it, and we are lucky they are, because the money that we get from that is how we pay for hospitals and schools, your police force, your pharmaceutical benefits scheme, your ABC and on and on and on again.

You can't say 'I'm going to reduce the money I get but I still want all the services that it pays for'. It is just blatantly childish.

block-time updated-timeUpdated at 9.14pm GMT

block-time published-time 8.57pm GMT

enltrBarnaby Joyce mocked the COP26 president Alok Sharma for being emotional and apologetic over the way the communique had been watered down. "I am cynical about it. Why didn't he mention his North Sea Oil? What about the carbon emissions that come from that?" - [*@Barnaby\_Joyce*](https://twitter.com/Barnaby_Joyce?ref_src=twsrc%5Etfw)

- RN Breakfast (@RNBreakfast)

[*November 15, 2021*](https://twitter.com/RNBreakfast/status/1460348399526428674?ref_src=twsrc%5Etfw)

block-time published-time 8.56pm GMT

Barnaby Joyce has washed his hands of the Glasgow climate agreement. He slammed the climate commitments from the UK, using the country's oil extraction operation in the North Sea, to suggest they are asking too much of Australia.

He also seemed to imply that signing the Cop26 pack would mean that Australia wouldn't have enough money to pay for hospital and police, which is... an interesting take.

In Australia, we had our discussions. The discussion for quite clear. We went to Glasgow with those discussions in mind. The whole Australia of knew about what we were taking to Glasgow. We went over to Glasgow, we've had those discussions. They say they're going to have another one of these conferences next year.

And for my part, I want to make Australians make sure Australians don't make themselves poorer. If we kick out of the door our second biggest export in this nation, then quite obviously you're not bringing into this nation the money you need can support all the services that you take as a birthright from the ABC to the NDIS, to your pensions to the Pharmaceutical Benefits screen, to your hospitals, your police service, the whole bang lot!

We have got to understand that our economy is different to the French economy or the American economy or the UK economy which surprisingly enough if they ask us to close down our coal section of our economy, our second biggest export, they didn't dare talk about their North Sea oil. No, that's sacrosanct.

So they are allowed to look after their economy, but we've got to absolutely boot ours to pieces. What this means is that we have to be super cautious.

block-time updated-timeUpdated at 9.02pm GMT

block-time published-time 8.44pm GMT

Speaking of Barnaby Joyce and his response to the Glasgow climate agreement, the deputy prime minister is on ABC radio now.

He tells host Fran Kelly that the Nationals are not happy with the pact the Australian government signed on Sunday.

We were not actually in Glasgow.

Kelly:

I mean, come on, you are the deputy prime minister of Australia.

Joyce:

I know I'm the deputy prime minister of Australia! I know that I am Fran. I know, you didn't have to tell me that.

The target that we have agreed to makes quite clear that we were not going to be changing out our 2030 targets. That was the ***process*** that we are on in Australia we have we've met and beaten every target now.

Mr Albanese has a different plan... We know that they are going to bring forth legislation. They just don't intend to tell you about it.

... [Shadow treasurer] Dr [Jim] Chalmers is very charming, charmingly sneaky... [He] says that they're going to somehow deceive us in the next couple of weeks... And they should be telling us now exactly what they intend to do.

block-time updated-timeUpdated at 8.54pm GMT

block-time published-time 8.33pm GMT

Good news for Townsville this morning! The Bureau of Meteorology has cancelled its severe thunderstorm warning for the regional city.

enltrSevere thunderstrom warning around [*#Townsville*](https://twitter.com/hashtag/Townsville?src=hash&ref_src=twsrc%5Etfw) has been cancelled. The immediate threat of severe thunderstorms has passed, but the situation will continue to be monitored and further warnings will be issued if necessary. Updates: [*https://t.co/FBmpsInT9o*](https://t.co/FBmpsInT9o) [*pic.twitter.com/zg5Y6w7zjb*](https://t.co/zg5Y6w7zjb)

- Bureau of Meteorology, Queensland (@BOM\_Qld) [*November 15, 2021*](https://twitter.com/BOM_Qld/status/1460336016494059526?ref_src=twsrc%5Etfw)

block-time published-time 8.31pm GMT

The Nationals did not sign the final communiqué of the Glasgow climate summit that commits to doing more to cut medium-term emissions, deputy prime minister Barnaby Joyce has said, adding Australia is "happy with our targets".

Joyce, who was campaigning in the NSW coal town of Singleton on Monday, said the government had already determined its 2030 emission reduction target, and the Nationals had not agreed to the [*Cop26*](https://www.theguardian.com/environment/cop26-glasgow-climate-change-conference-2021) pact signed by the Australian government on Sunday.

"The Nationals did not sign it. I did not sign it," Joyce told the ABC.

"I am an executive member of this government. We are happy with our targets, with the negotiations the Nationals had with the Liberals (and) we said that we wouldn't be changing our 2030 targets."

You can read our full report below:

Related: [*Barnaby Joyce says Nationals did not sign Cop26 pact and Australia is 'happy with targets'*](https://www.theguardian.com/environment/2021/nov/15/scott-morrison-rules-out-more-ambitious-2030-emissions-target-despite-cop26-pact)

block-time updated-timeUpdated at 8.41pm GMT

block-time published-time 8.24pm GMT

Good morning - changes made to Victoria's pandemic powers bill

Good morning everyone, it's Matilda Boseley here, ready to take you through all the news of Tuesday.

Let's start off in Victoria where the state government has made several changes to its controversial pandemic legislation to address legal and human rights concerns after it was criticised for being too broad and lacking in parliamentary oversight. This comes as the bill is headed for debate in state parliament's upper house.

A controversial clause that gave the Victorian health minister the ability to make orders based on a person's "characteristics, attributes or circumstances", such as age, location, vaccination status and occupation, also raised concerns.

After negotiations with some key crossbench MP's, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 has been altered to clarify that the premier will need "reasonable grounds" to declare a pandemic and that the application of orders based on characteristics "must be relevant to the public health risk".

The health minister will be required to confirm the role the Charter of Human Rights and Responsibilities has played in their decisions.

The advice behind any orders issued must be made public within a week rather than a fortnight, while the parliament's Scrutiny of Acts and Regulations Committee will be given the power to consider any order when it is made, instead of after it is tabled.

Maximum fines for people who breach public health orders have been halved.

Meanwhile, further north, the communities of greater Katherine and Robinson River in the Northern Territory have entered a 72-hour lockdown.

NT chief minister Michael Gunner announced the lockdown on Monday after two people tested positive since spending time at the Robinson River remote community.

One of the two new positive cases, a 30-year-old Aboriginal woman, lives in Robinson River about 800km from Katherine. It is believed she has been infectious since November 11.

The woman's case is the first Covid-19 infection reported in a remote Aboriginal community.

A 43-year-old Aboriginal man, who lives with seven others in Katherine East, also tested positive on November 13, just four days after testing negative. Health officials believe the man has possibly been infectious since November 10, spends time in Robinson River and is a household contact of the woman.

Alongside the lockdown, health officials have already been deployed to affected areas for a testing and vaccine blitz.

Well, I will keep you up to date with that, and all the other important news of the morning, so grab yourself a coffee and why don't we jump into the day.

block-time updated-timeUpdated at 8.27pm GMT

11720 2021-11-16T05:45:00Z true 2021-11-15T20:24:53Z false false 2021-11-16T08:22:56Z true AUS theguardian.com [*https://www.theguardian.com/p/jj3aa*](https://www.theguardian.com/p/jj3aa) false true [*https://media.guim.co.uk/3967fcff73f5064648b110c0187df4b6c67ea7d3/0\_180\_3984\_2390/500.jpg*](https://media.guim.co.uk/3967fcff73f5064648b110c0187df4b6c67ea7d3/0_180_3984_2390/500.jpg) false en true And with that, it's time to end this blog for the evening. We will, of course, be back tomorrow to do it all again. But before we say goodnight, let's recap the big stories: Victorian crossbench MP Andy Meddick demanded the opposition leader condemn MPs who appeared at a controversial protest last night as changes were made to Victoria's pandemic powers bill. New South Wales records 212 new Covid-19 cases and two deaths, while Victoria records 797 new cases and eight deaths, 12 in the ACT and zero in Queensland. People in Forbes were ordered to evacuate as the Lachlan River floods. New Zealand shortens isolation time for Covid-positive people. The Northern Territory announced there were nine new Covid cases - all Aboriginal Territorians. South Australia introduced vaccine mandate for school and childcare staff It was, as always, a total pleasure. When ABC journalist Mollie Gorman was doing her live cross earlier today the Lachlan River was slowly inching closer. A reminder that residents in low areas around Forbes need to be evacuating. More details on the SES website. Essendon football club's chief executive, Xavier Campbell, is confident the club's football program and training schedule can go ahead as normal despite him testing positive to Covid-19. Campbell developed mild symptoms on Monday afternoon and immediately got tested. The positive result was confirmed on Tuesday morning. Rock art that has lasted tens of thousands of years is being destroyed by the climate emergency in a matter of years. Coastal erosion, fires, floods and cyclones are among the extreme events predicted to get more severe with global heating. Archaeologists and historians are now warning that serious damage has already been done. This from AAP: A collapsed property investment scheme which cost elderly Australians their homes and life savings has been referred for possible criminal charges. The Australian Securities and Investments Commission has handed information about Sterling Income Trust to the commonwealth director of public prosecutions to weigh up criminal charges. Former ASIC investigator Niall Coburn told a Senate inquiry on Tuesday it was "incredible" the corporate cop took so long to start investigating and the delay allowed the scheme to "spread its tentacles". The scheme lured Western Australian investors into signing long-term tenancy agreements, with returns from a lump-sum investment used to pay rent. Senators are scrutinising ASIC's oversight and looking at what is needed to prevent it from happening again, as well as broader laws for financial misconduct victims. There's been so much happening today around the Victorian pandemic bill. I've got two really good articles for those wanting to catch up / understand why it has created so much confusion. Here is Calla Wahlquist and Michael McGowan on how the bill became fuel for Victoria's anti-government protests: And here is Caitlin Cassidy with everything you need to know about what changes were made today to the controversial bill: The Coalition has radically revised its proposed religious discrimination bill, scrapping the so-called Folau clause and removing the ability for health providers to refuse treatment on the basis of "conscientious objection". The revised bill - which has been signed off by cabinet and was briefed to government MPs on Monday - still includes a controversial "statement of belief" clause which would override other commonwealth, state and territory anti-discrimination laws. The young family stranded in the Simpson desert have been rescued by police. I will bring you more details when I have them. Earlier I said we would chase up some further details on the report in The Australian that the NSW government has approved plans to extend the state's Covid-19 emergency powers until March 2023. We now have a response from NSW Premier Dominic Perrottet, who we asked to comment on the story. "Only the health provisions that need to be extended will be extended," he said. "I will be carefully considering this matter over the summer break." NT Senator Malarndirri McCarthy earlier said one of the cases was her sister - on Twitter she has now revealed she is related to all the cases. I think it's really important to highlight her point that catching Covid is not something to be ashamed of - it is a pandemic after all. We just need to work together to limit the spread. Earlier McCarthy said overcrowded housing in remote communities needed to be urgently addressed to protect Aboriginal Territorians. "This is a serious matter. This is a case of life and death here," she said. "And unless families have an ability to be able to isolate in their own home - and how can they when you have 15-20 people, which is the case of my families. "[There is] absolute urgency that must be placed on housing for remote homelands and outstations with the federal government." The search for the remains of William Tyrrell has continued but is yet to turn up any answers. Police have been going through a garden bed near the foster grandmother's house. They are digging up the bed and sifting through it before putting it through a mulcher. There are hundreds of officers involved in the search. This from AAP: Police have dug up the garden at the Kendall home where his foster grandmother lived and where he was last seen in 2014. A mechanical sift was brought on to the property while in nearby bushland volunteers cut down trees to help in the search. NSW Police commissioner Mick Fuller confirmed there had been a significant breakthrough in the case, saying he was confident police would solve the mystery of the boy's fate. "There is certainly one person in particular that we are looking closely at," he told Sydney radio 2GB on Tuesday. Police minister David Elliott was asked about a report that police were investigating whether William died after falling from a balcony at the Kendall home. "With a mysterious incident like this, every single option has to be investigated, every scenario has to be reviewed and tested," he said. The NSW government has approved plans to extend the state's Covid-19 emergency powers until March 2023. First reported in The Australian, the paper said the decision prompted "heated backlash" from some MPs, who have argued that it is overreach. The emergency powers allow the government to limit movement between LGAs, require people to wear masks and put a curfew in place. We are chasing further details. Shadow assistant treasurer Stephen Jones is asked to comment and he takes the opportunity to have a dig at the Coalition for backing the Australian Space Agency. We are talking about investing billions of dollars in a program for space exploration. I'm not against space exploration but surely putting a roof over somebody's head, getting fresh food into communities, is more important than some of these other things that we are spending money on at the moment. Liberal MP Jason Falinski, who is currently chairing the federal parliamentary inquiry into housing and supply is on Afternoon Briefing now. PK has asked him about concerns the outbreak in the NT will spread quickly because of overcrowding in homes. "I mean, how much time do you have?" He says the country's housing issues were created by all levels of government and need to be fixed by all levels of government. I was going to quote it but that is pretty much it - there are no suggestions past we need all governments to work on it. Moving on then... Opposition whip Bernie Finn in the legislative council is up critiquing the Victorian government's pandemic bill and commending the protesters who camped outside parliament house yesterday evening. Finn attended a rally on Saturday which he said was attended by "the most massive crowd" he'd seen in decades. Those people in the streets aren't going to wear what this premier is trying to pull. You've got people prepared to sleep on the streets of this parliament as a vigil, such is their commitment. Daniel Andrews has given people a reason to be interested in politics, every cloud has a silver lining... I wish them well, I hope it doesn't rain, I commend them for taking a stand for freedom in this state. The people are marching in the street not because they're some kind of left-wing or right-wing neo nazi or white supremacist, they're people who have been ignored by Daniel Andrews for far too long... they've been pushed to breaking point. I'm not sure there are self-described "left-wing neo nazis", and it's worth reminding that nooses and placards calling for violence against politicians were pictured among the crowds of protestors over the weekend, but anyway. Earlier, Finn dismissed a picture he posted of the premier depicted as Hitler as "a joke" because he replaced the swastika with an ABC logo. The Morrison government has been accused of neglecting to assess the impact of the pandemic on young children, with current policies labelled "a series of crisis responses". Jay Weatherill, the former Labor premier of South Australia and chief executive of Minderoo Foundation's Thrive by Five initiative, made the comments at the Senate's Covid-19 inquiry on Tuesday. Reason Party's Fiona Patten has just confirmed the Victorian government's pandemic legislation, if it passes, will be reviewed within two years. This was one of the key recommendations the Law Institute of Victoria called for in its response to the amendments. Patten says it is a "delicate balance" protecting human rights and protecting health: Doing nothing seems to be what we're saying... let the disease run wild, let's do nothing. It's not acceptable here, it's not acceptable in Australia, it's not acceptable anywhere in the world. The ultimate human right is to protect life, and that is what we are doing... I would not have accepted another extension of the state of emergency. I said in March, we needed pandemic specific legislation because otherwise we're dealing with legislation designed to deal with floods... fires... not global pandemics... we should not let the perfect get in the way of the good and I support this legislation. Bandt is asked about how ambitious everyone's climate policies need to be - he is saying they need to be in line with the science. Australia's leading climate scientists have said to limit global warming to 1.5 degrees, Australia's fair share is a 74% cut by 2030. The Liberals have just been so terrible over the last few years that they have given us less time to turn the ship around and as a result, climate targets have to be 75% by 2030 to be consistent with the Glasgow pact. We have to have a plan to get out of coal and gas. We certainly can't as Labor wants to do, open up new gas and coalmines. That is just a red line that can't be gone below. PK has asked Bandt about CoP26 and he is taking the opportunity to attack both the Libs and Labor for "wanting more coal and gas". Coal and gas are on death row now after the Glasgow climate summit. They have had their day and you can argue about whether it's an orange light or a red light that is flashing after this summit but what is absolutely clear is that it is on its way out. And it is really countries like Australia under Morrison and Joyce and Russia and Saudi Arabia who are saying no, we think we can open up more. This is going to be a test for Labor as well because there is 116 new coal and gas mines currently in the pipeline that may - that are yet to be opened or expanded. Now post-Glasgow there is no room for more coal and gas but Labor and Liberal want more coal and gas. PK has asked Bandt what he makes of the report Perrottet is also pushing for extended powers. This is a balancing act that we've all had to go through and as the Greens, we have always been very concerned about making sure that there's not government overreach when it comes to these powers. That in New South Wales, but also in Victoria, is exactly the debate that we've been engaging in parliament to ensure that there's some more civil liberties protections built-in but at the same time that we protect public health. I think the community is now used to that debate and saying that it's something that should result in people being hanged is just contemptible. And Adam Bandt is on Afternoon Briefing right now with Patricia Karvelas. PK has asked about the protests in Victoria the last few days, which have been ***exceptionally*** violent in rhetoric and symbolism. "When people are bringing nooses and gallows to parliament and giving speeches about how they want to see people hanged it doesn't matter what part of the political spectrum the MP they are talking about is from, that should be condemned. We have heard nothing from the prime minister on this. He was very, very quick to come out and condemn Black Lives Matter protesters who were trying their hardest to be peaceful but we have heard not a whisper. This needs to be condemned by all political leaders and I think in terms of the frustration that you are feeling, there has been a lot of misinformation about the legislation that's been proposed, there's been a lot of fear-mongering. This is really very cool news: And it's been announced today that living legend/national treasure Ernie Dingo will tour Western Australia, to encourage people to get the Covid vaccine. There are fears some Aboriginal communities will be left vulnerable when WA opens up to the rest of the country next year, as only 32.6% of the population have had both jabs. The federal government is funding the two-month tour. "I know that we can beat hesitation around vaccines and needles with this approach - that's why I'm packing up and heading up north to have a yarn with local influencers and elders in each community," Dingo said. "I'll be having a cuppa and a yarn with countrymen over brekkie barbecues, listening to their concerns and encouraging them to be ready for the jab when the health teams come through the towns again. "It's about knowledge, about making our communities feel ready for the vaccine when it comes around." From AAP: Unions are fighting the NSW government's "cheap and nasty" plan to roll back a special Covid-19 protection for frontline workers who kept the state going at the height of the pandemic. Unions NSW secretary Mark Morey urged the government to abandon its repeal of automatic Covid workers' compensation coverage for exposed workers. Failing that, he's calling on crossbench MPs to "block the attack on workers' rights". "This is a mean and nasty piece of legislation that is saying to every worker that kept the economy going: 'You are on your own'," he said. Premier Dominic Perrottet this week announced his intention to scrap a provision in the Workers Compensation Act allowing for the presumption that frontline workers who test positive caught the virus while on duty. The government estimates keeping the protection could invite 25,000 extra claims over the next 12 months, forcing insurance premiums up by an average of $950. Covid-19 claims could cost the workers compensation system as much as $638m in the coming year. The Law Institute of Victoria has released a statement on the amendments to the pandemic management bill. It says the changes go "some way" to addressing its concerns, but not far enough to be fit for purpose. The institute released its position paper on the bill on 11 November, which outlined 32 recommendations in full, six of which have been included in the proposed amendments. Law Institute of Victoria (Liv) president Tania Wolff said the amendments were moving in the right direction compared with the original bill: The Liv is pleased to see these amendments... however, the Liv continues to have concerns over some aspects of the bill and urges members of parliament to continue working through amendments to the legislation to ensure it is fit for the purpose of protecting our democracy and safeguarding members of the community. The most significant of our concerns are that: the use and exercise of the powers should require effective independent oversight and scrutiny, such as by the ombudsman there should be accessible external merits review of all decisions relating to detention and that Vcat be given jurisdiction the bill should not include terms of imprisonment, and there needs to be stricter controls on the use of information gathered for public health purposes to protect individual privacy. If these recommendations... are not adopted, then at a minimum, we call for a sunset clause so that the new part would expire in 18-24 months from its commencement. This allows the government to continue to meet the challenges of this current pandemic, but ensures an opportunity for further independent review so that the legislation is fit for purpose for any future pandemic. The corporate regulator asked for its ability to decide claims under a compensation scheme to be restored in 2016 but was knocked back by Treasury, a parliamentary inquiry has heard. Giving the Australian Securities and Investments Commission the power to decide claims under the Compensation for Detriment caused by Defective Administration scheme would have prevented a group of investors who are seeking $200m over a large corporate collapse from falling into a limbo where neither the watchdog nor Treasury will decide their claim. Parliament's joint committee on corporations and financial services has been looking into the plight of the investors, victims of the collapse of the Prime Retirement and Aged Care Property Trust, following Guardian Australia's coverage of the issue. [*https://www.theguardian.com/australia-news/2021/aug/22/stuck-in-limbo-investors-blame-asic-for-200m-loss-but-no-one-will-hear-their-claim*](https://www.theguardian.com/australia-news/2021/aug/22/stuck-in-limbo-investors-blame-asic-for-200m-loss-but-no-one-will-hear-their-claim) Under questioning from Labor MP Julian Hill, Treasury assistant secretary Mohita Zaheed said Asic previously held authorisation to make decisions under the CDDA scheme. The authorisation lapsed when assistant treasurer Josh Frydenberg, who made the authorisation, left the post in September 2015. Asic asked for it to be restored but, Zaheed said, treasury refused the request because it took the view doing so would conflict with section 12 of the Asic act, which prohibits the government of the day giving the regulator instructions "about a particular case". In letters to Treasury and the minister for financial services, Jane Hume, investors have said they do not accept this argument. Hill said: "The whole thing looks like a protection racket to stop citizens or investors or anyone in Australia lodging a CDDA claim against the corporate regulator." Zaheed said investors had access to make a payment for an act of grace payment, which she said was a "very similar scheme". Hill also became frustrated after Treasury first assistant secretary Simon Writer batted away his questions about why the decision not to renew the authorisation was made. "With respect, I know you're an intelligent man, but you sound like a talking parrot and I'm pressing a button, saying the same thing without actually answering the question," Hill said. And wham - NSW joins the fray. Queensland health authorities have automatically cancelled some long-running applications for compassionate and medical exemptions to enter the state, including cases where people had waited more than five weeks with no formal response. Last week, Queensland's health directions exemption service wrote to hundreds of people who had been seeking to cross the state border, advising that their cases had taken so long to assess they would now be "closed". And it is still a very wet November - in fact, it is fast becoming the wettest on record. Grab yer' brollies people! Philip Lowe was speaking earlier today - the RBA governor said he doesn't expect interest rates to rise until 2024. Given the global and domestic forces I have discussed, the inflation outlook is more uncertain than it has been for some time, but our central scenario is the underlying inflation reaches the middle of the target by 2023. If this comes to pass, it would be the first time in nearly seven years that we will be at the midpoint of the target range. This by itself does not warrant an increase in the cash rate. As I have said, much will depend on the trajectory of the economy and inflation at the time, so it is still plausible that the first increase in the cash rate will not be before 2024. Australia's frontier history is still being pieced together, errors are still being corrected and new information is coming to light, according to the emeritus professor of history Lyndall Ryan and her research team at the University of Newcastle's massacre map project. Nowhere is this more apparent than in western Victoria, where Ryan says the "mass of dots" denoting massacre sites has remained, despite researchers correcting locations and even removing some sites from the map. In Victoria's Legislative Council, the Liberal MP David Davis is up chatting all things pandemic bill, or pandemic bill adjacent: We've got the terrible trifecta, the worst of all outcomes... the longest lockdowns of any jurisdiction in the world, that has amazingly negative consequences on our business and kids, at the same time in Australia, we had the worst death rate by far... We have still never seen the evidence for the curfew, the extraordinary decision... to lock down the state with a sharp curfew... who ever came up with the curfew? It was Andrews in his office - in the bunker, that's what they call his office. The Labor MP Shaun Leane rises and asks why Davis's points are relevant to debating the legislation. But the Reason party's Fiona Patten rebukes him, saying "Mr Davis has an opportunity to go very broadly, which is what he is doing." Davis returns to the bunker. The Australian Medical Association has released a statement about the attorneys general agreeing to raise the age of criminal responsibility to 12. Much like many advocacy groups, they say it is still far too young to put people in prison. "Last week's meeting was a missed opportunity to make real progress in stopping harms to children," the AMA president, Dr Omar Khorshid, said. "Agreement by MAG to consider a proposal that would raise the age to 12 falls well short of what is needed. It will result in more children being locked up and ignores the expert medical, legal and social advice on the real harm of the current laws, which in reality make kids more likely to reoffend. "Evidence shows the younger a child is at first contact with the justice system, the higher the rate of recidivism and children in contact with the criminal justice system at a young age are less likely to complete their education, find employment and are more likely to die an early death." According to AIHW data, 456 out of the 499 children under 14 in prison in 2019-20 were aged 12 to 13 years old. "Raising the age of criminal responsibility only to 12 will do little to lower the number of children locked away behind bars." The federal MP Andrew Hastie has announced the birth of his third child. "Ruth and I are delighted to welcome a beautiful baby girl into the world, Jemimah Faith Hastie!" the assistant minister for defence told party supporters in an email. "Jemimah was born at 11.11am yesterday, 3kgs, 49cm. "Mum and baby are both doing well. "Thank you to everyone who has offered their prayers and support over the last few months." In South Australia, a vaccine mandate is being introduced that will force all staff and volunteers at schools and childcare centres to at least have their first vaccine by 10 December. Exceptions include people with medical exemptions, students, parents or carers that are dropping off/picking up children and incidental visitors at school. The government also says masks will remain optional for adults and high school students in school. The education minister, John Gardner, made the announcement, saying it was an important move to "ensure that we will be able to keep our children safe". The Victorian attorney general Jaclyn Symes' motion for the pandemic bill to be declared "urgent" has just been passed in the Legislative Council 19 votes to 18. Symes has now called for the bill to go through a second reading. It comes as the Victorian Bar has released a statement saying the amendments don't go far enough to protect the rule of law. The Victorian Bar president, Roisin Annesley, said: The proposed amendments largely address low-priority issues and not the most fundamental problems with the bill. The major issues include the lack of effective parliamentary control over the minister's pandemic orders and the lack of provision for an independent review of authorised officers' exercise of power. Victoria's Legislative Council is back after a lunch break to continue to debate the government's pandemic legislation. Before lunch, the attorney general, Jaclyn Symes, raised a motion for the bill to be declared urgent. The Liberal MP Gordon Rich-Phillips says there is no justification for the bill to be deemed urgent when the state of emergency declaration isn't due to expire until 15 December: All Victorians have cause to be concerned when the attorney general comes in here as she did this afternoon with an argument the Victorian community will benefit from certainty, seeks to sweep aside parliamentary ***process*** and ram this through. I'm reminded about the purpose of urgent bills... one that is needed to fix an urgent problem of governance in the state of Victoria... this is not an urgent legislation. We have two sitting weeks to deal with this situation before changes to the current framework is required. At least half a dozen questions have been put by Sarc to the relevant minister. Those questions have not been answered... even Sarc, with its feeble scrutiny has further situations for the government. When you look at the ways urgent bills have been used before... really urgent matters that need to be dealt with quickly... every single time this chamber has sought to declare a bill an urgent bill, it has been done with the unanimous support of the House... this is not one of those situations. This is a highly contested bill with enormous ramifications for the people of Victoria. There are genuine reasons people are marching on the streets and the front steps of parliament. A reminder nooses and signs inciting violence against parliamentarians have been spotted among those people marching, even if they're doing so for "genuine reasons". The Victorian Equal Opportunity and Human Rights Commission has welcomed today's news the state government will amend the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. The commissioner, Ro Allen, said "the amendments and clarity announced today strengthen the bill and its human rights commitments". Allen had raised her concerns with Victoria's attorney general Jaclyn Symes, highlighting a clause that would allow the government to make targeted pandemic orders based upon people's attributes. The clause has been amended as part of crossbench negotiations. Another of the commission's key demands - that the bill would require pandemic orders to be compatible with the human rights charter - has also been secured. Supplies of the Pfizer vaccine have begun to trickle into pharmacies across the country, as the sector prepares to administer booster shots to early recipients. Government data shows about 3,690 Pfizer doses were ordered for delivery to community pharmacies in the first week of the month. Last week, about 150,000 doses were expected to be delivered to community pharmacies. There are currently about 3,434 pharmacies participating in the vaccine rollout. They will be able to administer booster shots to the high-priority recipients who received the vaccine early this year. Pharmacies can also administer first and second doses. "This means from today, all primary care sites around the country will progressively be able to offer all three Covid-19 vaccines approved for use in Australia, increasing choice and making it easier for whole families to get vaccinated at the same time," the health department said in its most recent weekly update. The Pharmacy Guild of Australia has previously expressed concern about the take-up of the Pfizer vaccine by its members. The Sydney Morning Herald reported earlier this month that only about 20% of Australian pharmacies had ordered Pfizer doses. The Guild expressed concern in an email to its members, saying only 1,156 of the then 3,416 participating pharmacies had placed orders. And that is it for the Northern Territory Covid presser - but I will bring you more on the story as it develops throughout the afternoon. Pain says health authorities do not think the transmission is widespread in Katherine. However, we cannot be absolutely confident of that. With the testing, although it has not been desirable, we wouldn't have had the testing rates we would have liked. Even with those tests we would have expected to pick up cases if it was widespread, but I don't want to give any false reassurance about that. We are in a desperate fight now to identify new cases in Katherine and I do need people to come forward and get tested. Pain says the woman in her 60s who is in hospital is not in ICU. "She did need hospitalisation, so is acutely unwell, but at this stage not requiring intensive care." He says the hospitals have good capacity for the number of cases "we are expecting". We have the ability to expand that capacity as well. We can more or less double our capacity if we need to. Obviously an assessment will be made of our needs for that as the numbers of cases rise, if they do. Dr Charles Pain says Katherine hospital has four beds for Covid patients. They do have some limited capacity to manage Covid patients but at this stage, with the small numbers, our priority is to get them up either to the CNR or Royal Darwin hospital if they need treatment. The Northern Territory police commissioner, Jamie Chalker, says this is a worst-case scenario but they have planned for it. "As I've mentioned on many occasions, the harsh reality of overcrowding is something that leads this particular Delta strain to be very problematic." He says "additional resources" have been sent to Borroloola, which may have to go into lockdown if cases have spread there. He says there have been a few events in recent days, including funerals of key community figures, that meant people have travelled around. He says police will be across the NT in the coming days and they will not tolerate protests. "I can't be bothered dealing with your rubbish in the interim. There is just too much at stake. Compliance... in Katherine has been pretty good, although there are already some people pushing the boundaries." The Northern Territory deputy chief health officer, Dr Charles Pain, is now speaking: We are now in a clearly very serious situation. We have 11 cases now associated with this second cluster. Nine of those, we're informed, notified to us overnight. There is clearly a significant spread in two households. We can see how fast it can spread. We don't know how far it is spread. We really need our community, please, to come forward and get tested at this stage. He says everyone has been compliant with contact tracing: If you are still waiting to get vaccinated you could be exposed to the virus at any time. You're taking that risk of being exposed to the virus unvaccinated and the consequences of that, particularly for the communities in the Territory, could be dire. On the contact tracing, please, it is extremely important, we've had very good cooperation. I would like to thank all those two who have helped us with the contact tracing and giving their information. Much of that is very confidential. We treat it as highly confidential. Gunner is now speaking about Robinson River, the remote community where cases have been detected. Our rapid assessment team arrived last night and are hard at work. Their top two priorities - to offer the vaccine to anyone who needs it and test for new Covid cases. We have conducted about 20 priority tests in Robinson River that should soon leave for Darwin and we should have results in the morning. We have enough tests to test the whole of that community. We are under no illusions that the risk there remains real and there is more testing to do there today. I mentioned yesterday they have a good vaccination rate - 87% first dose and 77% full vaccination. As per our rapid response plan, additional supplies of the vaccine have been offered to anyone who is eligible... and this ***measure*** can save lives. Gunner urges everyone to get the vaccine. The vaccine rate for Katherine overall and within vulnerable pockets is not at a level where we can consider lockout as an option. This is our challenge to the people of Katherine. This is how you can best help us, yourself, your loved ones and the community. We need to see a vaccine response in Katherine, we need to see a testing response in Katherine. I know you can do this. Not in theory, in fact. You have done this before, let's smash this, Katherine. Gunner says there will be daily wastewater testing in Alice Springs, Tennant Creek, Katherine and Darwin. A positive wastewater result in one of these locations may be enough to trigger a lockdown or lockout decision. These are tough times for Katherine. I thank you all for complying with last night's snap lockdown direction. This is the third time Katherine has had to be locked down. I feel for the people of Katherine and Katherine businesses. We do not want to have to lock you down. You have done everything we have asked and made sacrifices for every Territorian. Gunner says the Katherine lockdown has been extended to 6pm Monday 22 November. All Territorians have a call to action. There will be a mask mandate for all Territorians until 6pm Monday 22 November. You must wear a mask whenever you leave the home. You are permitted to remove your mask if undertaking vigorous exercise. If clusters one and two are linked, there is a significant gap between the last case on 4 November and the first case of cluster two on 13 November. There is a chance the virus has seeded and moved. I need all symptomatic Territorians to get tested. We want to see a testing response across the territory. Gunner is now listing the exposure sites and says there are currently 161 close contacts. I want to touch on two important exposure sites separately so I will run through the other exposure sites now. These are all close contact sites. So if you have been to these places at these times, you must immediately self-quarantine, call the Covid hotline and we will organise a test. Captain Jack's Fish and Chips yesterday, 15 November, from 12pm to 12.35pm. Again close contact site. Wurli health service main clinic yesterday from 10am to 11.45pm. Kirby's pub, Katherine hotel, Friday 12 November from 12pm to 4.30pm. Two important exposure sites I want to run through now, and they are the Katherine hospital and the MacFarlane primary school in Katherine. First Katherine hospital. The times and specific locations we are still working on. Please keep monitoring the coronavirus website as we provide that information shortly. Please pay close attention. Second MacFarlane primary school. I encourage parents whose kids normally attend MacFarlane primary school but because of the lockdown are not at school today to please get your kids tested today. That is a request. Gunner says the nine new cases are concerning: This is obviously a serious escalation in the Covid-19 situation in the Northern Territory. A major contact tracing effort has been under way since the first case we reported yesterday. The Northern Territory chief minister, Michael Gunner, is speaking - he is listing the age of each case. A 71-year-old man, a 65-year-old woman who has been admitted to Royal Darwin hospital, a 62-year-old woman, a 40-year-old woman, a 38-year-old woman, a 22-year-old woman, a 16-year-old girl, two five-year-old girls - twins. "I don't have vaccination status details yet. Bar the 65-year-old woman who is at Royal Darwin hospital, all other cases are going to the centre for national resilience. We're going to Darwin, where Northern Territory authorities have announced there are nine new Covid cases. They are all Aboriginal Territorians. Victoria's attorney general, Jaclyn Symes, has just raised a motion to label the pandemic bill "urgent" in the Legislative Assembly. A motion under this standing order can't be amended and debate can't be adjourned: The Victorian community will benefit from certainty... debating this legislation in a timely manner will provide time for preparations as we reach our second opening up target. This legislation should be afforded adequate time to be debated and scrutinised by this chamber... [but] when the opposition want to make a point rather than just vote against it, they want to make sure there is the theatre they are opposing the bill at every juncture... it's a flawed strategy, the bill has been available for 20 days, I'm not sure what an additional two will seek to deliver to those opposite. The public already know we're debating this week, I'd like to get on with it. Symes says if the bill is not passed, the ability to contain Covid-19 will be significantly hindered. The state of emergency is due to lapse on 15 December. The Liberal MP David Davis has called it an "extraordinary" move, that has been used just nine times since 1996. On those occasions, on each occasion, it has been used without a vote. This occasion the government is using it to override the normal procedures of the House... completely unreasonably and undemocratically... the government's arrogant approach typified by this inappropriate use of an urgency provision. The government couldn't even wait one or two days to deal with this properly. The Labor senator for the Northern Territory Malarndirri McCarthy has revealed her sister was the first case of Covid-19 in Robinson River. McCarthy's sister came forward for testing when she developed symptoms and it was currently unknown how she picked it up. Yesterday afternoon the premier, Michael Gunner, said authorities would not have picked up the fact Covid had entered a remote community if the woman had not come forward. We are expecting a Covid update from the NT soon - the time keeps getting pushed back. We reported earlier that Forbes residents have been asked to leave - emergency services are now warning residents "it may be too dangerous to rescue you" if they remain. We have the full story here: The Victorian government's controversial pandemic legislation is currently being debated in the Legislative Council. Liberal MP David Davis says the Scrutiny of Acts and Regulations Committee, Sarc, has "dropped the ball badly": Forcing it through the lower house was appalling, refusing to have Sarc look at the bill before the assembly had the opportunity... was fundamentally undemocratic. Sarc needs to lift its game... it needs to properly inquire into these bills and it can't continue to sweep the abuses of this government under the carpet. This committee has lost its way. The Reason party's Fiona Patten responds to Davis, saying, as a member of Sarc, she takes "great offence" to his comments: But I would also like to note the liberal members of Sarc are rarely there. Mr Smith, we haven't seen him for quite some time, Mr Burgess I'd have to note was relatively silent on this bill. Sarc discussed and scrutinised this bill for two and a half hours and the report reflects that scrutiny. I would suggest if the opposition wants to play a role in Sarc, turn up. From AAP: NSW police could face a large compensation bill if a class action lawsuit alleging unlawful searches took place at a popular music festival is successful. Hundreds of people who attended Splendour in the Grass from 2016 to 2019 in northern NSW may have been unlawfully searched, according to law firm Slater & Gordon and the Redfern Legal Centre. "This ground-breaking class action will seek redress for the many people subjected to invasive and traumatic searches," Redfern Legal Centre principal solicitor Alexis Goodstone said on Tuesday. The legal centre and Slater & Gordon claim they have evidence "systemic and unlawful police searches" were carried out. An investigation by the Law Enforcement Conduct Commission last year reported NSW police performed unlawful strip searches at the 2018 Splendour in the Grass, including on a 16-year-old girl. Looks like AAP journo Benita Kolovos spoke to Human Rights Law Centre about the amendments to the pandemic laws. Australia's attorneys general have agreed to formulate a plan to raise the age of criminal responsibility from 10 to 12 years old, but the move has been criticised by justice advocates as a "nothing" decision that will do little to reduce the juvenile detention population. There will be a Covid update from the NT very soon - and we are hearing reports that there will be more cases announced. Expected shortly after 11 am ACST. A police helicopter is on its way to rescue a Perth family who have been stuck in the Simpson Desert since Wednesday last week. On Friday they put out a beacon saying the need to be rescued. They do have food and no one is injured but they have two young children with them. The helicopter left about 10am, South Australian time, and stopped on the way to refuel. It should reach the family within the next 20 minutes. They will be taken to Olympic Dam, which is a remote mine next to Roxby Downs in the state's far north. I will bring you updates on the rescue and families health when we have them. I've got some more information on the Forbes evacuation warnings. About 800 properties are impacted, of which 500 are homes. The river peaked overnight upstream at the floodgate and was about 1 metre higher than the peak in September 2016. That resulted in damaging flooding for the area. It is expected to peak tomorrow. If you have Twitter follow @NSWSES and @BOM\_NSW for updates and warnings. If you don't, the SES website has updates. Thank you, Matilda. As always impossibly large blog shoes to fill. Cait Kelly here, I will be taking you through the afternoon news. An Evacuation Order has been issued for low lying areas of #Forbes. There is more information below and I will bring you updates throughout the afternoon. With that, I shall hand you over to the amazing Cait Kelly who will take you through the rest of the afternoon in news. See you all tomorrow! More on the Victorian opposition's opposition to the new pandemic powers bill: [*https://twitter.com/benitakolovos/status/1460411601836597249*](https://twitter.com/benitakolovos/status/1460411601836597249) The Australian Capital Territory has recorded 12 new local Covid-19 cases. There are now four people in the territory hospitalised due to the virus, one of these people are in the ICU and require ventilation. Jay Weatherill, the chief executive of Minderoo Foundation's Thrive by Five, just told the Senate's Covid-19 committee the government should commission a children-specific Covid plan, and make the impact on children a standing item at the national cabinet. Weatherill said the commonwealth should have commissioned Doherty Institute modelling of the spread and impact of Covid on children aged 0 to 5, and that it was "inappropriate" that hadn't happened already. Weatherill said current policies towards children were "a series of crisis responses" but something more systematic needs to be in place for coming challenges, including monitoring international developments on whether a vaccine can be developed and approved for those aged 0 to 5, and standardising testing regimes for children. This is the end of days. Crowds outside Victoria's Parliament House appear to have become hostile to media, forcing senior 7 News reporter Nick McCallum to retreat up the road. New Zealand has reported 222 new cases of Covid-19 in the community, the highest daily tally since the pandemic began. The ministry of health said there are 197 new cases in Auckland, 20 in Waikato, 2 in Wairarapa, 2 in Lakes District and 1 in Northland. There are now 5973 cases in the August outbreak. The ministry reported another death of a person with Covid-19 on Tuesday. The patient, who was in their 70s, was admitted to Auckland City Hospital on 11 November and subsequently tested positive for the virus. Our thoughts are with the patient's whanau [family] and friends at this deeply sad time. We would also like to acknowledge the team at Auckland City Hospital and all health care workers for their continued hard work and dedication. There are 91 people in hospital, including 7 in intensive care. Of today's cases, 87 are yet to be epidemiologically linked to the outbreak, bringing the total of unlinked cases in the past fortnight to 866. To date, 90% of the eligible population over 12 years old have had at least one dose of the Pfizer vaccine, and 81% are fully inoculated. Blog treat! You've earned it! At the Senate's Covid-19 committee, experts from the Murdoch Children's Research Institute have revealed the impact of coronavirus on children and current thinking on vaccines. Prof Andrew Steer said evidence in Australia and internationally suggests about 0.7% of children who contract Covid-19 require admission to hospital and 0.07% require intensive care. From 30 August to 10 October in Australia there were 79,000 positive cases, of whom 21,000 were kids (26%). Some 636 children were admitted to hospital, 3% of the 21,000. There were no deaths. Steer said in Australia there are higher rates of hospitalisation because in some jurisdictions, especially NSW, they are being admitted for social reasons - because their parents are unwell - and the children are admitted "with that rather than for Covid". Steer said it was "pleasing to see" that Pfizer results for the under 12 show that it is an effective vaccine and there is "every reason to think it will be safe" but there is still reason for caution because there is "not enough information about risks". He noted there were some cases of \*mild\* myocarditis (inflammation of the heart) - but children have recovered. Still, researchers want to see results from the 400,000 children under 12 who have had Pfizer in the US and Canada. Prof Sharon Goldfield was asked about the impact of lockdown on children and said there was some evidence of more frequent suicidal and self-harm ideation and presentations to the emergency department, especially at the end of 2020 and beginning of 2021 when Victoria was "in and out of lockdown". The first plane full of travellers from Sydney to Queensland destined for home quarantine has touched down. Since the sunshine state reached a 70% double vaccination rate for its 16 and over population, they have launched a soft reopening of their borders, whereby travellers from NSW will be allowed to quarantine at home rather than in hotel facilities. Opposition leader Anthony Albanese has joined the calls for Liberal politicians to condemn the violent imagery present at recent demonstrations protesting proposed new Victoria pandemic powers legislation. This included multiple prop gallows being taken to Parliament House. NSW Health has released further details on the two people infected with Covid-19 who died in the last reporting period. Sadly, NSW Health is today reporting the deaths of two men. A man in his 70s died at Mercy Place aged care facility in Albury, where he acquired his infection. He had received one dose of a Covid-19 vaccine and had underlying health conditions. There have been 10 deaths linked to an outbreak at this facility. A man in his 70s from south-west Sydney died at Liverpool Hospital. He had received two doses of a Covid-19 vaccine and had underlying health conditions. NSW Health expresses its sincere condolences to their loved ones. It seems the recent amendments to the Victoria pandemic powers legislation haven't been enough to win over the state opposition (although in fairness probably nothing would have been): OK, but you are telling me that the Queensland premier just tweeted this and DIDN'T include a photo of Mariah Carey? Missed opportunity. More very normal and not at all concerning news coming from Victoria: Satanists from the Noosa Temple of Satan have met with Queensland senator Amanda Stoker to discuss their objections to the third draft of the new religious discrimination bill. Robin Bristow, known as Brother Samael, said in a statement that the meeting with the (devoutly Christian) politician went well: It was an amicable meeting. Senator Stoker listened carefully to our objections and gave us a fair hearing. Satanic temples generally operate somewhere more as a semi-satirical political activist organisation than a traditional faith congregation and often work to highlight the need for a separation of church and state. The Noosa temple objects to the new bill as they fear it will allow religious organisations to discriminate against those of different faiths. In their statement, the Temple's lawyer, Trevor Bell, outlined the organisation's objections to the bill. We have no problem with the idea of protecting individuals from religious discrimination. Unfortunately, the proposed laws will do more than that. The new laws will enable religious institutions to discriminate against people of different faiths. For example, a Catholic school will be able to sack or refuse to hire a physics teacher just because she is not Catholic. Senator Stoker trotted out the usual argument that people of a faith should have the freedom to gather and form groups to the exclusion of others. If discrimination is bad then it doesn't suddenly become OK just because a group of religious people want to do it. The temple said the senator assured them that smaller faith groups supported the laws as strongly as the larger faith groups, but Bell doesn't agree. These new laws will favour the big established religions which have large institutions. We were shocked to learn that smaller religions have not joined with us Satanists in rejecting these proposed laws. Apparently, smaller religions hope to build institutions and conduct their own discrimination programs in future. Bristow closed out the media release with this kicker of a line: I fear Hell has frozen over... Satanists are the only faith group willing to fight against this injustice. Queensland has recorded another day of no new Covid-19 cases. The renewed police search continues for the remains of toddler William Tyrrell who went missing in NSW seven years ago. Federal Labor has also come out to condemn politicians who have participated in the Melbourne anti-vaccination/anti-pandemic powers protests across the last week. Opposition frontbencher Andrew Leigh has condemned controversial MP Craig Kelly's appearance on Saturday, suggesting that, despite him leaving the party early in the year, the Liberals were also implicated in this: Craig Kelly's only in parliament because Scott Morrison stepped in to save his preselection at the last election. If not for that, Craig Kelly would not be a member of parliament. So he's very much a creation of Scott Morrison's and he continues to vote very strongly with the government. Certainly I think what we're seeing with vaccination hesitancy is that it's the latest tool of populists to try and marshal people against the government. We saw that with climate change, we've seen it with a range of fringe economic theories. We've also seen up with the attempt to deploy racist language. The way to counter it is is calm, sound science and just being very clear with people about the risks of not being vaccinated right now. People that haven't been vaccinated are now accounting for the substantial majority of deaths. A NSW central west town is preparing to evacuate as flooding from days of heavy rain raises rivers across the state, reports AAP. Of prime concern to authorities is the swollen Lachlan River, with more than 8,000 people in the town of Forbes in its path. The Bureau of Meteorology forecast major flooding in the town from Tuesday, with the river expected to peak on Wednesday morning at a level similar to or higher than the September 2016 floods. The NSW SES deputy zone commander, Barry Griffiths, says an evacuation order for low-lying areas in Forbes is likely to be issued on Tuesday morning. He says the river is expected to peak overnight but an evacuation order will be issued earlier than that "to try and give the community as much time as they can to evacuate safely and calmly". SES and Rural Fire Service volunteers are door-knocking and delivering about 10,000 sandbags to residents as well as helping prepare properties. Griffiths told Nine's Today show on Tuesday morning: We are confident that the actions we are taking at the moment are suitable enough for the predicted flood event, but it is going to be a bit of a waiting game over the next 24 hours. We need to see what the water actually does. Moderate flooding has occurred upstream at Cowra, and major flooding occurred at Nanami on Monday night, with the river peaking at more than 12.4m. The river there reached levels higher than in September 2016 but lower than in August 1990. It was too early to tell how high the river will rise when those floodwaters reach Forbes, the BOM said on Monday, but the SES has warned locals in up to 800 homes to prepare to leave before they hit the town. Downstream from Forbes, major flooding is also expected at Cottons Weir and Jemalong. BOM hydrologist Justin Robinson said: One fortunate thing about the floods in western NSW is that they're a slow moving, evolving event. Hopefully we'll be able to provide them adequate warning and leave time for them to prepare ahead of the floods actually arriving and impacting their personal properties and communities. St Andrews Church in Forbes has been set up as an evacuation centre as residents are urged to be on high alert for an SES evacuation text message. The Macquarie, Paroo, Macintyre, Belubula, and Snowy rivers have also flooded, after parts of the state copped a month's worth of rain in days. Yesterday meteorologist Agata Imielska said: Some of those locations (received) even two to three times what you would get in November. Catchments are wet, dams are full. This is exactly what we've been talking about for this season, with the elevated flood risk. It is a really important time to really be keeping very close eye on any flood warnings. Residents of the town of Nundle are calling on the New South Wales government to impose the same standards of community consent for existing renewable development proposals as it has for the state's new renewable energy zones. As the first two of five REZs were declared in the central west-Orana and New England regions, the NSW government's electricity infrastructure roadmap mandated that "renewables are developed where regional communities want them". There has been an overwhelming expression of interest in response. As a result, the member for Northern Tablelands and NSW ***agriculture*** minister, Adam Marshall, said the government had "the luxury of supporting only the best projects that benefit the community, maintain the highest and strictest development standards and maximise local renewable jobs and investment in the region". You can read the full report below: A minor to major flood warning has been issued for communities along the Lachlan River including Forbes, Cottons Weird and Jemalong. New Zealand will allow vaccinated Covid-positive people to self-isolate for shorter times, as vaccinations and case numbers across the country rise. For those who are fully vaccinated, the isolation time has been reduced from 14 days to 10 days, and must include 72 hours symptom-free. "If you are vaccinated and catch Covid-19, by day 10 of infection you will pose a very low risk of passing on the virus - and do not need to isolate for as long as someone who's unvaccinated," associate health minister Ayesha Verrall said. Those who are considered a "close contact" of a case and are vaccinated will have to self-isolate for seven days, or 10 days for those unvaccinated. As of Monday, New Zealand's total outbreak was at 5,751 people, an increasing number of whom are self-isolating at home. According to the Ministry of Health, 90% of eligible New Zealanders (those aged 12 and over) have now had at least one dose of the vaccine, and 81% are fully vaccinated. Andrews has also hinted at imminent announcements on further easing of restrictions in Victoria as the state nears its 90% double-vaccination milestone. These will likely include the removal of mask mandates in office settings. A little later this week we'll be able to have a chat about when we'll move from these settings to new settings, when that switch will happen. That means we go down to masks in sensitive settings only, for instance, public transport, hospitals, aged care, things of that nature. So no masks in the office, which will be important in terms of getting people back into the office and density quotients and other caps go, other than for the 10 biggest venues in the state. Andrews has attacked the Victorian Liberals, accusing them of trying to have it "both ways", with some MPs attending anti-vaccination protests, while the party campaigns to open the state up. We're back to just political games. You've got the opposition who are wanting to have it a bit both ways, you know, standing with people who are anti-vaxxers, sharing a podium with people who are anti-science, anti-vaccination, whilst at the same time talking about the place being closed. The reason we're open and the reason we're going to stay open is that people have got vaccinated and I am extremely proud of Victorians and deeply grateful to them for having kept their end of the bargain and now we're keeping ours. Speaking of the protests in Victoria, the premier, Daniel Andrews, is speaking now from the back doors of Parliament House. He has been asked about his government's decision to amend some of the most controversial elements of the new pandemic powers legislation following negotiations with key crossbenchers. We have a ***process*** where we engage in good faith and this is not unusual, that after discussions with crossbenchers and the normal parliamentary ***process*** there are some changes made. More often than not, they're about putting things beyond doubt. For instance, the characteristics changes that we've made, those terms that some have played political games with, of course those characteristics always related to the pandemic. It is a bill for the control of a pandemic after all. But just to put those matters beyond any doubt at all, some amendments have been put forward and I think the minister for health has spoken to you about earlier. Report: Was that a mistake, though? Is it something you didn't plan properly? It was too easy for people to grab that? Andrew: I wouldn't put it in those terms. There are some who called for these ***measures*** a few weeks ago and as soon as the government did it they changed their position. That's the definition of a political game. The thing about these laws and our management of this pandemic is it's not a game. It's very much about keeping people safe. That's why this week there will be parliamentary debate about these matters, obviously. But also we'll make exciting announcements about reaching our 90% double-dose target, a credit to every single Victorian who has gone and got the job, done exactly what we asked them to do. As you might know, there were some worrying scenes outside Victoria's Parliament House overnight, including those protesting against the new pandemic power legislation bringing a mock gallows to the steps and chanting about hanging high-profile politicians. Well, the Victorian opposition has been fighting hard against the proposed emergency power bill, with some Liberal MPs even appearing at last night's protests. Now crossbench MP Andy Meddick has come out this morning demanding that opposition leader Matthew Guy condemn those in his party who participated. The NSW case numbers are also out. The state recorded 212 new Covid-19 cases overnight. Two Covid-19 patients have died in the latest reporting period. There is good news and sad news coming out of Victoria today. The state has recorded just 797 new Covid-19 cases this morning, continuing what appears to be a slight downward trend in numbers. However, sadly eight people infected with Covid-19 have died in the latest reporting period. Very normal things happening in Victoria today. Nothing to see there. It was the proposal designed to take the heat out of when and where the leaders of the two major parties would debate each other in the lead-up to the election. But a take-it-or-leave-it model for an "Australian Debates Commission" circulated by the government - far from cementing the independence of the body - proposes six of its 10 members be appointed either by the government, opposition, Liberal or Labor head offices. The model also proposes that if consensus isn't reached on when, where and how to engage, three debates will be slashed to just one outing in Canberra, overseen by the government-appointed "independent" commissioner or their choice of moderator. At the conclusion of the third leader's debate in May 2019 Scott Morrison and the then opposition leader, Bill Shorten, both committed to set up "an independent debates commission". You can read the full report below: I'll be bringing you updates on the Northern Territory Covid-19 situation throughout the morning, but if you want to get all caught up on why the towns of Katherine and Robinson River are in lockdown, you can check up the article below: Hundreds of New South Wales police officers will descend on the area where missing boy William Tyrrell disappeared seven years ago in "high intensity" searches following new evidence in the investigation. Detective chief superintendent Darren Bennett says the searches will last two to three weeks and some would be "subterranean". "It's highly likely that if we found something it would be a body," Bennett told reporters on Monday. "We are looking for the remains of William Tyrrell, there's no doubt about that." You can read the full report below: The deputy prime minister has labelled the idea that Australia can reduce coal exports without damaging the government's ability to provide services "blatantly childish" Fran Kelly: Boris Johnson said that the Glasgow deal, quote, "sounded the death knell for coal worldwide". Your colleague Matt Canavan says it's a big green light for us to build more coalmines. That's what he said the communique was. Who's right, the British prime minister or the senator from Queensland? Joyce: I think Matt's pretty smart. Look what he's clearly saying is, if I look at Newcastle harbour and there are coal ships, taking away coal, and there are. If I got to Gladstone and there are coal ships taking away coal, and there are. If I got to Hay Point and there are coal ships taking away coal, and there are, then the world is still demanding coal. In fact they are demanding more of it at a high price, thermal coal, because of coal-fired power stations. Kelly: But that's gonna change though, isn't it? The government's own modelling to net zero indicates that changes. Demand for coal cuts, I think it's by 50% within two or three decades, so it's changing. Joyce: Well, that will be determined by the global market. If people don't want to buy it, they don't want to buy it, but they're now buying it, and we are lucky they are, because the money that we get from that is how we pay for hospitals and schools, your police force, your pharmaceutical benefits scheme, your ABC and on and on and on again. You can't say 'I'm going to reduce the money I get but I still want all the services that it pays for'. It is just blatantly childish. Barnaby Joyce has washed his hands of the Glasgow climate agreement. He slammed the climate commitments from the UK, using the country's oil extraction operation in the North Sea, to suggest they are asking too much of Australia. He also seemed to imply that signing the Cop26 pack would mean that Australia wouldn't have enough money to pay for hospital and police, which is... an interesting take. In Australia, we had our discussions. The discussion for quite clear. We went to Glasgow with those discussions in mind. The whole Australia of knew about what we were taking to Glasgow. We went over to Glasgow, we've had those discussions. They say they're going to have another one of these conferences next year. And for my part, I want to make Australians make sure Australians don't make themselves poorer. If we kick out of the door our second biggest export in this nation, then quite obviously you're not bringing into this nation the money you need can support all the services that you take as a birthright from the ABC to the NDIS, to your pensions to the Pharmaceutical Benefits screen, to your hospitals, your police service, the whole bang lot! We have got to understand that our economy is different to the French economy or the American economy or the UK economy which surprisingly enough if they ask us to close down our coal section of our economy, our second biggest export, they didn't dare talk about their North Sea oil. No, that's sacrosanct. So they are allowed to look after their economy, but we've got to absolutely boot ours to pieces. What this means is that we have to be super cautious. Speaking of Barnaby Joyce and his response to the Glasgow climate agreement, the deputy prime minister is on ABC radio now. He tells host Fran Kelly that the Nationals are not happy with the pact the Australian government signed on Sunday. We were not actually in Glasgow. Kelly: I mean, come on, you are the deputy prime minister of Australia. Joyce: I know I'm the deputy prime minister of Australia! I know that I am Fran. I know, you didn't have to tell me that. The target that we have agreed to makes quite clear that we were not going to be changing out our 2030 targets. That was the ***process*** that we are on in Australia we have we've met and beaten every target now. Mr Albanese has a different plan... We know that they are going to bring forth legislation. They just don't intend to tell you about it.... [Shadow treasurer] Dr [Jim] Chalmers is very charming, charmingly sneaky... [He] says that they're going to somehow deceive us in the next couple of weeks... And they should be telling us now exactly what they intend to do. Good news for Townsville this morning! The Bureau of Meteorology has cancelled its severe thunderstorm warning for the regional city. The Nationals did not sign the final communiqué of the Glasgow climate summit that commits to doing more to cut medium-term emissions, deputy prime minister Barnaby Joyce has said, adding Australia is "happy with our targets". Joyce, who was campaigning in the NSW coal town of Singleton on Monday, said the government had already determined its 2030 emission reduction target, and the Nationals had not agreed to the Cop26 pact signed by the Australian government on Sunday. "The Nationals did not sign it. I did not sign it," Joyce told the ABC. "I am an executive member of this government. We are happy with our targets, with the negotiations the Nationals had with the Liberals (and) we said that we wouldn't be changing our 2030 targets." You can read our full report below: Good morning everyone, it's Matilda Boseley here, ready to take you through all the news of Tuesday. Let's start off in Victoria where the state government has made several changes to its controversial pandemic legislation to address legal and human rights concerns after it was criticised for being too broad and lacking in parliamentary oversight. This comes as the bill is headed for debate in state parliament's upper house. A controversial clause that gave the Victorian health minister the ability to make orders based on a person's "characteristics, attributes or circumstances", such as age, location, vaccination status and occupation, also raised concerns. After negotiations with some key crossbench MP's, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 has been altered to clarify that the premier will need "reasonable grounds" to declare a pandemic and that the application of orders based on characteristics "must be relevant to the public health risk". The health minister will be required to confirm the role the Charter of Human Rights and Responsibilities has played in their decisions. The advice behind any orders issued must be made public within a week rather than a fortnight, while the parliament's Scrutiny of Acts and Regulations Committee will be given the power to consider any order when it is made, instead of after it is tabled. Maximum fines for people who breach public health orders have been halved. Meanwhile, further north, the communities of greater Katherine and Robinson River in the Northern Territory have entered a 72-hour lockdown. NT chief minister Michael Gunner announced the lockdown on Monday after two people tested positive since spending time at the Robinson River remote community. One of the two new positive cases, a 30-year-old Aboriginal woman, lives in Robinson River about 800km from Katherine. It is believed she has been infectious since November 11. The woman's case is the first Covid-19 infection reported in a remote Aboriginal community. A 43-year-old Aboriginal man, who lives with seven others in Katherine East, also tested positive on November 13, just four days after testing negative. Health officials believe the man has possibly been infectious since November 10, spends time in Robinson River and is a household contact of the woman. Alongside the lockdown, health officials have already been deployed to affected areas for a testing and vaccine blitz. Well, I will keep you up to date with that, and all the other important news of the morning, so grab yourself a coffee and why don't we jump into the day. 70228 false false Cait Kelly (now) and Matilda Boseley (earlier) Victorian attorny general Jaclyn Symes.

**Load-Date:** November 16, 2021

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[***Morocco Monthly Briefing August 2021***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:63KR-3W71-DYRW-V044-00000-00&context=1516831)

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**Body**

**ABSTRACT**

***The ruling Parti de la Justice et du Développement (PJD) suffers a surprising electoral loss in Morocco's professional chambers' elections held on 6 August. The result raises questions on whether the ruling Islamic party will face similar results in the 8 September general elections. The government has enforced stricter measures to combat Covid-19 and its variants as it receives praise for its response to the pandemic from the International Monetary Fund (IMF), United Kingdom-headquartered data analytics and consulting company GlobalData, and international auditing and consulting firm Deloitte. Foreign minister Nasser Bourita receives his Israeli counterpart, Yair Lapid, in a visit that further solidifies relations between the two countries since their December agreement to resume diplomatic relations***.

**FULL TEXT**

**Ruling party suffers defeat in professional chambers' elections...**

The ruling **Parti de la Justice et du Développement** (**PJD**) suffered a surprising electoral loss in the **Moroccan** professional chambers elections held on 6 August. While the professional chambers' members do not hold executive authority, representatives of each sector act as consultants, influencing policy within their respective sectors and pushing their interests through government consultations and lobbying. Political parties nominate their members for positions in order to expand their political influence across various sectors. Members of the opposition **Rassemblement National des Indépendants** (**RNI**) won 638 seats (28.61%) in the election while the PJD only secured 2.20%.[[1]](#footnote-2)1 The result has raised questions on whether the ruling Islamic party will face similar results in the general elections scheduled for 8 September.[[2]](#footnote-3)2

The **Parti Authenticité et Modernité** (**PAM**) came second in the professional chambers elections with 363 seats (16.28%), followed by the **Istiqlal Party** with 360 seats (16.14%).[[3]](#footnote-4)3 The **Mouvement Populaire** took 160 seats (7.17%), followed by the **Union Socialiste des Forces Populaires (USFP)** with 146 seats (6.55%), the **Union Constitutionnelle** with 90 seats (4.04%), the **Parti du Progrès et du Socialisme (PPS)** with 82 seats (3.68%) and the PJD.[[4]](#footnote-5)4 Other political entities, 23 in total, gained 71 seats (3.18%), and independent candidates secured 271 seats (12.15%).[[5]](#footnote-6)5 Interior minister **Abdelouafi Laftit**, in a press conference on 7 August, noted:

"*These elections were marked by the participation of 882,736 voters, or 47.24% of the professional electorate, against 43% in 2015*."[[6]](#footnote-7)6

Given that no single party won close to or exceeded 50% of the vote, the three top parties have formed an alliance in order to pass legislation through the parliamentary opposition. RNI, PAM and Istiqal announced a presidential alliance for the professional chambers on 8 August.[[7]](#footnote-8)7 The RNI will preside over the chamber of ***agriculture***, Istiqlal over the chamber of industry, commerce and services, and PAM will take over the chamber of traditional handicraft.

Analysts question whether the RNI will be able to replicate its remarkable electoral performance in the upcoming general election, with some observers claiming that the professional chambers election is unlikely to impact the 8 September election.[[8]](#footnote-9)8 Traditionally, the party that wins the professional chambers election often loses influence in the general election. In 2015, the PAM secured double the professional seats of PJD, but the latter won the general election by a landslide.[[9]](#footnote-10)9

**Morocco tightens restrictions amid rising covid-19 cases...**

The government has enforced stricter ***measures*** to curb the spread of **Covid-19** amid a *"third wave"* of infections. **Scientific Technical Committee for Covid-19** member **Azzedine Ibrahimi** expressed serious concern on 10 August about the deteriorating epidemiological situation in the country.[[10]](#footnote-11)10 Ibrahimi said the rapidly spreading delta variant has caused cases to double from earlier predictions. Ibrahim noted the development was *"expected"* in the midst of the third wave of Covid-19, citing the large number of patients in critical condition as the greatest cause for concern:

*"If we do not stop the infections today, the situation will worsen even more, because every decision we take now, we will be able to see its result dozens of days after. The hypothesis of tightening restrictions and partial quarantine and in the short term remains the only remaining solution."*[[11]](#footnote-12)11

The government extended and expanded the 11pm-4.30am curfew to 9pm-5am, effective 3 August, while extending the health state of emergency to 10 September.[[12]](#footnote-13)12 Travel to and from **Casablanca, Agadir** and **Marrakesh** has been banned, and only people with valid vaccination passports, a permit and in need of urgent medical conditions are allowed to travel to the three cities. Restaurants, cafes and stores are allowed to operate until 9pm daily. Businesses and services such as hotels, restaurants and intercity transport can operate, subject to certain capacity limitations.[[13]](#footnote-14)13 Domestic flights and public transport, including bus and rail service, are still in operation but private and public gatherings are banned.

For Covid-19 tracking and monitoring purposes, government has classified areas in the country as either "Zone-1" or "Zone-2" regions based on their local levels of Covid-19 activity. Restrictions in Zone-1 areas have been eased due to lower disease activity and residents can leave their homes without special permits; however, they must carry national identity cards at all times.[[14]](#footnote-15)14 Establishments in Zone-1, such as restaurants, beaches, hotels, cafes and all businesses, can only operate at 50% capacity and must adhere to social distancing guidelines. In Zone-2 areas, government has eased only some restrictions and residents may not travel outside their municipalities of residence without special permits.

For entry to Morocco, government classifies countries into "List A" and "List B". List A includes countries with positive indicators regarding their control of the Covid-19 epidemiological situation. Travellers from such countries, whether Moroccan or foreigners living there, can enter Morocco subject to providing a vaccination certificate or a negative polymerase chain reaction (PCR) test taken 72 hours before departure.[[15]](#footnote-16)15 List B includes countries experiencing a spread of variants or lacking precise Covid-19 case statistics.[[16]](#footnote-17)16 Travellers from these countries must obtain ***exceptional*** authorisation prior to travel, present a negative PCR test result taken less than 48 hours prior to arrival, and undergo mandatory quarantine on arrival. Unvaccinated or partially vaccinated individuals traveling from List B countries are required to undergo a mandatory 10-day quarantine period at a government designated facility at their own expense. Travelers from List B countries presenting a certificate of full vaccination against COVID-19 are exempt from quarantine requirements. In the most recent update to Morocco's travel restrictions published on 3 August, the foreign ministry announced that Moroccan residents will be able to self-isolate for five days at home upon arriving from a List B country.[[17]](#footnote-18)17 The foreign affairs ministry updates the countries on List A and List B regularly and at least twice a month.

According to the health ministry, Morocco has fully vaccinated 11,980,285 of its 36.4 million population against Covid-19 since beginning its vaccination campaign at the end of January.[[18]](#footnote-19)18 At least 16,740,875 people have received a first dose. As of 17 August, Morocco had recorded a total of 772,394 cases, with 681,705 recoveries and 11,242 Covid-19-related deaths.[[19]](#footnote-20)19

**IMF and Deloitte reports highlight Morocco's encouraging economic outlook...**

Morocco has received recent acknowledgment of its effective response to the Covid-19 pandemic and positive economic prospects from several sources. Recent publications by the **International Monetary Fund (IMF), United Kingdom**-headquartered data analytics and consulting company **GlobalData**, and international auditing and consulting firm **Deloitte** have all highlighted Morocco's encouraging economic outlook.

The IMF, in its update to the **World Economic Outlook**, published predictions on 27 July of economic growth in several regions, including Morocco. The IMF mentioned Morocco as among emerging markets and developing economies that are performing well.[[20]](#footnote-21)20 IMF analysts say Morocco has enjoyed *"robust activity"* during 2021, offsetting trends seen in other regions globally.[[21]](#footnote-22)21 According to the IMF, recent developments in the automobile and energy industries continue to support the Moroccan economy. Morocco's automotive exports reached $4.76 billion as of June, mainly due to the 47.1% increase in assembly sales and the 36% growth in wiring sales.[[22]](#footnote-23)22 This is a continuation of a positive growth trend in the local auto sector, a key revenue source for the kingdom. The IMF forecasts that real GDP in Morocco will increase by 4.5% in 2021, although consumer prices are only predicted to increase by 0.8%.[[23]](#footnote-24)23 The inflation rate is forecast to increase slightly into 2022, but is likely to remain the lowest it has been in the past six years.[[24]](#footnote-25)24 With global food prices expected to continue rising, Morocco's encouraging ***agricultural*** season will give it greater global economic leverage.[[25]](#footnote-26)25

GlobalData similarly predicts encouraging growth for Morocco's economy, placing the country at the top of a list of five **African** countries expected to attain above 4% real GDP growth in 2021. In a report published on 9 August, GlobalData predicts Morocco, **Ghana, Kenya**, **South Africa** and **Egypt** to be Africa's fastest growing economies this year and the only economies on the continent expected to attain more than 4% real GDP growth.[[26]](#footnote-27)26 GlobalData analysts expect Morocco to see GDP growth of 5.19% this year, saying the kingdom's economic strategies have enabled it to progress by *"leaps and bounds"*, noting its recent substantial ***agricultural*** yields as a factor in the forecasted growth.[[27]](#footnote-28)27

Deloitte, too, has lauded Morocco for its *"remarkable"* response to the Covid-19 pandemic. In a 47-page report published on 5 July entitled *"Morocco, from resilience to emergence?"*, Deloitte cites the **World Bank**'s description of Morocco's Covid-19 strategy as *"swift and decisive"*, and IMF praise of Morocco as *"making the right choice for its citizens"*.[[28]](#footnote-29)28 Deloitte analysts noted Morocco's strategy of *"maximum precaution", "external financing instruments"* and *"extensive social safety net"* as factors that minimised the overall shock of Covid-19 on its citizens. Morocco has maintained the lowest Covid-19 infections in Africa, on par with many western countries.[[29]](#footnote-30)29

Deloitte also lists Morocco's national infrastructure development as one of the major achievements leading up to and during the pandemic.[[30]](#footnote-31)30 Morocco's upgrades to its roads, ports and railways have facilitated trade. Along with new trade deals Morocco has signed with the **European Union (EU), United States (US)**, **Egypt, Turkey** and the **African Continental Free Trade Area** (**AfCFTA**), infrastructure improvement has given Morocco an *"economic buffer"* as economic activity slowed down for most of the world.[[31]](#footnote-32)31

Deloitte also highlighted Morocco's commitment to sustainability and green energy as an achievement that demonstrates its dedication to fighting global issues such as climate change and pollution.[[32]](#footnote-33)32 Deloitte analysts noted that a significant part of Morocco's progress started with the coronation of King **Mohammed VI** (1999-present) and the numerous reform initiatives implemented under his reign.[[33]](#footnote-34)33

However, Deloitte's report also listed socio-economic problems that Morocco needs to address. These include unequal access to resources, low female employment participation, and socio-economic polarisation between regions.[[34]](#footnote-35)34 The reports notes that Morocco's plans for *"universalisation of social protections"*, simplification of the State apparatus, and increased digitisation will strengthen Morocco as a key regional figure and pivot the country into the global economy.[[35]](#footnote-36)35

**Israel's foreign minister makes first visit to Morocco since ties normalised...**

Foreign minister **Nasser Bourita** received his **Israeli** counterpart, **Yair Lapid**, during an official visit on 11 August.[[36]](#footnote-37)36 The visit has further solidified relations between the two countries since they agreed in December to resume diplomatic relations. Lapid is the first Israeli foreign minister to visit Morocco since 2003.[[37]](#footnote-38)37

Morocco halted mid-level relations with Israel in 2000 in solidarity with **Palestine**, which launched an uprising against Israel that year. Together with three other **Arab** nations, namely **Sudan, Bahrain** and the **United Arab Emirates** (**UAE**), Morocco normalised relations with Israel in 2020 under US-engineered accords.[[38]](#footnote-39)38 As part of the agreement, **Washington** recognised Morocco's sovereignty over the **Western Sahara**, a major diplomatic achievement for **Rabat**. The agreement amplified tensions between Morocco and **Algeria**, which supports separatism in the Western Sahara. The deal between the four Arab countries and Israel angered Palestine, which has long relied on Arab support in its pursuit of statehood in the Israeli-occupied **West Bank** and **Gaza**. Until 2020, only two Arab States, **Jordan** and **Egypt** had maintained full ties with Israel.

During his visit, Lapid said Morocco and Israel will intensify their restored diplomatic relations and upgrade their liaison offices to embassies within two months.[[39]](#footnote-40)39 He also inaugurated Israel's liaison office in Rabat and visited a synagogue in Casablanca. Lapid indicated that the timing was not right for any major breakthroughs in peace efforts with Palestine, after talks with Palestine collapsed in 2014.[[40]](#footnote-41)40

Morocco's rapprochement with Israel has not garnered universal approval in Morocco. A local source told ARC,

*"While Morocco won a big victory in gaining US recognition for its sovereignty over the Western Sahara, many residents call Israel an apartheid state and feel Morocco betrayed the Muslim cause by re-establishing relations."*[[41]](#footnote-42)41

**Planner**

8 Sep 2021 **(Morocco)** General elections

Oct 2021 **(Morocco)** Scheduled joint Morocco-**United Kingdom** military exercisea

2021 **(Morocco)** Scheduled construction of five new dams;

2021 **Oued Zem (Morocco)** Scheduled opening of automotive testing centre;

Q4 2021 **Marrakech (Morocco)** 24th **General Assembly of the World Tourism Organization (UNWTO)**

2022 **Marrakech (Morocco) International Monetary Fund** and **World Bank** annual meetings to take place in Morocco;

**Chronology**

16 Aug 2021 **Rabat (Morocco)***Morocco World News*. In a meeting with foreign minister **Nasser Bourita, South Korea**'s deputy foreign minister, **Choi Jong-Kun**, praises King **Mohammed VI**'s leadership in Morocco's efficient handling of the **Covid-19** crisis;

16 Aug 2021 **Rabat (Morocco)***Morocco World News*. **United States (US)** special envoy and ambassador to **Libya, Richard Norland**, in a meeting with Morocco's foreign affairs minister, **Nasser Bourita**, conveys US satisfaction with Morocco's mediation role in Libya;

14 Aug 2021 **Rabat (Morocco)***Morocco World News*. The health ministry announces it will expand eligibility for vaccination to anyone above the age of 18 starting 16 August;

13 Aug 2021 **Rabat (Morocco)***Morocco World News*. Morocco's main port operator, **Marsa Maroc**, has reported a substantial increase in shipping activity throughout the country's ports;

13 Aug 2021 **Rabat (Morocco)***Reuters*. Morocco receives 600,000 doses of the **United States (US)**-manufactured **Pfizer** Covid-19 vaccine;

13 Aug 2021 **Rabat (Morocco)***Morocco World News*. The health ministry is preparing to launch a vaccination campaign among the 12-15 age group;

12 Aug 2021 **Dakhla (Morocco)***Morocco World News*. **Dakhla** is developing as a hotspot for tourists and tourism-related investment, promising to exceed 6,000-bed capacity by the end of 2023;

12 Aug 2021 **Rabat (Morocco)***Map News*. King **Mohammed VI** sends condolences and sympathy for the victims of the devastating wildfires in **Algeria**;

12 Aug 2021 **Rabat (Morocco)***The Times of Israel*. **Israel**'s President **Isaac Herzog** has invited Morocco's King **Mohammed** VI to a meeting in Israel as both countries' foreign ministers agree on opening embassies in two months;

11 Aug 2021 **Rabat (Morocco)***Aljazeera*. Morocco and **Israel** intensify cooperation through the signing of three accords;

11 Aug 2021 **Rabat (Morocco)***Africa News*. **Israel**'s foreign minister, **Yair Lapid**, makes his first trip to Morocco following the re-establishment of diplomatic ties between the two countries, becoming the first Israeli foreign minister to visit Morocco since 2000;

11 Aug 2021 **Rabat (Morocco)***allAfrica*. King **Mohammed VI** instructs the government to express Morocco's readiness to assist **Algeria** in fighting against forest wildfires raging in the city of **Tizou** in Central Algeria;

10 Aug 2021 **Rabat (Morocco)***Africa News*. Government announces it has opened the first of many planned smart vaccination centres designed to increase the efficiency of the national vaccination campaign to curb the covid-19 crisis;

10 Aug 2021 **London (United Kingdom)***Morocco World News*. The **Marrakech-Menara** airport ranks fifth in British consultancy group **Skytrax** 2021 *"Best airports in****Africa****"* report, with **Casablanca**'s **Mohammed V** airport in sixth place and **South Africa**'s **Cape Town International Airport** in first place;

10 Aug 2021 **Rabat (Morocco)***INN Poland*. An economic mission from **Poland** will visit Morocco in September with the aim of expanding into *"one of****Africa****'s most interesting markets"*;

10 Aug 2021 **Rabat (Morocco)***Morocco World News*. Morocco's professional elections held on 6 August have culminated in surprising defeat for the ruling **Parti de la Justice et du Développement (PJD)**;

10 Aug 2021 **Rabat (Morocco)***Morocco World News*. Morocco celebrates the Islamic New Year;

9 Aug 2021 **Rabat (Morocco)***GlobalData*. Morocco tops a list of five **African** countries expected to have above 4% real GDP growth in 2021;

9 Aug 2021 **Dakhla (Morocco)***Morocco World News*. Moroccan construction companies **SGTM** and **SOMAGEC** are preparing to start construction on the new **Dakhla-Atlantic** port after winning an intensive international bidding ***process***, dedicating over $1.4 billion to the project;

9 Aug 2021 **Rabat (Morocco)***Morocco World News*. Government delegate in **Spanish** enclave of **Ceuta, Salvadora Mateos**, describes relations between **Spain** and Morocco as *"very good"* despite unsettled issues between the two countries;

9 Aug 2021 **Rabat (Morocco)***APA News*. Minister of industry, trade, and green and digital economy **Moulay Hafid Elalamy** has embarked on a working visit to the **United States (US)** to promote the Moroccan aeronautics industry;

9 Aug 2021 **Rabat (Morocco)***News.in-24*. **Algeria**'s president **Abdelmadjid Tebboune** says he has "no answer" to King **Mohammed VI**'s dialogue initiative to restore relations between Morocco and Algeria;

8 Aug 2021 **Rabat (Morocco)***Map News*. Morocco's ambassador to **Kenya, El Mokhtar Ghambou**, calls on **Nairobi** to support the autonomy plan presented by Morocco to find a solution to the **Western Sahara** conflict;

7 Aug 2021 **Rabat (Morocco)***Morocco World News*. The ministry of national education, vocational training, higher education and scientific research releases a press calling on students to get vaccinated;

7 Aug 2021 **Rabat (Morocco)***Africa Arbitration*. The **United Kingdom** and Morocco are aiming to vastly expand their existing trade relations and invest in developing new ties in education and green energy;

7 Aug 2021 **Rabat (Morocco)***Morocco World News*. The ministry of health officially announces that anyone aged 20 or older is now eligible to receive vaccination against covid-19;

6 Aug 2021 **Rabat (Morocco)***The Jerusalem Post*. Tourism minister **Nadia Fettah Alaoui** holds talks with her **Israeli** counterpart, **Yesh Atid MK Yoel**, to discuss opportunities for cooperation between the two countries;

6 Aug 2021 **Rabat (Morocco)***Morocco World News*. National carrier **Royal Air Maroc** issues new instructions for Moroccans intending to travel abroad amid the Covid-19 resurgence;

6 Aug 2021 **Rabat (Morocco)***Bank Al-Maghrib*. **Bank Al-Maghrib** (central bank) reports the financial sector is showing *"impressive resilience"* in the face of the health crisis;

6 Aug 2021 **Rabat (Morocco)***Morocco World News*. Foreign minister **Nasser Bourita** says Covid vaccines need to be readily accessible to the public in order to end the Covid-19 crisis;

6 Aug 2021 **Rabat (Morocco)***Morocco World News*. The health ministry has extended the national vaccination campaign to include various vulnerable groups, including pregnant women;

5 Aug 2021 **Rabat (Morocco)***Flight Global*. National carrier **Royal Air Maroc** will soon receive five new Airbus 321 airplanes as part of a long-term agreement with the **Latvia**-based wet-lease specialist **Smartlynx Airlines**;

5 Aug 2021 **Rabat (Morocco)***Ministère de l'industrie du commerce de l'économie verte et numérique*. **Renault Group** CEO **Luca De Meo** says Morocco is in the top five industrial countries for the company;

5 Aug 2021 **Rabat (Morocco)***Morocco World News*. Domestic carriers **Royal Air Maroc** and **Air Arabia** are set to launch flights connecting **Tel Aviv** in **Israel** with **Marrakech** and **Casablanca**;

5 Aug 2021 **Nouaceur (Morocco)***News.in-24*. The health ministry launches Morocco's first smart vaccination centre in **Nouaceur** province;

5 Aug 2021 **Rabat (Morocco)***Morocco World News*. **Spain'**s recently appointed foreign minister, **Jose Manuel Albares**, calls for *"tranquility, time, and discretion"* to solidify diplomatic relations with Morocco;

4 Aug 2021 **Rabat (Morocco)***Bergaag*. **United Kingdom (UK)** ambassador to Morocco **Martin Simon** announces a joint Morocco-UK military exercise to be held in October;

4 Aug 2021 **Rabat (Morocco)***Morocco World News*. The ***agriculture*** ministry reports good performance in terms of ***agriculture*** and maritime exports;

4 Aug 2021 **Rabat (Morocco)***Morocco World News*. Morocco files a lawsuit against **German** newspaper **Suddeutsche Zeitung** for promoting *"false"* allegations accusing **Rabat** of using the Israeli **Pegasus** spyware;

3 Aug 2021 **Agadir (Morocco)***North Africa Post*. **British** Oil company **Europa Oil & Gas** announces its entrance into Morocco's lucrative oil industry with a new drill site located in the **Agadir** basin, which could hold two billion barrels;

3 Aug 2021 **Rabat (Morocco)***Morocco World News*. Another shipment of one million doses of **China**-manufactured **Sinopharm** Covid-19 vaccine arrives in Morocco;

3 Aug 2021 **Rabat (Morocco)***Garda*. Government announces a series of restrictive ***measures*** in response to an increase in Covid-19 cases, as the tourism sector demandes support amid the new restrictions;

3 Aug 2021 **Rabat (Morocco)***Morocco World News*. The **United States (US)** adds Morocco to its Level 3 *"high"* risk list following a resurgence of Covid-19 infections in Morocco;

3 Aug 2021 **Rabat (Morocco)***Morocco World News*. Communicable diseases head **Adelkrim Meziane Bellefquih** says Morocco has entered community transmission phase for Covid-19 for an estimated five to six weeks and predicts the Covid-19 wave will peak in the next few days;

3 Aug 2021 **Rabat (Morocco)***Haut Commissariat au Plan*. The **Haut Commissariat au Plan (HCP)** (planning commission) reports an increase of 0.5% in the unemployment rate;

3 Aug 2021 **Brasilia (Brazil)***Brazil-Arab News Agency*. The **Brazil Institute of Systems Engineering and Computers (INESC)** agrees to transfer important electric vehicle (EV) technology to Morocco's **Green Energy Park (GEP)** research platform;

2 Aug 2021 **Moulay Bousselham (Morocco)***Afrik21*. **United Kingdom**-based company **Biwater** has received a contract from the **Regie Autonome de Kenitra (RAK)** to plan and build a new wastewater treatment plant in **Moulay Bousselham** (**Kenitra** province);

2 Aug 2021 **Rabat (Morocco)***Morocco World News*. Government announces a travel ban to and from the cities of **Casablanca, Marrakech** and **Agadir**, allowing those vaccinated with valid vaccination passports and urgent medical conditions to travel to the three cities, and extends curfew hours from 9pm to 5am, for those without vaccination passports;

2 Aug 2021 **Rabat (Morocco)***North Africa Post*. **United States (US) Army** chief of staff general **James C. McConville** is leading a high-level delegation for an official work visit in Morocco;

1 Aug 2021 **Rabat (Morocco)***APS Algeria*. **Polisario Front**'s minister of security and documentation, **Abdellah Lahbib Bilal**, passes away from Covid-19 complications;

31 Jul 2021 **Rabat (Morocco)***Diplomatie*. In a speech to the nation celebrating the 22nd anniversary of his ascension to the throne, King **Mohammed VI** says Morocco wants a shared and brotherly future with its "twin," **Algeria**;

30 Jul 2021 **Rabat (Morocco)***Morocco World News*. **African Union (AU)** commissioner for trade and industry **Albert Muchanga** praises Morocco's extensive participation at the AU level;

30 Jul 2021 **Rabat (Morocco)***Daily Newslines*. Morocco's automotive exports reached $4.76 billion as of June, mainly due to the 47.1% increase in assembly sales and 36% growth in wiring sales;

30 Jul 2021 **Rabat (Morocco)***Atalayar*. Throne day festivities are cancelled due to the Covid-19 crisis;

30 Jul 2021 **Rabat (Morocco)***Morocco World News*. **Maroc Telecom** has reported a 7.1% decrease in domestic revenues in the first half of 2021 compared to the same period last year;

30 Jul 2021 **Rabat (Morocco)***Morocco World News*. Government is deploying the military to support the national vaccination campaign amid a rapid increase in Covid-19 cases across the country;

30 Jul 2021 **Rabat (Morocco)***Morocco World News*. **Spain**'s prime minister, **Pedro Sanchez**, calls for "discretion" to mend the diplomatic crisis between Morocco and Spain;

29 Jul 2021 **Rabat (Morocco)***New.in-24*. **Agence Française de Développement** (**AFD**) (**French** development agency) signs a $237m agreement with Morocco to tackle climate and social issues within the country;

29 Jul 2021 **Rabat (Morocco)***Morocco World News*. Remittances from the Moroccan diaspora totalled nearly $5 billion as of June, a 48.1% increase compared to the same period last year;

29 Jul 2021 **Rabat (Morocco)***Natural Gas Watch*. **United Kingdom**-based and Moroccofocused natural gas production company **Sound Energy** has signed a 10-year partnership with Morocco's **Afriquia Gaz** concerning the sale of liquid natural gas (LNG);

29 Jul 2021 **Laayoune (Morocco)***Diplomatie*. **Malawi** officially inaugurates its consulate general in **Laayoune**, having withdrawn recognition of the **Polisario Front**'s self-proclaimed **Sahrawi Arab Democratic Republic** (**SADR**) in 2017, a decision that resulted in consolidated ties between **Rabat** and **Lilongwe**;

29 Jul 2021 **Rabat (Morocco)***Morocco World News*. A forecast from the Export Institute in collaboration with the **Israeli** Ministry of Regional Cooperation predicts that annual exports from Israel to Morocco will reach $250m, over 10 times the current figure of $10m currently;

28 Jul 2021 **Rabat (Morocco)***Map News*. Foreign minister **Nasser Bourita** receives **United States** acting assistant secretary of state for near eastern affairs, **Joey Hood**, in **Rabat**;

28 Jul 2021 **Rabat (Morocco)***Renault Group*. Trade minister **Moulay Hafid Elalamy** meets with **Renault Group** CEO **Luca de Meo** to sign an agreement for the company to purchase over $3.5 billion in cars and parts made in Morocco;

28 Jul 2021 **Rabat (Morocco)***Office National de l'Electricité et de l'Eau Potable*. Energy minister **Aziz Rabbah** reports that **l'Office National de l'Electricité et de l'Eau Potable** (**ONEE**) (national electricity and potable water office) registered net profit of over MAD 2 billion ($225m) in 2020;

27 Jul 2021 **Washington (United Kingdom)***International Monetary Fund*. **International Monetary Fund (IMF)** report predicts positive economic growth in several regions of the world, including Morocco;

27 Jul 2021 **Rabat (Morocco)***GovCon Wire*. **United States (US)** defence contractor **Raytheon** to deliver $212m worth of fighter jet engines to Morocco by 2025, consisting of **29 Pratt & Whitney** F100-229 fighter aircraft engines;

27 Jul 2021 **Rabat (Morocco)***Assahifa*. **Tunisia**'s President **Kais Saied** receives Morocco's foreign affairs minister, **Nasser Bourita**, in Tunisian capital **Tunis**;

27 Jul 2021 **Rabat (Morocco)***Morocco World News*. Government announces decision to extend state of emergency until 10 September as part of efforts and campaign to combat Covid-19 and its variants;

26 Jul 2021 **Rabat (Morocco)***Morocco World News*. Government announces that residents can receive doses of the Covid-19 vaccine regardless of their location or address across Morocco;

26 Jul 2021 **Rabat (Morocco)***Office National Des Aéroports*. The **Office National Des Aéroports (ONDA)** (national airports office) reports an ***unprecedented*** and significant decline in traffic, despite slow return of normalcy to the country, with Moroccan airports experiencing volume of 2,473,988 commercial passengers in the first half of 2021, compared to 11,669,548 passengers during the same period in 2019, a 78.8% decline;

26 Jul 2021 **Rabat (Morocco)***Morocco World News*. Morocco to receive three million doses of **China**-manufactured **Sinopharm** Covid-19 vaccine before end of July bringing to 10 million the Sinopharm doses it has received in July;

26 Jul 2021 **Rabat (Morocco)***Times of Israel*. **Algeria** denounces **African Union (AU)** decision to admit **Israel** as an observer in the organisation; Israel last held an observer role in the AU in 2002;

25 Jul 2021 **Rabat (Morocco)***Morocco World News*. The **Office National Marocain Du Tourisme (ONMT)** (national tourism office) signs a memorandum of understanding (MoU) with **Israeli** flag carrier airline **El Al Airlines** following inaugural flight between Israel's **Ben Gurion Airport** and Marrakech's **Menara Airport**, aimed at bringing more Israeli tourists to Morocco;

25 Jul 2021 **Rabat (Morocco)***Financial Times*. Morocco's ambassador to **France, Chakib Benmoussa**, denies allegations of Morocco spying on France's President **Emmanuel Macron**, pointing to lack of evidence corroborating the claims and saying the **Pegasus** affair aims to destabilise Morocco;

25 Jul 2021 **Rabat (Morocco)***Morocco World News*. **United States (US)** administration announces it will donate a $1.5m field hospital to Morocco to help combat infectious disease outbreaks in Morocco, having invested over $15m in Morocco's Covid-19 pandemic response;

24 Jul 2021 **Rabat (Morocco)***United States Embassy in Morocco*. **United States (US)** administration donates over 300,000 **Johnson & Johnson** Covid-19 vaccines to Morocco amid a third wave of infections;

24 Jul 2021 **Rabat (Morocco)***Map News*. The **Direction Générale de la Météorologie (DGM)** (directorate general of meteorology) has acquired the new AMTAR supercomputer to improve weather forecasts, warnings and climate analysis, giving Morocco the lead in **Africa**'s meteorological planning;

24 Jul 2021 **Rabat (Morocco)***Morocco World News*. Morocco is one of 11 countries listed as customers of **Israeli** spyware **Pegasus**, allegedly to spy on foreign dignitaries;

20 Jul 2021 **Rabat (Morocco)***Time*. **Marrakech** joins 99 world sites on **Time** magazine's *"Top 100 Greatest Places of 2021"*.

**FOOTNOTES**

**Load-Date:** September 13, 2021

**End of Document**



[***MOTION TO DISCHARGE; Congressional Record Vol. 167, No. 177 (Senate - October 07, 2021)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:63TH-FBH1-F0YC-N1FD-00000-00&context=1516831)

Impact News Service

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**Length:** 28557 words

**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

Mr. SCHUMER. Pursuant to S. Res. 27, the Health, Education, Labor, and Pensions Committee being tied on the question of reporting, I move to discharge the Senate Health, Education, Labor, and Pensions Committee from further consideration of the nomination of Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education. The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order. Mr. SCHUMER. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered. Mr. SCHUMER. Thank you, Mr. President. I ask unanimous consent that the time during the quorum call be equally divided. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. SCHUMER. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. INFRASTRUCTURE BILL Mr. BARRASSO. Mr. President, I come to the floor today to oppose, of course, the Democrats' reckless tax-and-spending bill. I have been coming to the floor to talk about this--the wasted taxes, the spending, all of the sorts of things the Democrats are trying to do. You know, right now, the Democrats are pushing a Big Government, socialist agenda. There can be no question about it. They want additional, permanent welfare programs. They want to--to me, this bankrupts current programs, like Medicare. It takes--it is very hard to think about this amount of spending without realizing the risk that it proves for Social Security. And, of course, the Democrats are proposing this big green new disaster. For all this spending, what do they want to do? Well, they want to raise taxes by trillions and trillions of dollars. But it is still not enough to pay for all of the spending that they want to do. That is why Democrats are now working and pushing this backdoor tax increase. Democrats want to supersize the least accountable and most powerful Agency of the Federal Government. And that, of course, is the Internal Revenue Service. Now, what we know about this Agency, the IRS, is that they have, time and time again, proven they can't be even trusted to properly secure data, when we look at the leaks that come out of the IRS. But they are looking for more data and more information, private information, private business by American taxpayers. Democrats are asking, in this $3.5 trillion bill, $80 billion of additional funding for the Internal Revenue Service. They want to give the IRS enough money and power to hire a full new army of bureaucrats. [[Page S6955]] President Biden's Treasury Secretary Janet Yellen has been very clear. She knows what she wants to do with some of the money. She wants to force banks to tell the IRS every time anyone writes or deposits a check above a certain amount in their banking account, checking account. And right now, the number that she is talking about is $600-- $600 for a check written or deposited. So every time someone pays the rent, deposits a paycheck, Democrats want the IRS to know about it. Not enough to know that government knows how much people make; they want to know how much they spend. It is Big Brother initiative to squeeze every last penny out of working families. I mean, why else would they want to go after every hard-working man and woman in America to find out this information? As Americans find out about that, they are furious. They are smart enough to know that when Joe Biden first says we are only going to tax the billionaires--they are only going to tax the billionaires--why are they looking into the banking accounts and the checking accounts and the deposits and the withdrawals of people all across the country? Because the tax man is coming for them as well when it comes to trying to pay for this massive tax-and-spending blowout. So as more and more people find out about it, the more furious they become. I got a report again this morning, 488 more emails and letters into Wyoming Senate--Senator from Wyoming about that from my home State. I have received more calls, more emails, more letters from people from Wyoming on this one topic than on any one topic that I can recall in the time that I have been in the U.S Senate. And everyone calling and writing about it has the same position. It is not like, well, half of the people are for it and half of the people are against it. Everybody is against this. Everyone we have heard from--the 488 that I heard from within the last 24 hours--everyone is against this proposal. Thousands and thousands of emails. I talked to Senator Lummis, the other Senator from Wyoming. Her inbox is completely full as well, all related to this topic. It is what I heard about in the grocery store this past weekend at home in Wyoming. This new scheme will be terrible, and not just for the taxpayers. It is going be a heavy weight around the neck of the community banks and credit unions in Wyoming. I talked to one of the bankers from Wyoming. She was in the grocery store getting food for the weekend. What did she--it was the only--it was the thing she wanted to talk about, is the fact they would have to hire three new employees to comply with all of the regulations coming out that would relate to trying to get this information from their bank to the IRS. In addition, this would be quite an attack on our privacy. This Big Brother scheme would make bankers and credit union associates into de facto IRS agents. And as this bank officer said to me, she said: Look, I don't want--I am not going to be working for the IRS. I work for my customers, my clients, the people of Wyoming. The last thing I want to do is be somebody reporting into the IRS. This is what I am hearing from bankers all around the State of Wyoming. They don't want to be invading people's privacy. They don't want to become agents of the IRS. People in Wyoming have a straightforward response to this administration, and it is this: Leave us alone. We don't need you looking over our shoulder, prying into our life and our activities. If Democrats go forward with this Big Brother plan, the people all across this country will not stand for it. Many people in Wyoming will look for alternatives to traditional banks and credit unions because they don't want the IRS and the government and Big Brother to know their personal activities. They want to protect their privacy. They may find other places to put their money. Look, that is going to devastate local banks, local credit unions, if people take their money out because they don't want the government boring into their data and their financial transactions. It is going to happen in every State. Hard to believe the government would want to do that, but yet Secretary Yellen came to Capitol Hill, and that is what she is doing. She is still defending this indefensible idea; and I believe she is doing it because that is what Joe Biden, the President of the United States, is telling her to do as his Treasury Secretary. So she went on television Tuesday--today is Thursday--2 days ago, essentially said it was no big deal. That is what the Treasury Secretary of the United States believes, that violating the individual privacy of individuals of this country is no big deal. Last week, Senator Lummis from Wyoming questioned Secretary Yellen before the Banking Committee. Secretary Yellen, actually astonishingly, doubled down. She said, ``I think you misunderstand the proposal.'' She said, ``The IRS already has a wealth of information about individuals.'' Well, Madam Secretary, we understand that really well. We know you have a wealth of information about individual taxpayers. You know how much they make. You know how they make it. That is enough. If you have all this, you don't need more, but yet you are asking for more, and you want $80 billion for an army of IRS agents to be able to find it out. That is the problem. The IRS has so much information about us already. Now, Senator Lummis did get Secretary Yellen to admit working families are not the ones skimping out on their taxes. Why else do we have this army of IRS agents looking into our taxes? Secretary Yellen didn't seem to care. She doubled down, still defending this massive ***invasion*** of privacy, and that is what it is. It is a huge ***invasion*** of privacy, and I contend that they want all this information so they can try to squeeze more money from people who the Secretary even admits are not trying to cheat on their taxes. They are trying to find ways to take more money out of their pocketbooks, when they are already feeling the big bite of Joe Biden's inflation at the gas pump and at the grocery store. This Big Brother plan is reckless. It treats the American people like criminals. It turns the IRS into the judge, the jury, and the lord high executioner. This scheme shows how desperate Democrats are to get their hands on taxpayer money. Why? So they can spend more. They are so desperate for more spending that they are willing to spy on the American people to try to get more money to spend. Watch and listen to the Democrats talk. There is a food fight going on, and the food fight is: How much more can we tax and how much more can we spend? It is a food fight between the really big spenders and the extremely big spenders. Look, Democrats think that Washington knows best. Now, the people of Wyoming know differently. We don't need Washington looking over our shoulders. It is time for Democrats to drop the entire plan, mind their own business, and stop demanding more money to spy on the American people. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. CASSIDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Flood Insurance Mr. CASSIDY. Mr. President, today is Thursday, October 7, 2021, and Risk Rating 2.0 has officially been in effect for 6 full days. What is Risk Rating 2.0? It is a new rating system for the National Flood Insurance Program that will increase premiums higher than sustainable for homeowners and, therefore, higher than is sustainable for the program. In Louisiana, 80 percent of policyholders will see increases in the first year, and at times, for some, premiums will become unaffordable and can collapse the value of their home. The Presiding Officer is also from a coastal State. This will absolutely affect everyone who lives in a coastal State. Now, particularly, in my State, in light of recent storms, it is important that we understand the sustainability of the National Flood Insurance Program is key. [[Page S6956]] Congress never passed a bill requiring that FEMA implement Risk Rating 2.0 President Biden can stop it. He has chosen not to. We have asked that FEMA delay implementing this program or reconsider it altogether. Now, by the way, FEMA has been slow to share information with policyholders and, frankly, misleading Congress by hiding the true consequences of 2.0 and not being up front with the cost in the out- years. They said they would tell policyholders by August 1 of the increase in premiums, but they missed the deadline. It didn't come down to homeowners and insurers until the middle of September. Some are still trying to figure out what this rating system will mean for their life. In 2019, my office reached out to the administration, and we were able to successfully delay the implementation saying that there needed to be further consideration. This time, however, the Biden administration has chosen not to delay it. Now, let's just take a quote from a working family in Lake Charles, LA, who does not--I repeat--does not live in a flood zone. They currently pay $572 for flood insurance on a single-family home that is worth approximately $250,000. The quote he received--this is real life. This isn't theoretical. The quote that he received under Risk Rating 2.0 raises his premium to over $5,000--$572 to $5,000. Now, rate increases are capped at 18 percent annually, so it doesn't happen next year. But this is 18 percent compounded. It is kind of like a balloon on one of those little helium things. It starts off and it doesn't seem that it is inflating, and then, all of a sudden, it inflates rapidly, like a balloon note on a mortgage. So with progressive increases, when it gets to $5,000--actually, $5,624--he will have to choose: Do I continue my policy? Now, he is not in a flood zone. If you think about actuarially, you want people who are not at high risk to spread the cost for everybody else. Under this, the Congressional Budget Office estimates that 20 percent of policyholders will drop their insurance. That has a risk of putting the National Flood Insurance Program into an actuarial death spiral where those at lower risk drop the insurance, the remaining risk is forced upon a relatively small number of people raising their risk even more, and you gradually have a continual falloff of the number of people in the program. Now, some policyholders are required to pay for the insurance by law, but this puts them in an even worse situation. They will either have to put thousands of dollars up for their insurance or risk losing their home. I would ask President Biden, who unquestionably is an empathetic man and empathetic to the working families of our country, to consider delaying Risk Rating 2.0 Now, there are a couple of criticisms of the flood insurance program, in general, which are unfounded. First: These are millionaires' vacation homes; why do we even have a program? This is factually not true. When CBO looked at samples of home values in the program, it ranged from $220- to $400,000. And I imagine the President from New Jersey--President of the Senate from New Jersey--can think of a middle-income family, a police officer and a teacher; who now live in a home worth $400,000. These are not millionaires or billionaires. In my home State of Louisiana, these are middle-income and working families, folks trying to make ends meet. They are not folks in a vacation home. And here is an example of homes, after recent Hurricane Ida, that would need flood insurance: middle-income homes. By the way, you can see these homes are built a little bit on a berm. They have actually taken the effort to protect their homes from flooding. So the home itself is not flooded, just everything else around it. On the other hand, I can promise you that there are older neighborhoods in which the water is above the doorstep. Now, looking specifically at Risk Rating 2.0, data shows who will see the rate hikes. It is bad news for Louisiana, where rates will increase for almost everybody. The second criticism of the program is that it subsidizes people who suffer repetitive flood damage. Now, this argument is mitigated, if you will, by offering mitigation. Data shows that mitigation is good for the taxpayer. According to the National Institute of Building Sciences, for every $1 spent in Federal mitigation grants, it saves the program an average of $6. In the Infrastructure Investment and Jobs Act, there is $3.5 billion in flood mitigation assistance grants--grants going towards buying up properties that have experienced repetitive loss. Shoring up the program by removing high-risk properties protects other properties. It is true in your State, and it is true in my State. It is a wise investment to protect the National Flood Insurance Program. So we can have a conversation, by the way, about a criticism that if mitigation opportunities are offered to homeowners and they decline them, what to do about that. On the other hand, when folks are offered mitigation, they almost always accept the opportunity for that. Finally, some argue that private insurers will replace the National Flood Insurance Program. But let's be honest, that will not occur. I support the expansion of private insurance covering flood properties. Consumers should have options. If nothing else, this highlights the need for a long-term fix to the program. In the past, I proposed reforms to ensure that NFIP is affordable and accessible to homeowners, accountable to taxpayers, and sustainable. I worked on flood insurance programs with Senators Menendez and Gillibrand, both of them coming from States affected by flooding, just as mine did as well. This makes it bipartisan, two different regions. It is not only about the Gulf Coast; it is about the Atlantic Coast, the Pacific Coast; and it is about our island properties. By the way, I have been speaking about Louisiana, but Risk Rating 2.0 applies nationwide. It impacts all those living on our coasts. Once more, we should all--all of us representing States with coastlines--ask the Biden administration to halt Risk Rating 2.0 This Congress, I will continue to work to reform NFIP. In addition to affordability, accessibility, accountability, and sustainability, there needs to be an emphasis on supporting prevention and mitigation efforts to prevent future floods. At the end of the day, flood insurance must be affordable for the homeowner, accessible, accountable to the taxpayer, and sustainable for the future. Tribute to Pastor A.R Harris, Sr. Mr. President, I would like to take a moment to honor a man in my State of Louisiana, who has dedicated nearly 80 percent of his life to preaching the gospel and serving others through his faith. Pastor A.R Harris, Sr., was born December 16, 1932, in Jonesboro, LA. He has preached the Gospel of Jesus Christ since he was 7 years old and led God's people for over six decades. Pastor Harris is a veteran who served our country in the United States Army during the Korean war. He and his wife Eva of 63 years have six wonderful children, four of whom followed their father's footsteps to preach the Good Word to spread the Gospel. He and Eva are being honored for their 46 years of service at their church, Zion Hill Missionary Baptist Church #2. He is a man of God, family, and country; and it is my privilege to stand here on the floor of the U.S Senate and recognize the faithful service of Pastor A.R Harris, Sr. God bless him, his family, and God bless the United States of America. I yield the floor. The PRESIDING OFFICER. The Senator from Alabama. Unanimous Consent Request--S. 2953 Mr. TUBERVILLE. Mr. President, you know, it is no secret that I oppose President Biden's tax proposal. I think it is bad policy that would undercut growth and derail American prosperity. But one of the worst parts of the President's plan is the provision requiring financial institutions to report their customer's transactions of $600 or greater to the IRS. That means anytime an American pays a bill, makes a deposit, transfers funds, or makes a purchase of $600 or more, their bank, credit union, or financial institution would be forced to report that data to the IRS. Opposition to this proposal is deep and bipartisan. I don't care if you are a [[Page S6957]] Republican, Democrat, or Independent. No one wants the IRS looking over their shoulder every time they make a financial transaction. The IRS doesn't efficiently use the data it collects now. Why in the world would we give them more information? If the IRS has reason to believe you are not paying all that you owe in taxes, they have the ability to audit you. They don't need any more private financial data on any of us. The bulk of the data collection they are proposing will do nothing to close the so-called tax gap. All it does is violate the liberty of every freedom-loving American who values their financial property. The proposal would dramatically increase IRS audits of working Americans. The overwhelming majority of people the IRS would look into as a result of this policy would not have done a single thing wrong, but when the IRS starts snooping, it will cost you big money. That means hiring a high-priced attorney/accountant who will bleed you dry. President Biden claims his proposal would only impact the rich, but middle-class families are the ones who will ultimately pay the price. Additionally, the IRS has a history of data security failures. Just earlier this year, the confidential tax information of over a dozen well-known Americans leaked from the Agency and was published in the press. That was unacceptable and unlawful, but nothing was done to hold the IRS accountable. But this is, unfortunately, nothing new. Under President Biden's watch, when he was Vice President, conservative groups and individuals were targeted for aggressive audits. And as recently as this year, a Texas-based charity was denied tax-exempt status because the IRS considered the charity too close to Republicans and too close to Christianity. Folks, that is pitiful. Providing the IRS with massive amounts of financial-transaction data will only make it easier for them to target groups or individuals they disagree with. If anything, we need to be reining in the IRS and holding officials accountable who go after taxpayers for political reasons. The outcry from voters has been strong and swift. Some of my Democrat colleagues are feeling the heat from their constituents and are starting to walk back the President's proposal. The American people have them on the run. Democrats in Congress are talking about only requiring transactions of only $10,000 or more to be reported to the IRS. While fewer Americans would be directly impacted by this threshold, we would still feel the broader, negative effects. That being said, on Tuesday of this week, Treasury Secretary Janet Yellen, the President's top economic adviser, defended the Biden plan and doubled down on the $600 IRS proposal. Regardless of whether Democrats settle on $600 or $10,000 threshold, every American would suffer. That is because our community banks and credit unions will be overwhelmed--I mean overwhelmed--with a tidal wave of compliance data. Small banks and credit unions won't be able to afford to hire the staff that they are going to need, forcing them to close their doors in a lot of rural and minority areas. And for Americans, including many minorities, living in rural communities across the country, these small banks and credit unions are a focal point for the community. They provide the money folks need to buy their first home or car; they fuel the economic development, provide good-paying jobs, and pump resources back into these rural communities. If these community banks and credit unions close, it would cut off access to capital for millions of Americans in communities. They would suffer. Livelihoods would be destroyed. That is why I, along with my colleague from Florida, Senator Rick Scott, have introduced a bill prohibiting the IRS from creating, implementing, or administering a financial reporting regime that would require financial institutions or individuals to report data or financial transactions or account balances to the IRS. To be clear, my legislation does not touch the Bank Secrecy Act or any of the regulations either implemented or issued under that act. My bill has been endorsed by the American Bankers Association, the Independent Community Bankers of America, the National Association of Federally-Insured Credit Unions, the Credit Union National Association, the Heritage Action for America, the League of Southeastern Credit Unions, and the Alabama Bankers Association. These organizations and their members know that if President Biden's proposal goes through, banking, as we know it, will end. At this time, I would like to yield the floor to my distinguished colleague from Florida, Mr. Scott. Mr. SCOTT of Florida. Mr. President. The PRESIDING OFFICER (Mr. Schatz). The Senator from Florida. Mr. SCOTT of Florida. Mr. President, I would like to thank Senator Tuberville for leading this very important effort. I want to be very clear. What President Biden is proposing here is as close to policy from communist China as we have seen in the United States. In oppressive regimes like Cuba and communist China, we have come to expect a surveillance state where the government has access to every part of a person's life. Now Joe Biden wants to bring that here to America. Let me explain what the Biden administration and Democrats in Washington are proposing. Democrats want to open your bank account to Federal agents. Under Joe Biden's America, the Federal Government's authority would be vastly expanded so the IRS can get a look at any account over $600. The madness doesn't stop there. This new rule from Joe Biden would also require banks to report every transaction of $600 or more. Does anyone honestly think the Federal Government will keep your private information safe? Want to buy a bed? Here comes the Federal Government. But say you want to buy a new shotgun. Hunting season is coming up. Again, here come the feds. How about giving money to your favorite charities; supporting a cause or a political candidate you care about; for childcare or paying for mental health counseling? Perhaps you are just selling off a little furniture and want to put your profits in a savings account. For every one of these transactions I have just described, the government is going to come take a look. Every American should be disgusted and furious by this insane overreach of the Federal Government. Think about the private, personal information the government would have access to. It is incredibly intrusive, and Joe Biden wants to make it nearly limitless. Again, does anyone honestly think the Federal Government would keep your private information safe? I understand that families are angry. I have heard from more than 18,000 constituents over just the last 2 weeks about how disgusted they are with this plan. Biden wants to expand the surveillance state of the Federal Government to target every American family. Ninety-five percent of American households have a bank account, and this policy will have impacts on every single one of those accountholders. But it is not just banks; Joe Biden is expanding the Federal surveillance state to monitor your finances across the board. They will be watching your local credit union and your PayPal and Venmo accounts. They will even be watching to see how you spend and earn cryptocurrency. This is an outrageous violation of Americans' privacy. I think the Democrats are also hearing from their constituents. Recent reports say the President and Democrats in the House are looking at raising the threshold from $600 to $10,000. That would still hit many Americans families. We are not just talking about checking accounts; this applies to savings, retirement, and investment accounts. You name it, the feds want to take a look. Again, I am not describing something in Cuba or communist China; I am talking about what Joe Biden and the Democrats want to do right here in the U.S.A I can't wait for my Democratic colleague to explain why President Biden is even proposing this. How can you possibly justify to the American people that the IRS should be snooping around in their bank, retirement, or investment accounts? There is only one explanation, and it is simply terrifying. The Democrats want to control how you spend your money. Democrats want to control your expenditures, your charitable and [[Page S6958]] political giving, and your investments. The more power Democrats can grab from American families, the more control they think they will get over each and every American. This all boils down to Joe Biden and the radical left bringing the American people under the thumb of his socialist tax-and-spend agenda. After all, how else is he going to be able to squeeze every last penny out of American families' bank accounts to pay for his socialist plans? Here is how the Democratic Party works: They refuse to audit our Federal Agencies that year after year send billions in improper payments to the wrong people, which they rarely ever recover. They refuse to hold their government accountable for reckless waste and massive debt. But they want to put the magnifying glass on hard-working families who are just trying to live their dreams. Under Biden's socialist regime, it is rules for thee but not for me. How is that different from communist China, where the government lives in opulence while their citizens live totally dependent on the government in poverty? I will not stand for this outrageous plan. No American should tolerate this ***unprecedented*** overreach. I am proud to support Senator Tuberville's legislation and hope every one of my colleagues looks at this for what it is: communist China-style totalitarian surveillance. I yield back to Senator Tuberville. Mr. TUBERVILLE. Mr. President. The PRESIDING OFFICER. The Senator from Alabama. Mr. TUBERVILLE. I would like to yield the floor to my distinguished colleague from Indiana, Senator Braun. Mr. BRAUN. Thank you, Senator Tuberville. Mr. President. The PRESIDING OFFICER. The Senator from Indiana. Mr. BRAUN. Every year, I travel and visit every county in the State of Indiana--92 of them. You know, I can't ever recall anyone saying that they want the IRS to poke into their business more on a day-to-day basis. In fact, they bemoan the fact that many years ago, the IRS was actually sifting through stuff to determine who was conservative or not before they might grant status to your entity. We have gotten to a point--and I think Senators Tuberville and Scott have eloquently laid out the details. I want to take a little different approach. I have been here a little less than 3 years, and this kind of entrepreneurialism through government, growing the Federal Government, having an Agency like the IRS that can't do its job well with the money that we do give to it, is just another example of trying to pile on one bad thing after another. It would be different if we weren't doing it borrowing 23 percent of the money we spend every year. Imagine that in your own household, in a State or local government, a business. You would be laughed out of the banker's office if you did that and then wanted a loan to cover it and then do it the next 10 years. It doesn't work anywhere else. This is an example that I think, along with maybe the vaccine mandate, where you are now forcing small businesses to do something when they finally got a rhythm--and businesses have protected their employees and their customers as well as anybody out there in that journey. You have got that nonsense that is going to be unfurled here soon. But it is an example of where, at some point, enough needs to be enough. The IRS has had a poor record of doing things to boot. Earlier, ProPublica released illegally obtained tax records of many Americans. We had the incident of issues with conservative businesses being discriminated against in getting proper status set up. I introduced the Protect Taxpayer Privacy Act in June for that because the IRS is already doing things that they shouldn't be doing. This would be a perfect companion to what Senator Tuberville is putting out here. To wrap it up, we have to be careful when we send people here. If you were knocking it out of the park, delivering results, not borrowing money to do the things we try to do anyway, and then you tee up something like this--this is going to do nothing more than unleash more of an Agency that doesn't do well in its job anyway, and it is truly an example of government gone wild. I thank Senator Tuberville for bringing this to a focal point. I yield back to him. Mr. TUBERVILLE. Mr. President. The PRESIDING OFFICER. The Senator from Alabama. Mr. TUBERVILLE. Mr. President, I want to thank Senator Braun and Senator Scott again for supporting this bill. I am proud to partner with him in this effort to safeguard the financial privacy of American citizens. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2953, which 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 an objection? Mr. WYDEN. Reserving the right to object. The PRESIDING OFFICER. The Senator from Oregon. Mr. WYDEN. Mr. President and colleagues, the Senator's proposal in effect would be a game-winning touchdown for wealthy tax cheats. IRS Commissioner Rettig, a Republican appointee, came before the Finance Committee earlier this year and said the total amount of taxes evaded each year could be as high as $1 trillion. Cheating by those at the very top is one of the major causes of that huge tax gap. A big reason why is that the automatic reporting and strict rules that apply to the typical, hard-working taxpayer--nurses and firefighters, for example--they don't always apply to those at the top. That means the tax cheats are able to hide their cheating in the shadows. The Senator's proposal would help them keep it that way. This proposal would make it extraordinarily difficult to collect the information necessary to crack down on the high-flying tax cheats. The argument against information reporting is always the same, and it has been consistently wrong. Despite what opponents say, what President Biden and Democrats have proposed is focused on rooting out tax cheating at the top. It wouldn't apply to accounts with deposits and withdrawals under $10,000. And for most people, that is $10,000 on top of your paycheck. It is not about anybody's transactions. They wouldn't be reported, colleagues. It wouldn't create any new surveillance of digital currency. This information-reporting proposal is about reporting only two numbers: the total amount going into an account and the total amount going out of it. Social Security income does not count either. So this idea--and I have listened to my friends--that somehow this is going to end Western civilization just doesn't hold up. In fact, Commissioner Rettig, a Republican appointee, pointed out recently that this plan could actually reduce the odds of an audit for middle-class taxpayers, those folks that I was talking about, the nurses and the firefighters. I am going to close with just a couple of other points. Most of my colleagues know that I am about as strong a privacy hawk as there is in the Senate. And I don't take a backseat to anybody when it comes to fighting for Americans' privacy, whether it is taxpayer data, communications, web traffic--you name it. And, colleagues, all of that work, all of that private work, is on the public record. It is a matter of public record. It isn't an atomic secret. In those debates about privacy, it is also striking that it is most often Members of the other side attempting to stop reforms, for example, to government surveillance of phone records and emails and web browsing--web browsing. But when Democrats are working to crack down on ultrawealthy tax cheats, that is when, suddenly, we have got Republicans saying: Oh, my goodness; who is going to be sensitive to privacy? I want to repeat, as I have on this floor again and again, I will talk to anybody on either side of the aisle with any philosophy about protecting taxpayer data. As the chairman of the [[Page S6959]] Senate Finance Committee, which handles privacy policy, I want it understood that our committee--and I, particularly, given my record on privacy issues--we take privacy very seriously. That is not what is on offer by the other side today. The bottom line is wealthy tax cheats are ripping off the American people to the tune of billions and billions of dollars per year. Tax cheats thrive when the reporting rules that apply to them are loose and murky. Democrats want to fix this broken approach and crack down on cheating at the top. The Senator's proposal would make that impossible, and it would hand-- colleagues, it would hand, the Senator's proposal--a big fourth-quarter victory to the tax cheats. For that reason, I object. I yield the floor. The PRESIDING OFFICER. The objection is heard. The Senator from Alabama. Mr. TUBERVILLE. Mr. President, this is a simple two-page bill that will protect every American from an ***invasion*** of privacy by Big Brother Government IRS. I am sorry to see that my Democratic colleagues oppose protecting the financial privacy of American taxpayers. That is a real shame. I think you would be hard-pressed to find a Member of the U.S Senate who can honestly say that a majority of their constituents support President Biden's proposal for the IRS to monitor a $600 or more transaction. I don't think you could find one. We ought to be able to stand up together, in a bipartisan fashion, to reject this radical proposal. I am confident that the American people will continue to put pressure on their elected representatives to reject this plan. I will work with my colleagues to address legitimate concerns, though I suspect there are none, and any position is going to be purely political. Americans across the country can count on Senator Scott and myself to keep up the fight of this important issue. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Unanimous Consent Request--H.R 5323 Mr. BLUMENTHAL. Mr. President, we have reached a really important point in our relationship with one of our great allies in the world. The United States has before it the challenge--and this Congress can meet that challenge--for $1 billion of supplemental security assistance to replenish Israel's Iron Dome system. That funding is provided in H.R 5323, the Iron Dome Supplemental Appropriations Act of 2022, passed by the House of Representatives by an overwhelming--and I emphasize ``overwhelming''--bipartisan support. I want to thank my Connecticut colleague Rosa DeLauro of New Haven for her leadership and all of the Members of the House of Representatives for their vision and courage in separating this ***measure*** and passing it. And we should do so now, as quickly as possible. All of us know that the 2016 memorandum of understanding negotiated between Israel and the United States provides $500 million per year in security assistance for Israel's missile defense. The MOU allows Israel to request additional funds to replenish and restore missile defense capabilities in ***exceptional*** circumstances. We all remember vividly the May 2021 conflict between Israel and Hamas, and in our minds still vividly and graphically are the pictures of that Iron Dome system intercepting missiles aimed at civilians in Israel. The Iron Dome defense system intercepted about 90 percent of those potentially lethal missiles targeting populated areas of Israel. In total, about 4,400 rockets were launched by Hamas. Should the Iron Dome have failed, countless Israeli civilians would have been killed. This system performed with such extraordinary and ***exceptional*** prowess, showing its necessity for both humanitarian and defensive purposes. I recently returned from a trip to Israel, where I talked to the top leadership of the new government, including Prime Minister Naftali Bennett. I was inspired and excited by the determination of the Israeli leadership and, I believe, the Israeli people to inaugurate a new era where we are even closer to Israel than we have been in the past. There have been some bumps in the road; there have been some potential disagreements in this body; but we should focus on making sure that Israel's defense is completely bipartisan; that our relationship with Israel crosses party lines. We have that opportunity today to renew the sense of bipartisanship in our unshakeable relationship with Israel. And that relationship goes beyond just security concerns. We are bound by culture, heritage, faith, and a common commitment to democracy. And Israel has that commitment in perhaps the most constantly dangerous neighborhood in the world. Iron Dome is a defensive system. It is solely defensive, and it defends against the loss of civilians on both sides, in Gaza as well as Israel, because the loss of life in Israel, if it occurs, if Iron Dome is lacking, will lead to escalating violence that will cost lives in Gaza as well. The Iron Dome prevents escalating hostilities that will cost lives among both Palestinians and Israelis. So its defensive value is indisputable, and that is why it does have bipartisan support here. It has the President's support. He stated: We're also going to discuss Israel's unwavering--unwavering commitment that we have in the United States to Israel's security. And I fully, fully, fully support replenishing Israel's Iron Dome system. A quote from his meeting prior to meeting with Prime Minister Bennett at the White House. Just 2 days before he made those remarks, Secretary Austin also expressed his support: You can also see that commitment as we advocate for the replenishment of the Iron Dome missile defense system. The administration is committed to ensuring that Iron Dome can defend Israeli civilian population centers targeted by terrorist attacks, and we're working closely with Congress to provide all the necessary information to respond positively to your request for the--for $1 billion in emergency funding, and it's going to save more innocent lives. I am concerned that Members of the U.S Senate are blocking passage of this bill. Senator Paul has demanded that we add unrelated language to rescind funds from the Department of State and the Department of Defense before he will agree to a unanimous consent decree. We should prevent this sacred relationship from becoming a political football. We should make sure that we preserve it as a bipartisan source of consensus. And that is not to say necessarily that we agree with every single act, every single ***measure*** that our Israeli allies take. We can be friends and family and still disagree. But our aid should not be conditioned on agreeing with every single policy or action taken by our Israeli friends. This ***measure*** is a defensive platform that saves lives. It is a humanitarian step that should be regarded for what it is--essential to our alliance, our relationship, and our bond with Israel. Mr. President, as in legislative session, I ask unanimous consent that, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 140, H.R 5323; that there be up to 2 hours of debate; that upon the use or yielding back of time, the bill be considered read a third time, and the Senate vote on passage of the bill, without intervening action or debate. The PRESIDING OFFICER. Is there objection? The Senator from Kentucky. Mr. PAUL. Mr. President, reserving the right to object, I agree with the Senator from Connecticut that we should pass the proposal. In fact, I have offered a proposal to fund the Iron Dome with $1 billion that should be paid for, though. We are facing a $30 trillion debt. We borrow $2 million a minute. Inflation is rising. They are wanting to pile more debt upon our country. So, if we are going to help our ally Israel, I think we need to be strong to do it, we need to be not piling on debt without consequences, and this should be paid for. There is a very easy pay-for that I have proposed. There is $6 billion left in a reconstruction fund for the Afghan national government. Well, the Afghan [[Page S6960]] national government no longer exists. In the haste to leave, the Biden administration has let the Taliban overrun the country. So I asked the other day, in committee, of Secretary Blinken: This $6 billion, are you planning on giving it to the Taliban? And he said: Well, it depends on whether they fulfill their commitments. To me, that sounds like a pretty big ``if,'' but if the Biden administration says that they fulfill their commitment and expectations, the understanding is the Biden administration is going to give $6 billion to the Taliban. So, not only do they let them take $80 billion of equipment, not only did we leave in complete disarray, Democrats now want to say: Oh, we have got to keep this money because we have to give it to the Taliban. That is obscene. We should immediately rescind all of that money. If you want to give money to Afghanistan, let's vote on it again. But you gave the money to the previous government, and now you want to give the money to the Taliban, which has overrun the country. It is a disgrace. The Taliban shouldn't get a penny. And we should pay for things, even for things that we are trying to give to allies. So I have a proposal before the desk. My proposal says to fully fund the $1 billion for the Iron Dome project. Fully fund it. We have already given billions for it. We are willing to give $1 billion more, but we are going to pay for it by not giving money to the Taliban. So it is a pretty easy sort of list. We asked every Senator on the Republican side if they objected to this, and not one Republican objected to this. So the reason the Iron Dome is being held up is because the Democrats are objecting to its being paid for. I am here today to support the Iron Dome. I am giving a proposal that would give them their $1 billion right now. It could happen today. All I ask is that it be paid for with money that has already been appropriated and that is, in all likelihood, going to be given to the Taliban if we don't take it away now. I think it is a very reasonable proposal. I am disappointed that the Democrats are objecting to Iron Dome today. It is a disappointment that they are against paying for it with a fund that is already out there, and that they so much love the idea of giving the money to the Taliban that they are going to insist on blocking Iron Dome funding because they are insistent on ``No, no, we can't get rid of the $6 billion because, if the Taliban behaves, we are going to give it to them.'' Look, I don't care if the Taliban behaves. I wouldn't give them a penny. There are other ways of trying to have a diplomatic relationship other than giving money to people. People think that somehow, if the Taliban behaves, we have got to give them money? I think that is a crazy notion. So, without question, I will object. I ask the Senator to modify his request so that, instead of his proposal and as in legislative session, the Senate proceed to the immediate consideration of Calendar No. 140, H.R 5323; further, that the only amendment in order be my substitute amendment, which is at the desk. I further ask that there be 2 hours of debate, equally divided between the two leaders, and that upon the use or yielding back of that time, the Paul substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time, and that the Senate vote on passage of the bill, as amended, with no intervening action or debate. The PRESIDING OFFICER. Does the Senator so modify his request? Mr. BLUMENTHAL. Mr. President, in reserving the right to object, let's set the record straight. There is no possibility of this money or any other money going to the Taliban. Section 9021 of the fiscal year 2021 Defense Appropriations Act--we all voted for it--makes funding the Taliban illegal, and if any Pentagon official breaks that law, they could go to jail under the Antideficiency Act. Whatever the Secretary of State may have answered to Senator Paul's question at a hearing, we should know and he should know that spending money in any way that enables it to go to the Taliban would be breaking the law, and he would have to come to Congress to use any of that money to aid the Taliban. So this is a false issue. The funds that the Paul amendment seeks to rescind have actually not yet been appropriated. He targets the $3.3 billion in the fiscal year 2022 request. You can't rescind funds that haven't yet been appropriated. So the amendment falls of its own weight, but I want to deal with the merits. No. 1, the Paul amendment seeks to rescind funds from the Department of Defense's Afghan Security Forces Fund. Those funds are still needed to complete the withdrawal. They are in an account that is urgently needed to terminate contracts that are already in place and secure military equipment that has been withdrawn from Afghanistan. All of the complaints about the withdrawal and all of the complaints about the need to secure that military equipment are met by this funding. Defunding the Pentagon in this way will, in fact, disrupt the shutdown of these activities and open the United States to legal action from contractors. I have been advised, for those reasons, that the Department of Defense strongly opposes the Paul amendment because it makes ending the war in Afghanistan more difficult. Let me just close by saying that there is a need for humanitarian support in areas where the Palestinians live. There is a need for aid for water treatment and vaccines and health and all of the needs-- humanitarian needs--of the Palestinian people. One of the encouraging parts of my visit with the Israeli leadership was their recognition that Israel has a humanitarian obligation in this area. They recognize, as well, that we may not always agree on every facet of our relationship, but this ***measure*** should be unconditional because it is defensive, and it is humanitarian to support the Iron Dome. I wish my Republican colleagues were here to refute Senator Paul, because I know many of them support it. Therefore, I will not modify my request. The PRESIDING OFFICER. Objection is heard. Is there objection to the original request? The Senator from Kentucky. Mr. PAUL. Mr. President, in reserving the right to object, I am disappointed that the Democrats will again today block the Iron Dome funding as paid for. I think it is important that we do support our allies. I am in support of the Iron Dome funding, but I think, at the very least, it should be paid for. We have offered them various permutations of this--either the entire $6 billion from the Afghan reconstruction fund or $1 billion. We have offered them other alternatives to look at other funding in government that already exists to see if we could pay for this. So the real reluctance is on the Democrats' part to pay for aid, and the thing is that we can't just blindly keep giving money away without repercussions. We are $30 trillion in debt. So I am disappointed today that the Democrats will block the Iron Dome funding as paid for, and I do object to the underlying proposition. The PRESIDING OFFICER. Objection is heard. Mr. BLUMENTHAL. I would just close, Mr. President, by saying we need to pass this ***measure***. We need to do it now, and there is no need for pay-for. We should move ahead with this unanimous consent. I regret the objection. I yield the floor. The PRESIDING OFFICER. The Senator from Nevada. Unanimous Consent Request--H.R 5323 Ms. ROSEN. Mr. President, when I traveled to Israel in 2019, I saw with my own eyes the Iron Dome system up close and in person. I met with the brave soldiers who operate and protect it--young men and women, in many cases, no older than 18 or 19 years old. Iron Dome is a missile defense system that has successfully intercepted thousands of missiles fired by terrorist groups, like Hamas, at Israeli population centers. It has protected Jews, Christians, and Muslims. It has protected them all from harm and saved countless lives, Israelis and Palestinians alike. This incredible feat of defense technology is a shining example of the unbreakable U.S -Israel security partnership. The U.S Army is in the ***process***, [[Page S6961]] as well, of acquiring Iron Dome batteries, and it tested the system as recently as August, meaning this lifesaving technology could also protect American men and women in uniform from a variety of missile threats. Let me be clear. I want to emphasize the word ``defense.'' Iron Dome is a purely defensive system. It is a shield--a miraculous shield-- against death and destruction, one that America should be proud to help support and has supported across both Democratic and Republican administrations and in Democratic and Republican Congresses for over a decade. Iron Dome saves lives; Iron Dome prevents an escalation of violence; and Iron Dome provides a critical window for diplomacy. This past May, terrorist organizations launched over 4,400 rockets at Israel. That is right--4,400 rockets. Iron Dome was key to preventing 90 percent of these rockets from reaching their targets, saving the lives of innocent Israeli citizens. We should be proud to support this technological feat that has protected countless lives and will continue to do so. My trip to Israel and my visit to see Iron Dome, well, is on my mind today because Israel needs our help, and they need it now. This summer, following the barrage of rocket fire--those 4,400 missiles that Israel had to endure and which the Iron Dome protected Israel against--Israel made an emergency request to the United States for security assistance in order to replenish and repair the Iron Dome defense system to defend against future potential conflicts. To Israel's north, on the border with Lebanon, which I went to see just 2 years ago, Hezbollah, an Iranian-backed terrorist organization, is estimated to possess over 100,000 missiles. Those 100,000 missiles are pointed at Israel, including thousands of precision missiles. If war were ever to break out again between Israel and Lebanon, as it did in 2006, Iron Dome would play a crucial role in protecting civilians-- all civilians in Israel. Just a few months ago, I joined Democratic and Republican colleagues in urging the continued support for Iron Dome. Support for Iron Dome is about the integrity of the U.S -Israel relationship. There has always been strong bipartisan support for the U.S -Israel defense partnership. That bipartisan support continues today. The failure to fund this critical defensive tool would be catastrophic for Israel and would result in lives lost. It would lead to more conflict, and it would weaken the bond between the United States and our greatest ally in the Middle East. We must take action to ensure that this program remains fully operational. The House of Representatives has already passed legislation on an overwhelmingly bipartisan basis to fund Iron Dome. It was a vote of 420 for, and only 9 against. So now it is the Senate's turn to act. Earlier this week, my colleague Senator Menendez, Chairman of the Senate Foreign Relations Committee, said this: ``There is no conceivable reason why anyone in this Chamber or on either side of the aisle should stand in the way of U.S support for this lifesaving defense to be fully ready for the next attack.'' He is exactly right. Opposition to Iron Dome is contrary to U.S national security interests and violates the commitment that the U.S Government made to Israel. We have an opportunity to rebuild the Iron Dome shield, to support the security of our most important ally in the Middle East, and to save lives. But we must take action right here and right now. So as if in legislative session, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 140, H.R 5323; that there be up to 2 hours for debate; that upon the use or yielding back of time, the bill be considered read a third time, and that the Senate vote on passage of the bill without intervening action or debate. The PRESIDING OFFICER. Is there objection? The Senator from Kentucky. Mr. PAUL. Mr. President, reserving the right to object, as we speak, the Taliban is regaining control, has control over most of Afghanistan, is brutalizing women, kicking women out of school. Women will no longer be participating in the government. It is really just unconscionable that Democrats insist that money be there to give to the Taliban. Any person who believes and truly believes that the Taliban is a menace to women's rights and to women in a civilized world should join me in saying: We should make sure that no money ever goes to the Taliban. When Secretary Blinken was asked about this, he said that if there is cooperation and if they meet expectations, the $6 billion--and some say up to $10 billion--available for the previous government will be given to the Taliban, who violently overthrew this government. We are asking something very simple. We could fund Iron Dome today. Make sure that everybody who listens to this understands. This is being blocked by Democrats who don't want to pay for it. We have a proposal that would have proposed $1 billion today for Iron Dome, but it would have been paid for by taking money out of an account that has been allocated and that Secretary Blinken has indicated he will give to the Taliban if they behave. So I think it is a real problem, and it is a problem of this body that the cavalier nature of just letting our country pile on $30 trillion of debt. You ask how we got here. We got here $1 billion at a time. So rarely do we have an episode or a time where we can object. You know, I would object to a trillion if it were on the floor. I would object to $50 billion on the floor. But the billion dollars ought to be paid for. And there are so many pay-fors. But this is why government grows by leaps and bounds and becomes more and more wasteful over time. So I do object. The PRESIDING OFFICER. Objection is heard. The Senator from Nevada. Ms. ROSEN. Mr. Paul's objection is unacceptable. He knows it is unacceptable. This is no time for political games. It could jeopardize the support for our allies and people in need of lifesaving assistance. I challenge all my Republican colleagues to let us take up the House- passed bill, passed 420 to 9, and fund Iron Dome for our national security--our national security--as well as Israel's. I yield the floor. The PRESIDING OFFICER. The Senator from Kansas. Internal Revenue Service Mr. MORAN. Mr. President, I want to use the opportunity of the Senate floor today to call to the attention what I think is an alarming proposal that would allow the Internal Revenue Service to track nearly all inflows and outflows of Americans' bank accounts. I heard this story--I heard this proposal while I was home in Kansas, and my reaction was: I assume this is just something on the internet, something that people are perhaps fabricating. Surely no one seriously is proposing that every transaction of $600 in one's bank account and $600 out of one's bank account is something that the Internal Revenue Service should be monitoring and recording, or that records would need to be provided to the IRS with that information. It is one of those thing I thought, well, that is just some crazy something that somebody is talking about. But, lo and behold, unfortunately, I have learned that, over the years--sometimes my constituents have brought me things in the past that tell me the story. It is, like, I can't believe that would be true, but let me check it out; and far too often, it turns out that it really is someone's proposal in the Nation's Capital. Most Kansans would react to this concept by saying: I can't believe it is true. And then: Make sure you do something to keep it from happening. In this case, it is apparently true. And not only is it true, it is true because it is supported, it is proposed by the Biden administration. It is the Secretary of the Treasury, Janet Yellen, who believes and testified that this is a good idea. It is Charles Rettig, the IRS Commissioner, who believes that this is important to accomplish. It is not just somebody's ideas. It is somebody who has something that-- because they have something to say that matters that can cause it to happen is for this. [[Page S6962]] For the IRS knowing how much money a Kansan earns, that just isn't enough. How much an American earns, it isn't enough to know our income. Now the IRS wants to know how you spend that income. This is an ***invasion*** of privacy that focuses on account flows, not just on income, and it intrudes on virtually every American. The claim that this will help tax wealthy cheats--I am all for taxing wealthy cheats, but instead, this isn't that. It gives the government the ***unprecedented*** access to nearly every working American's bank account. Rather than listening to the enormous pushback from Americans and eliminating from consideration this invasive mandate, Democrats are simply suggesting to tweak the proposal depending on the revenues needed to fund this massive tax-and-spend spree that is around the corner. In recent weeks, I have heard from more than 1,000 Kansans who are alarmed at this massive expansion of IRS reach and authority, this ***invasion*** of privacy. The last thing my Kansas constituents would want when it comes to their own bank account is more bureaucrats watching and dictating how they live their lives. This provision is a threat to their privacy. They see it that way, and it is. Kansas relies heavily on small-town banks and credit unions to provide rural communities and their citizens with lending services to finance a small business expansion, to allow a family to pay for college, or to buy a home. The relationship between our bankers, our credit unions, and their customers and clients is a special one. It is personal. That private relationship between a banker and their customer is one that is based upon trust. The banker no more wants to be in the middle of invading their customers' privacy. Mandating that banks report to the government their customers' account activities will significantly breach the trust that a customer, a client has with their banker. These financial institutions are often run by just a handful of employees, and are often a family operation handed down from one generation to the next. We have lots of small local banks and credit unions already knee-deep--perhaps waist-deep--in red tape; something they have to deal with every day, and something we have tried nearly every day to reduce or eliminate. Our bankers and credit unions spend millions of dollars to comply with the anti-money laundering policies, and those often yield minimal results. This proposal would turn our banking system into an extension of the Internal Revenue Service while forcing local banks to shoulder the cost. And these costs, of course, ultimately would be paid for--guess who--the customer, the citizen. So not only are we--would this proposal allow our privacy to be intruded upon, but we would be paying as it happens. Unfortunately, the IRS has increasingly politicized and--has been politicized and has a history of targeting disfavored groups and individuals, and has proven incapable of protecting taxpayers' data from leaks. Entrusting this bureaucracy, the IRS, or, really, any other bureaucracy in Washington, DC, with the supervision of your personal finances is no way to close a tax gap. At a time when the American people are more weary than ever of the Federal Government and their Agencies, this proposal will do nothing but further increase that distrust. Democrats in Congress and particularly in the Biden administration should prioritize strengthening the faith in the financial service, not pursuing these kinds of policies that will push underbanked Americans away. Ultimately, this plan will not achieve its stated goal of increasing tax revenues. Rather, it will lead to more harassment of average Americans and those who work at their financial institutions. It is clear to me that there is an attempt here to leave no stone unturned to find every possible way to tax everyday Americans in order to fund a massive spending spree. So while we hoped that this proposal was just idle talk, something that somebody said over a cup of coffee at the local doughnut shop or the cafe, something that when we went to find out if there was any truth to it we discover: Oh, no, I could tell my constituents this isn't happening, this is just something that somebody is gossiping about. But no. It is a serious proposal by the Biden administration, and it has serious consequences to the well-being, financial, but perhaps more importantly, the privacy, something that Americans deserve, something that Americans request, and something that is already too often lacking in our lives--privacy--and in this case, privacy from the Federal Government. I yield the floor. The PRESIDING OFFICER (Mr. King). The Senator from Iowa. Trump Investigation Mr. GRASSLEY. Mr. President, I would like to address the Senate Judiciary majority's Trump investigation examining the period from December 14, 2020 through January 3, 2021. The majority released their report this morning; the minority released our report this morning. This truncated investigation doesn't support the long-running Democratic narrative that Trump used the Justice Department to try to overturn the 2020 election. And it is truncated because we don't have all the records and this committee only interviewed three witnesses. The available evidence shows that President Trump didn't use the Department of Justice to subvert the 2020 election. For example, one witness testified that President Trump had no impact--I repeat, no impact; and the words ``no impact'' come from that witness--on what the Department did to investigate election allegations. In fact, the evidence shows that President Trump listened to his advisers and to their recommendations, and that he followed those recommendations. The witnesses also testified that President Trump didn't fire anyone at the Justice Department relating to the election. Records from this investigation indicate that President Trump's focus was on ``legitimate complaints and reports of crimes.'' Witnesses testified that President Trump's main focus was on making the Department aware of the potential criminal allegations and to ensure that the Department did its job. It wasn't President Trump directing or ordering specific investigative steps. Witnesses also testified that it wasn't unreasonable for President Trump to ask the Department what it was doing to investigate election fraud and crime allegations. Now, with respect to the other core issues in the Democratic narrative, the available evidence shows three facts. Fact No. 1: President Trump rejected sending the letter drafted and advocated by Assistant Attorney General Clark to various States to contest the election. Fact No. 2: President Trump rejected firing Attorney General Rosen. Indeed, after Bill Barr submitted his resignation as Attorney General, President Trump apparently considered Richard Donoghue as a replacement, showing his displeasure with Rosen. Third and final fact: President Trump accepted Acting Attorney General Rosen's position that the Department not file a lawsuit against the States with reported voter issues. The Democrats' report makes much of the efforts by individual lawyers to push the Department to take these steps, but the fact is, none of these steps were taken because President Trump made the ultimate decision not to take those steps. At each of these critical decision points, the President asked his advisers for their candid views and their candid recommendations, and the President followed them. Now, ask yourself this: Where would we be now if President Biden followed the advice and recommendations of his advisers regarding Afghanistan? And we know what that advice was because we heard it last week before the committees in the House and Senate by the generals who were testifying. Again, I am not sure why the committee is releasing transcripts and an investigative report when the investigation doesn't seem to be complete yet. I, as chairman of a committee, run investigations differently. I collect records and run all the necessary interviews. I gather the full set of facts. [[Page S6963]] Then and only then, I release the material publicly. So far, the narrative the majority has been spinning here just isn't borne out by the facts. So this advice from me: Don't take this Senator's word for it; do as we have done on the Republican side. Read the transcripts. I think you will come to the very same conclusions that I have just stated. Tribute to Professor Lisa Schulte Moore Mr. President, on a second point and a much shorter point, I would like to recognize an outstanding professor at Iowa State University. Professor Lisa Schulte Moore of Iowa State University is doing important work on behalf of farmers and rural communities, and eventually it affects all Americans. Dr. Schulte Moore is a landscape ecologist and professor of natural resource ecology and management. Additionally, she serves as associate director of the Bioeconomy Institute at Iowa State University. Dr. Schulte Moore was recently recognized as the 2021 MacArthur Foundation Award recipient and the first-ever Iowa State MacArthur Fellow. This award is known as the Genius Grant and is given to individuals who have shown a dedication to their field through creativity and originality. Dr. Schulte Moore is a founder of the Prairie STRIPS conservation program. Established in 2003 at the Neal Smith National Wildlife Refuge in Prairie City, IA, this program studied the effects of planting prairie strips on farmland. Before I continue, I just used the name Neal Smith--former Congressman Neal Smith of Iowa, 36 years a Member of the House of Representatives. He has been retired quite a while now. He just celebrated, I think, his 100th birthday and is still active in the Des Moines community. Participants found that prairie strips can protect the quality of our soil and water by reducing farm field soil loss by 95 percent. They also reduce nitrogen and phosphorus runoff by up to 80 percent. Because of the professor's work, prairie strips are used in 14 States on over 115,000 acres of cropland. In addition to the $625,000 received through the MacArthur Foundation, Dr. Schulte Moore was recently awarded a $10 million Federal grant to turn biomass and manure into fuel. With this research, the professor is looking for additional ways that farm waste can be turned into renewable fuel and consequently not contribute to the degradation of the environment. Whether it is researching the next generation of biofuels or helping farmers understand what conservation practices work best at their farms, I am grateful that the MacArthur Foundation recognized Dr. Schulte Moore. Her dedication and innovation encourage young people at Iowa State University and beyond to become involved in ***agriculture***. The fact is, the United States has the safest and most abundant food supply in the world thanks to the American farmer and through research at institutions like Iowa State University. Congratulations, Dr. Schulte Moore. Iowa State University and the State of Iowa are lucky to have a professor like you. I yield the floor. The PRESIDING OFFICER. The Senator from Florida. Vaccines Mr. SCOTT of Florida. President Biden ran on a promise to be a unifying moderate. He promised to bring America together. On the campaign trail, he promised to ``shut down the virus, not the country.'' As we have seen with his vaccine management, the opposite has happened. Joe Biden and Democrats in Washington have adopted an agenda of systemic socialism focused on expanding government and Federal control. In Joe Biden's America, the government knows better than the people, and President Biden has shown that he is eager to use government mandates to keep families in check. President Biden's latest vaccine mandate for private companies tramples on the personal freedoms of Americans. This unconstitutional order will push more Americans out of the workforce, devastate our economy with product and service shortages that cripple supply chains, and throw America into a stagflation crisis not seen since the 1970s. By forcing some working Americans to choose between keeping their jobs or doing what they believe is best for their health, Biden's mandate hurts the people he claims to help--workers, low-income Americans, and seniors on a fixed income, who will all be either hit with higher unemployment, higher prices, or a shortage of available goods. When I think about the impact of burdensome government regulations, I think about my dad. My adopted father was a truckdriver. Anyone who has driven trucks or been close to someone in that line of work knows how demanding that job can be. It is hard work, and it is one of the most critical jobs in our country. Truckdrivers are like the offensive linemen of America's supply chain--often overlooked but absolutely essential to getting things moving. Our country is already experiencing a significant shortage of truckdrivers. We can't afford to lose any more. Of course, trucking isn't the only industry that will be affected by Biden's unconstitutional mandate; nearly every sector is under the gun. In an economy where simply keeping shelves stocked is an everyday challenge, losing workers in almost any critical industry will have a catastrophic impact across our supply chains and drive prices even higher. Just this week, a month and a half before Thanksgiving, Amazon began already giving Black Friday discounts on goods because they expect so many delays and shortages on goods. That means families who have to wait for holiday bonuses before they can go shopping are going to be facing ``out of stock'' signs online and in stores. Joe Biden needs to answer this question: How is he going to fix this? How can Joe Biden guarantee that our supply chains won't completely crumble under his failed policies and mandates? In fact, I urge President Biden to have Transportation Secretary Pete Buttigieg and Commerce Secretary Gina Raimondo testify to the Commerce Committee on the shortages we are already seeing and the shortages that we anticipate. Ensuring the stability of American supply chains requires the urgent attention of the Biden administration. As a member of the Commerce Committee and ranking member of the Subcommittee on Tourism, Trade, and Export Promotion, I know this testimony from Secretaries Buttigieg and Raimondo would be useful in understanding how this will be addressed. We are already starting to see major supply issues. Seafood restaurants in Miami are seeing price increases of 50 to 60 percent on fish. Furniture stores in Florida are seeing wait times of 6 to 8 months before they can deliver certain products. Florida grocery stores are warning of product shortages as customers are starting to see empty shelves. Small business owners and families aren't able to afford those kinds of drastic increases, but if President Biden has his way, those transportation difficulties are going to become even worse and prices will rise even higher. Right now, rising prices on everyday goods are forcing American families to make hard choices. I have said it on this floor countless times, and I will say it again: Reckless government spending causes inflation. The reckless spending agenda of Joe Biden and Democrats here in Washington is having disastrous effects on families across our country. We can never forget that, as inflation worsens and prices surge higher, it is the poorest Americans and those on fixed incomes who are hurt the most. There are single moms wondering if they can put an extra few gallons of gas in the car and still afford to put dinner on the table this week or moms like mine who took on odd jobs to make ends meet and watched the smallest price changes at the grocery store to make sure we could still get by. If President Biden actually spoke with small and midsized employers and hard-working families instead of big banks and CEOs, he would learn that massive Federal mandates won't help us get our economy back on track. His Big Government mandates will only hurt us. I want to be clear. I got the vaccine. I had COVID. And I encourage every American to talk with their doctor and consider doing the same. But getting the vaccine is a choice every American [[Page S6964]] gets to make for themselves. We can't give people an ultimatum to comply, quit, or get fired. It is a gross overreach by the Federal Government at a time when we need more jobs, not less; lower prices on everyday goods, not higher. Unlike Joe Biden and Democrats in Washington, I don't believe that government knows better than the American people. My parents didn't have much of a formal education, but they worked hard and made the choices they felt were right for the health and well-being of our family. They relied on government to keep them informed, and they made their own choices. That is how government should work. That is what I did when I was Governor of Florida. In 2016, Florida was faced with the Zika virus, which impacted newborns. Rather than placing mandates on pregnant women or restricting their travel to areas with local transmission of Zika, which we knew where they were, we simply informed Floridians. We worked to be as transparent as possible and offered free Zika testing to all pregnant women in Florida. That is how the Federal Government should deal with COVID. The government's role in public health is to inform and support, not mandate. Our country has seen labor shortages caused by Democrats' failed policies of rewarding unemployment, paying people more to stay at home than to get back to work. Energy prices are surging, and inflation is raging. American families can't afford more of President's Biden's radical policy decisions that are inflicting lasting damage and driving our economy backwards. Restoring and strengthening our supply chains is a critical step in getting the American economy rolling forward. It is time for President Biden to acknowledge that massive, unconstitutional mandates on private companies won't do anything but hurt American business and throw gasoline on the already raging inflation crisis he has created. I yield the floor. The PRESIDING OFFICER. The Senator from West Virginia. Tribute to Warrant Officer Hershel ``Woody'' Williams Mr. MANCHIN. Mr. President, I am here today to honor the lives of our World War II Medal of Honor recipients who bravely served our Nation, including the last surviving recipient who just celebrated his 98th birthday, Hershel ``Woody'' Williams. My colleague is here with me. We have known Woody for years and years and years. This is a person who has never quit serving his country from the day he was born to the day he fought and won the Congressional Medal of Honor in Iwo Jima. If you ever saw any pictures and basically the war videos we see, you see a little guy running around Iwo Jima shooting the flame thrower in the pill boxes. That was Woody. It is just unbelievable. He is a fellow West Virginian. He was a marine, a Medal of Honor recipient for his heroic efforts at the Battle of Iwo Jima that I have been told involved the flame thrower, which I have seen. And it is not just one. I think he went through five flame throwers because when he ran out, he went and reloaded and went at them again. It is just unbelievable. Woody has dedicated his life to our great and our beautiful United States through his service in the military and his dedication to supporting veterans and advocating for their needs for decades after. There is not a time when I know that Senator Capito and myself don't hear from Woody and there is something going on, whether it is at the cemetery, or whether we are having a ride for the Gold Star families. We do a motorcycle ride, which I would like to invite the Presiding Officer to. I say to the Presiding Officer: You would enjoy it. It is wonderful. Senator Capito has been with us before on that. It is just a wonderful thing, and Woody has never failed to be part of it. Now, he rides in a sling shot, but, by golly, he makes the whole route. He has dedicated his life fully to our veterans and to the Gold Star families. He is bound and determined to get a committal shelter built at the Donel C. Kinnard Memorial State Veterans Cemetery. Again, Senator Capito and I, both serving on the Appropriations Committee, have committed that we are united in getting this done. We will get that done, and it needs to be. That basically would ensure that the families of our fallen soldiers and veterans, they have a safe place to lay their loved ones to rest, protected from the weather, rain, Sun, and snow throughout the year. In this year's Military Construction and Veterans Affairs appropriations bill, we include a language to create a pilot program that allows Federal veterans cemeteries to build shelters for those purposes. But we must ensure the pilot program includes State veterans cemeteries, like the Donel C. Kinnard Memorial State Veterans Cemetery. The families of our fallen servicemembers deserve to honor their loved ones in peace, and I am proud to help Woody fight for this simple request. Americans like Woody Williams answered the call to serve our great Nation during World War II, and he fought to ensure democracy prevailed. Their sacrifices allowed the rest of us to enjoy the freedoms we hold sacred and help make the United States the strongest Nation in the world. I am going to share with you one story that Woody has told all of us back home. He says the thing that he remembers most and the thing that he stills grieves the most about, he had two marines that were protecting him with gunfire while he ran around, and their lives were sacrificed for him. I think both got shot and perished. And he says: They gave their life for me to do my job and protect and save my life. There is not a day that goes by, he says, he doesn't think about that, how the Good Lord spared him and the sacrifices that were made for him and our country. So I believe that honoring all of those who served in World War II by allowing the last surviving--and I want to make sure we understand. Woody Williams is the last surviving Medal of Honor recipient from World War II. We are asking that he be allowed to lay in State at the U.S Capitol Rotunda. And what better way to honor this generation, their sacrifices than the President to authorize the State funeral for that brave individual. And Woody--there is not a better person to represent all of those who sacrificed and given their all, all of those who were basically decorated for their valor, to do this. And bestowing this great honor on the last survivor and the World War II Medal of Honor recipient would be the perfect way to come together as a nation to salute the ``greatest generation.'' So I am honored to be here with my colleague and my friend Senator Capito in a bipartisan--you know, I have always said this: The glue that holds this country together is the people who put themselves in harm's way for all of us. They didn't say: Well, I will put a uniform on and I will take a bullet for the Republican, but not the Democrat, or I will take a bullet for the Democrat and not the Republican. Senator Capito's father took a bullet for all of us too, and she will speak about that, I am sure, and the bravery that he had. He was my dear friend, and we all miss him. But the sacrifices that my parents and Senator Capito's parents and the generation--that was the ``greatest generation,'' I think, that we will ever see because they took responsibility and took responsibility for their action. They held themselves accountable for their actions, and that showed the character that generation has. And that is what I would hope these young interns and all the young pages that we have here understand, that your character is defined the day that you take responsibility for the actions--good, bad, or indifferent--and be able to look yourself in the mirror and say: I made a mistake. I can do better. That is my fault. I will fix that. That is character. So I am honored to be here and to honor every World War II veteran, every World War II Medal of Honor recipient. I urge my colleagues on both sides of the aisle to join us in our efforts to honor these brave veterans. And I call on our President, President Biden, to grant our request. With that, I yield the floor to my colleague. Mrs. CAPITO. Mr. President. The PRESIDING OFFICER. The Senator from West Virginia. [[Page S6965]] Mrs. CAPITO. Mr. President, it is an honor to talk about a good friend of ours, Woody Williams, here with my fellow Senator from the West Virginia, to talk about our fellow West Virginian, Hershel ``Woody'' Williams. He is just an incredible, incredible, individual. He turned 98 just, I think, last week. So he was born in 1923, which was the same year my father was born. Woody and I have talked about this because when I see him, I see my dad and that generation. My dad is no longer with us. You know, they did incredible things at such a young age. One day, I was honored to sit next to Woody on an airplane flying home. He travels all over. It is amazing where he goes and what he does. He told me his whole story of joining the Marines and signing up for the Marines and why he wanted to do it. He was a country boy, just born--they didn't really actually know when he was born. He didn't have a full birth certificate. And he is a little guy. He wasn't quite big enough to maybe get--be able to join, and he worried about that. He was 17, but nobody really knew how old he was. I asked him: Well, what was your attraction of being in the Marines? He said one day he was in town and he saw this guy walk by, and he was fully dressed in a Marine uniform. And he said: I want to be that guy. I want to wear that uniform. And he persevered, as he has in every aspect of his life. There are so many, as Senator Manchin said, so many brave from that ``greatest generation'' that served in World War II. And he is the final World War II veteran Medal of Honor recipient of that award. We are so proud of him in West Virginia because, you know, it didn't stop there for him. He spent a lifetime advocating for veterans, for veterans' health, for fallen soldiers' families, in a whole variety of roles, and he never stopped. As Senator Manchin said, he fought valiantly in the Battle of Iwo Jima, storming those pill boxes, all four of them, under relentless fire. He survived the entire 5-week campaign in Iwo Jima. As we know, that was one of the most staunchly defended Japanese strong points at that time, and his actions played a critical role in the eventual capture of that island. He has inspired future generations to want to serve our Nation. He is a hero for what he has done at home. He has committed himself for 75 years to veterans and their families, and he created the Hershel Woody Williams Foundation. Through his foundation, Woody advocates for and recognizes the sacrifices of our Gold Star families who have lost loved ones in the military. Because of his tremendous efforts, Woody and his foundation are responsible for 60 Gold Star family memorial monuments. Senator Manchin and I have been to the grand opening. They just had a new one in Charleston, on the grounds of the Charleston capitol. It is beautiful to see, and the other 70 additional monuments that are going to be built in the future. We need reminders, I think. We need reminders of the sacrifices that people make. And we need reminders of what it takes to defend our liberties, our freedoms, our families. So we are really, really pleased to be here. The West Virginia Legislature included Woody in the West Virginia Hall of Fame and named him a Distinguished West Virginian in 1980, and again in 2013, and they would probably do it again next year. He is just so ***exceptional***. His unending energy and passion have also inspired many generations. He has spoken to numerous schools, universities, community events, and veterans' receptions, promoting patriotism and the ideals of service above self. I have been privileged to attend--and I know Senator Manchin has too--several speeches given by Woody Williams, keeping in mind the last one I heard, he was 97 years old. Oh, my gosh, so inspiring. It makes you just want to feel pride for our country but also for our people, that our country boy from West Virginia could keep inspiring the next generations. He has been here to the Halls of the U.S Capitol. Or you might have even seen him at the coin flip--how did he get there?--at the Super Bowl in 2018. So he has gone on to really, I think, be a remarkable human being. If you haven't met him or haven't seen him, make sure you get a chance if you hear he is coming your way. Abraham Lincoln famously said: ``Any nation that does not honor its heroes will not long endure.'' Today, I am proud to honor my friend, with Senator Manchin and many other West Virginians and others around the country, and to share his stories of courage, compassion, and the service not only in the past but the service that he has today. I am glad to join a bipartisan group of our colleagues in honoring him and honoring him in the future. Thank you. I yield back. Mr. MANCHIN. I say to Senator Capito, if you could just wait a minute. The PRESIDING OFFICER. The Senator from West Virginia. Mr. MANCHIN. I know you remember this very well. Woody is a person who taught us all how to say the Pledge of Allegiance. Because we think we know how to say it. We all memorized it as a little kid: ``I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands.'' Woody would always say: One Nation under God--do not stop, do not hesitate at ``one Nation.'' It is ``one Nation under God.'' It is not ``one Nation.'' ``Under God with liberty and justice for all.'' He corrected us, and he never would let us say it without going with no pause because he said we are a nation under God. And I will never forget. He drove that home so many times to all of us. So the young pages here, I hope you will remember that. With that, maybe we should do a ``happy birthday'' together to Woody because he is probably watching. So together, you and I? Happy birthday, Woody. Ms. CAPITO. Happy birthday, Woody. The PRESIDING OFFICER. The Senator from Mississippi. Mrs. HYDE-SMITH. Mr. President, I also want to wish Woody a happy birthday as well. I just join my colleagues today to commemorate and honor some of the Nation's most admirable warfighters in the Second World War, and I so appreciate my colleagues bringing their personal stories to the floor today. This is something that all Americans should cherish--the stories of these heroes. We have very few of these brave heroes still among us today, and it is so important that they receive every ounce of recognition that we can give them for their selflessness and extraordinary heroism. I am pleased to be a cosponsor of Senator Manchin's legislation to provide a merited celebration and commemoration of the last living World War II Medal of Honor recipient, Woody Williams, who recently celebrated his 98th birthday. Medal of Honor recipients like Mr. Williams demonstrated a courageous and noble commitment to our Nation, and their exemplary actions deserve all the praise that we can give them. I am proud to represent a State that has several World War II Medal of Honor recipients of its own, in Mississippi: Van Thomas Barfoot of Edinburg, Robert T. Henry of Greenville, James Daniel Slaton of Gulfport, Louis Hugh Wilson of Brandon, and Jack Harold Lucas of Hattiesburg, whom I still remain friends with his family today. From Germany to Japan, these men served our Nation without hesitation in the height of the Second World War, defending our Nation, our allies, and the very principles of freedom. It fills my heart with great pride to call these late veterans my fellow Mississippians. The tributes we offer today for Mr. Williams in truth stand for our deep appreciation for all of those who fought in World War II. I thank my colleagues for their great work on this important recognition and the opportunity to be a part of this. Thank you, Mr. President. I yield the floor. The PRESIDING OFFICER. The Senator from Montana. Mr. TESTER. Mr. President, I join my colleagues today in support of our bipartisan resolution to designate a state funeral in honor of the last surviving Medal of Honor recipient for [[Page S6966]] World War II. Woody Williams is that person, and this would also recognize millions of Americans for their service and sacrifice during the war. The Medal of Honor represents a small token of our appreciation for the spirit, determination, and gallantry of those who performed far beyond the call of duty, those of our ``greatest generation'' who gave everything on the battlefield. This includes five brave Medal of Honor recipients from the great State of Montana: William W. Galt, Laverne Parrish, Leo J. Powers, Donald Ruhl, and Henry Schauer. Each of these men pitted bravery and heroism against great odds and showed exemplary devotion to our Nation. Now, they have all passed, but their memories live on in each of us--in our freedoms, in the freedoms of our children, and in those of our children's children. Today, we have a special opportunity to honor their service and ensure that their acts of heroism are never forgotten. A state funeral for the last surviving World War II Medal of Honor recipient is a key part of fulfilling this promise. These ceremonies offer our Nation the opportunity to pause and reflect on the service of not only the individual but also those who served alongside them. It is my hope that President Biden designates this state funeral so that we may honor the last surviving Medal of Honor recipient from World War II with this distinction. It is time to pay a final salute to the millions of men and women of our ``greatest generation'' who served our country with great courage. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Michigan. Unanimous Consent Request--Executive Calendar Mr. PETERS. Mr. President, shortly, I will ask for unanimous consent on the nomination of Robert L. Santos to be the Director of the U.S Census Bureau. The mission of the Census Bureau is to serve as the leading source of quality data about the Nation's people and our economy. The census and the Bureau's surveys are critical for communities, businesses, and people across our Nation to ensure communities have the resources and the information they need to thrive. The Census Bureau Director must meet the challenge of this mission. They must have experience in the collection, analysis, and use of statistical data and demonstrated management experience at large organizations. Robert Santos is an eminently qualified nominee for this role. He has over 40 years of experience as a manager and expert in the field of survey design and statistical research, including experience as a manager at the most renowned research centers for statistics, as principal of a market research firm, and currently at the nonprofit Urban Institute. He has interacted closely with the Census Bureau for decades as a researcher, a stakeholder, and an expert adviser, serving on the Census Advisory Committees and National Academies' panels on Federal statistics. Mr. Santos has demonstrated a deep knowledge of the Census Bureau, its data, and its stakeholders. He has demonstrated a commitment to upholding the Bureau's mission of producing essential, high-quality data that our Nation relies on. It is critical that we confirm Mr. Santos to the Census Bureau so they can continue their important work with a well-qualified leader at the helm. So, Mr. President, I ask unanimous consent that the Senate proceed to the following nominations: Calendar Nos. 311 and 312, Robert Luis Santos, of Texas, to be Director of the Census for the remainder of the term expiring December 31, 2021; and Robert Luis Santos, of Texas, to be Director of the Census for a term expiring December 31, 2026. (Reappointment); that the nominations be confirmed; that the motions 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 nominations; that any related statements be printed in the Record; and that the President be immediately notified of the Senate's action. The PRESIDING OFFICER. Is there objection? The Senator from Florida. Mr. SCOTT of Florida. Mr. President, reserving the right to object. First, happy birthday. Is it your birthday? The PRESIDING OFFICER. No, sir. Don't rush it. Mr. SCOTT of Florida. As my colleague knows, the Census Bureau performs critically important functions to collect accurate and timely data. Unfortunately, I am concerned that this nominee will politicize the Census Bureau and will not perform his duties in a fair and unbiased fashion, which this position demands. I cannot and will not consent to allowing this nominee to move forward in an expedited manner. We should take a vote so every Senator can get on the record with their support or opposition to this nominee. Therefore, Mr. President, I object. The PRESIDING OFFICER. Objection is heard. The Senator from Michigan. Mr. PETERS. I suggest the absence of a quorum. The PRESIDING OFFICER. 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 PRESIDING OFFICER. Without objection, it is so ordered. Immigration Mr. CORNYN. Mr. President, over the last few months, the American people have watched in disbelief and then in anger as the Biden administration has completely fumbled the response to the border crisis. In the spring, the biggest concerns were the thousands of children coming across the border. We lacked the facilities, the personnel, and the resources to provide proper care for those children, particularly in those kinds of numbers. At one point, one of the ***processing*** centers in Donna, TX, in the Rio Grande Valley was at 1,600 percent of capacity. Then, in the summer, the scale and scope of the crisis grew. In addition to the thousands of unaccompanied children entering our country each month, the number of family units has skyrocketed. I should pause to add, Mr. President, that the reason why the smugglers send in unaccompanied children is because they know they will simply be placed with sponsors in the interior of the country and most of them will fail to return to the immigration courts for their asylum hearing. So they will have been successfully placed in the United States, sometimes with relatives, sometimes with noncitizens, sometimes with foster families who don't know them at all. That is why the smugglers have been smuggling unaccompanied children. But in August alone, more than 86,000 members of families--typically women with young children--have crossed the border. Now that we have reached the fall, the crisis has shifted once again. I think what really grabbed people's attention was when they saw the little town of Del Rio, TX, with 15,000 Haitian migrants under a bridge in Del Rio, TX. First of all, they were shocked. They thought this was a Central American phenomenon or Mexican migrants. But the reality is, as Border Patrol will tell you and has told me, we literally have people coming from around the world across the southern border, including some countries of particular concern. So the Haitians got people's attention and completely overwhelmed the border region and our capacity to deal with them. That is why 400 Border Patrol agents had to be shipped in from other parts of the border or from interior checkpoints, which means that those other locations were understaffed or perhaps had no staff at all. That, in turn, is an invitation to the drug smugglers to smuggle more drugs across the border. I have mentioned time and time again this shocking number: 93,000 Americans died of drug overdoses last year. The vast majority of those drugs come across the southern border. So the cartels--these criminal organizations that smuggle people, drugs, and other contraband--they are pretty smart. They understand where the weaknesses are, where the gaps are both in our policy and in our physical ability to secure the border, and they play us just like a fiddle. The individuals and families huddled under the Del Rio Bridge--they were [[Page S6967]] trying to escape triple-digit temperatures. It is hot in August and September in Texas, and they had little, if any, access to food, clean water, or restrooms. It took a number of days before the Department of Homeland Security was able to remove them from what the New York Times described as squalid conditions--truly, Third World conditions. Now, President Biden has said to the migrants: Don't come to the United States. But the fact is, what he says with his mouth, with his lips, is contradicted by all of his policies and all of his action and inaction. Here, let me share a few headlines from the last several months: ``Overwhelmed Texas border community begins busing migrants to Austin''; ``Migrants freed without court notice--sometimes no paperwork''; ``Haitian migrants released in U.S on `very, very large scale'.'' Folks beyond our borders are reading this. Friends and family in the United States are communicating with potential migrants who have come across. Certainly, the human smugglers--the coyotes--who get rich and are getting richer with every person they smuggle into the United States, are reading these headlines and watching cable TV and talking to people inside the heartland of our country. The message they see with their own eyes or they hear from others contradicts this lip service, really, that President Biden has been paying to border security. Like I said, this is especially true among the cartels and criminal organizations that charge thousands of dollars a head to bring folks from literally anywhere around the world. It just gets a little more expensive. If you want to come from, let's say, the Middle East or if you want to come from, let's say, Iran or Afghanistan, it is a little more expensive than if you just want to come from Mexico or Central America, but you can do it because the same networks and criminal organizations run those networks in those countries around the world. Last week, the Biden administration handed the cartels a big recruiting tool. Let me read you another headline: ``U.S Will No Longer Deport Illegal Immigrants Based on Undocumented Status Alone.'' That is what Secretary Mayorkas, the Secretary of the Department of Homeland Security, said: The U.S Government will not enforce U.S law. As if we needed to add any more to the chaos and the crisis on the border, Secretary Mayorkas has provided explicit confirmation that the Department of Homeland Security will not enforce our immigration laws. His directive strongly discourages Immigration and Customs Enforcement from even carrying out their most basic duties. I know it seems like a long time ago, but it wasn't that long ago when people said: ``Abolish the police.'' Before that, they said: ``Abolish ICE,'' Immigration and Customs Enforcement. But now they are, maybe, not so much intent on abolishing ICE as just telling them don't do your job. Don't enforce the very laws that we in Congress have made. Considering the fact that the border czar, Vice President Harris, once compared ICE to the Ku Klux Klan, we probably should have seen this coming. Liberal activists can throw out their ``Abolish ICE'' posters because the administration is, effectively, nullifying the Agency from the inside. The reality of the situation, however inconvenient it may be, is that, by entering the United States illegally, migrants are breaking U.S laws. We are fortunate, indeed, and grateful to the hard-working men and women of ICE and Customs and Border Protection, who are committed to enforcing our laws and keeping the American people safe, but they can't do it when they are told don't do your job or if the administration continues to denigrate these officers to try to shame them and to publicly criticize them for doing what we have asked them to do. Secretary Mayorkas's decision not to enforce our immigration laws isn't an example of prosecutorial discretion, which is the usual excuse; it is a violation of his oath. The Department of Homeland Security is charged with safeguarding the American people, but it can't do it because of the direction of its own leadership--a member of President Biden's Cabinet. There is nothing wrong with prioritizing the removal of the most dangerous criminals who are here illegally. Previous administrations have prioritized certain categories, like those suspected of terrorism or others who could be a threat to our national security or public safety, but there is a difference between prioritizing and exempting entire categories from enforcement altogether. Under this new guidance from Secretary Mayorkas, ICE officers are discouraged from arresting or removing illegal immigrants unless they have been convicted of a serious crime. It is unclear, though, whether domestic violence meets this criteria. Certainly, other crimes don't. So it defies all common sense to ask our law enforcement officers--that is what ICE officers are; they are law enforcement officers--to turn a blind eye to illegal conduct and not do what they have sworn to do in a professional oath. I am reminded of a controversial directive issued by another one of President Biden's nominees to enforce our Nation's laws. Rachael Rollins was nominated to serve as the U.S attorney for Massachusetts and is currently the district attorney for Suffolk County--home to Boston. She is a current nominee from the Biden administration. Shortly after taking office as the Suffolk County district attorney for the State and local office, she released a memo that outlined more than a dozen crimes that should be ignored by law enforcement. This was the district attorney, who was charged with enforcing the laws, saying to law enforcement: Ignore the laws. According to Ms. Rollins, individuals who committed offenses like trespassing, shoplifting, larceny--that is stealing--wanton or malicious destruction of property or even possession with intent to distribute drugs should not be prosecuted. Again, I have no issue with law enforcement using limited resources to address the biggest threats and to prioritize their prosecution decisions, but they cannot, I believe, consistent with their oaths, exempt wholesale classes of criminals from enforcement. Under the Biden administration, we are already seeing a record-low number of deportations for people who violate our immigration laws. Back in April, as border crossings hit their highest level in 20 years, ICE removed the lowest number of illegal immigrants on record. There is no coincidence there. The guidance from Secretary Mayorkas sends an unequivocal message to the entire world that, if you want to come to the United States illegally, you will be able to stay as long as you don't get caught committing a murder or some other crime of a similar nature. The administration has tried to claim that this will not serve as a pull factor. That is what the Border Patrol talks about with the push factors--poverty, violence, and maybe things like that which are the push factors for immigration--but they also talk about the pull factors, which are things that the migrants see and the smugglers see that will actually attract more illegal immigration to the United States. The administration has tried to claim that this refusal to enforce our immigration laws won't act as an additional pull factor because, they say, the order only applies to immigrants who entered the United States before November 2020. But let's consider some of the other things that have been said. For example, Vice President Harris said migrants should not come to the United States because they will be turned back. That is clearly not happening. That is clearly not the case. We were told that the Department of Homeland Security would use title 42, a public health law, to return the vast majority of Haitian migrants because, after all, while we are still dealing with the pandemic of COVID-19, these migrants, by and large, aren't vaccinated, and they are not tested for COVID-19 when they are released into the interior of the United States. You would think that would be a problem for the Biden administration, but Secretary Mayorkas just flat lied to the American people when he said what would happen to the migrants from Haiti. Some 13,000 migrants from that group have been released into the interior of the United States before even appearing in front of an immigration judge. [[Page S6968]] Clearly, that was a lie when he said they would be repatriated to their country of origin. So we have no reason to believe that things will be any different this time. The President can't have it both ways. He can't say he is taking a tough stance on illegal immigration to appease one wing of the Democratic Party while implementing policies that just encourage more illegal immigration to appease the other wing. The only way to address this crisis is to enforce our laws, not as the Biden administration wishes they were written. If we are going to have any hope of managing the current crisis and the additional crisis that will necessarily follow, deterrence is a key. As the Border Patrol told me, there have to be consequences for illegal immigration. If there are no consequences, people are going to continue to come in greater and greater numbers. Albert Einstein reportedly once said: Insanity is doing the same thing over and over again and expecting different results. Unless the administration backs up their ``do not come'' statements with actions which actually send the same message, we are going to continue down this very dangerous road. What will need to happen next before the administration takes this crisis seriously? More than 200,000 border crossings during each of the last 2 months didn't get their attention nor did the group of 30,000 migrants in Del Rio, TX, in a matter of days. So you can't help but ask: How many more migrants will have to suffer before President Biden and Vice President Harris finally back up their empty statements with action? We stand ready to help and to work on a bipartisan basis. As a matter of fact, Senator Sinema and I, along with our colleagues Henry Cuellar and Tony Gonzalez in the House, have a bipartisan-bicameral border solutions bill. It is not perfect, and it doesn't answer all the questions, but it is a good place to start. So far, we have heard nothing but crickets from the administration. Apparently, they don't care about the status quo and, so far, seem unwilling to do anything differently to correct it. I yield the floor. The PRESIDING OFFICER (Mr. Van Hollen). The Senator from Ohio. Mr. PORTMAN. Mr. President, I ask unanimous consent to conclude my remarks today. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. PORTMAN. Mr. President, I just listened to my colleague from Texas talk about what is going on at the border. I thought he made a lot of really good points, and I appreciate his willingness not just to talk about this issue and the crisis we have on our southern border but also to talk about solutions. One of the solutions he talked about and I have heard about a lot recently--I am the ranking Republican on the Homeland Security Committee. In the last week, I have had the opportunity to speak with both the current Border Patrol Chief and also the recently retired Border Patrol Chief about what is happening on the border and the real- world problems that it is creating. One thing they tell me is, just let us finish the small parts of the wall that haven't been completed because it is impossible for us to enforce the laws if you have these openings. Secondly, they said: Please let us complete the technology. On both sides of this aisle, we have agreed, in the past, that, even if we disagree on having a fence along any parts of the border, including the urban areas, we will agree on the technology that ought to go with it. They told me these stories that I had confirmed when I was down at the border earlier this year in that the technology that goes with it-- the remote sensing cameras, the remote sensors in the ground, and so on--were stopped as soon as the Biden administration came in even though they were already paid for. So it wasn't just stopping construction; it was, in effect, in my view, more important that they have actually stopped the technology that is needed to be able to protect the border. Senator Cornyn talked about how he and Senator Sinema have worked on legislation to deal with some of these issues. I appreciate that because that is what is needed. We need to make some changes. We can't just continue to do what we are doing because we have over 200,000 people a month now coming over--***unprecedented*** numbers. Usually, in the summer, those numbers go down a lot, but they have actually increased this summer. We also need to fix a broken asylum system. This should not be a partisan issue. It is obviously not working. People come to our border. They claim asylum. They are allowed to come into the United States. They are told, you know: Please go to an immigration office and check in, but 4 or 5 years until your immigration case is likely to be heard, sometimes longer. Meanwhile, these folks are in the United States. And then at the end of the ***process***, even though those who end up going through the court system are self-selected because they are the folks who more likely--I think are more likely to have an asylum claim that is valid--but even when you go all the way through that ***process***, guess what. Only 15 percent of those from countries like Guatemala, Honduras, El Salvador--the so-called Northern Triangle countries--or other countries like Ecuador, only 15 percent are granted asylum by an immigration judge. But, meanwhile, everybody is in the United States. And as I said earlier, the internal enforcement is not occurring, so people are literally not being told they have got to go back. And often, obviously, not identified because, after 4 or 5 years, many people are embedded in our community. So the asylum system has become a pull factor, and we need to realize that. I was in four countries in Latin America earlier this year--Mexico, Guatemala, Colombia, Ecuador--and I heard from every one of the Presidents in those countries, the same thing in different ways, but the same thing, which is: You guys are pulling our people to your southern border because the traffickers, the smugglers, the coyotes, who are making all this money, are coming to our families and saying: Hey, come to the border. Give me 10,000 bucks. I will take your kids there. I can get them into school in the interior of the United States, and they are right. Their narrative might not be exactly right. I am sure they exaggerate. But as a whole, what they are saying is correct. In other words, our system is so broken that these people who are exploiting poor people all over Latin America and elsewhere now--all over the world they are starting to come through our border in bigger numbers-- are able to say: If you come with me, I will get you in. That is because the asylum system is broken. So until we fix the asylum system, we can do everything else we are talking about--I don't think this is going to work. And by the way, when I talk to my colleagues on the other side of the aisle about this, when I talk to Secretary Mayorkas about it, they acknowledge this is broken. I mean, you have to. The 13,000 Haitians that just came into our country, that walked in, were given a bus ticket or a plane ride and told: Here is an immigration office. Please check in. My understanding is the vast majority of those people had applied for asylum, and we said: Come on in. And in 4 or 5 years, their case may be heard. And if they come to that trial, many of them will be deemed, just as the Central Americans are deemed, to be economic refugees. Look, if you or I were in Central America and knew we could better ourselves and our family and take care of our kids by coming to the United States, wouldn't we make the same decision? But don't we also in the United States have an obligation to have an orderly, legal way to do that? And we have one. We are the most generous country in the world in terms of taking in immigrants. And I am a strong supporter of the legal immigration system. But we have got to have a proper way to do it. It has got to be legal. Otherwise, again, people are going to be exploited. This trip north is not a safe trip. It is a dangerous trip, and people die in the desert. These kids are not treated well. Many are assaulted. I did a study on this when I was head of the Permanent Subcommittee of Investigations. We did two reports. One [[Page S6969]] was on kids who were taken into HHS custody at the border, and then when they were sent out to their sponsors--because that is what happens. You go to the Border Patrol, then HHS, then you are sent out to sponsors. You know who the sponsors were? The very traffickers who had brought them up--in this case, from Guatemala--who were exploiting them. And those same traffickers took those kids and took them to an egg farm, where they had to work 11, 12 hours a day, no school, paid little or nothing, living on bare mattresses underneath trailers. Finally, luckily, a local law enforcement official figured out what was going on and was able to save these kids. But that is not a system we should want in America. We should want a legal, orderly system that works for everybody. By the way, including the many, many people around the world who are waiting in line patiently to come to the United States through legal means. So I hadn't meant to talk about this today, but I appreciate the fact that my colleague mentioned it. And I do think it is very important that, on a bipartisan basis, we put aside our political rhetoric on this and talk about solutions. I think we should go back to a system where we are encouraging people to apply for asylum in their home country, and, second, to do it from third countries. If they are not comfortable doing it in their home country because they really are feeling persecuted for some reason, do it in a third country. Those agreements were in place during the Trump administration. They were starting to work. They have now been ended. And then if you come to the border, have the adjudication be immediate. Let's spend the money to have the ***processing*** centers there at the border so people aren't waiting 4, 5, 6 years to go to their immigration hearing that they may or may not attend, as you can understand. Instead say: You want to come as an asylee? Here is the system. Your adjudication is going to occur right now. And for those who apply and are successful--which, again, is about 15 percent of people from the countries that are sending most of these migrants--then you would come in as an asylee and you would have the ability to be resettled legally and you would have the ability to work. But if you are one of the 85 percent, you would be told: Sorry, you didn't make the standards. You have got to go back home, and you can apply legally, and here is the way you do it. Wouldn't that make more sense for our country? By the way, there is now a backlog of 1.3 million people waiting for these asylum hearings--1.3 million people. And it is growing every day. Budget Reconciliation Mr. President, I had planned today to talk about something else, which is the tax situation that we are facing with this new proposal from the Democrats. You probably heard about the Build Back Better legislation, also sometimes called the reconciliation bill. It is in reconciliation because it wouldn't require any Republican votes, and Democrats are proposing to take this through Congress, much as they did in March with the $1.9 trillion legislation. This is also called the $3.5 trillion bill, this Build Back Better. Actually, I would argue it is a lot more than 3.5 trillion when you look at the actual spending in it. But let's focus on the tax side for a moment because that is how it is intended to be paid for. The tax hikes, which would be the largest tax increases in America in at least 50 years, systematically dismantle a lot of the pro-growth and pro-job reforms that were put in place in 2017. Why do I call them pro-growth and pro-jobs? Because they worked. They helped Americans keep more of their hard- earned earnings. They helped businesses to be more successful, to hire more people and increase wages. And they are a big reason that, as of February of 2020--the month that we went into in this pandemic, as of February 2020--we had 19 straight months in this country of wage growth of over 3 percent per annum--19 straight months. But what all of us should want--Republican, Democrat, all of us-- higher wages. And by the way, most of that wage growth went to lower- and middle-income Americans. That is what we should want too, right? That was happening. In fact, as of that point, we had the lowest poverty rate in the history of America. We started keeping track of it back in the fifties. It was the lowest poverty rate ever. This was just a year or so ago. This was before the pandemic hit. We also had a 50-year low in unemployment--the lowest unemployment ever--for certain groups: Blacks, Hispanics, disabled, others. So this is something that was an achievement, that met the standards that we talk about on both sides of the aisle--more economic opportunity, closing the wage gap, giving people a chance to come off the sidelines and get a job. Things were happening, and in large ***measure***, because of these 2017 reforms. And yet, in this proposal that is now being proposed, called the Build Back Better proposal, there are tax increases that dismantle much of the reform in 2017 that caused this economic growth. U.S -based corporations are going to have a really hard time competing now in the global economy again because it takes our tax rate back up to being the highest, depending on where they end up in terms of their rate--one of the highest or the highest rate in the entire world. The average corporate tax rate under the Ways and Means proposal will be 32 percent again--back up into the thirties--instead of an average of 21 percent, plus about 5 points on the State average, which is about 26 percent. So, again, it puts us in a position where we are not competitive with the rest of the world. That is why we changed it back in 2017. In fact, according to the International Tax Competitiveness Index, the Democrats' plan would cause the United States to drop steeply down the rankings from 21st in the world to 28th in the world among developing countries in terms of competitiveness of our Tax Code. Once again, as happened too often before the 2017 reforms--and, by the way, has not happened since then--companies will choose to say: OK. I am out of here. Because of the Tax Code and the tax changes that they want to make, companies will say, as they did before 2017, because of the tax laws: I can't be competitive as an American company. I am going to go be a company of some other country. It is called inversions. Sounds bad, and it is. Nobody wanted inversions. Democrats, Republicans, we all hated them. Guess what. We stopped them. After the 2017 reforms, they stopped. Miraculously, we had companies in Ohio that chose to do that. It was terrible. They chose to actually become foreign companies because our Tax Code was so uncompetitive. We can't let that happen again. Small businesses, which make up about 99 percent of the business in America, and they account for about two-thirds of the jobs in America-- and, by the way, most of the job growth is in small businesses--are also hit hard by these tax increases. The vast majority of small businesses are structured as what you call pass-throughs. In other words, they don't pay taxes at the company level; the individuals who own the company pay the taxes. That is the vast majority of companies in America. So when you raise individual income taxes, guess what happens. You are socking it to not just the wealthy or whoever you are trying to sock it to; you are socking it to small business because that is, again, the vast majority of businesses in America, most of the employees. And that is how they are taxed, down to the individual level. To make matters worse, the Biden administration seems intent on ending section 199A, which is a deduction we put in place on purpose to help small businesses kind of level the playing field between big businesses and small businesses. They are actually talking about getting rid of that deduction. So for small businesses listening today, be aware. In all, the more successful pass-through companies should expect their Federal tax rate to rise from about 29.6 percent today to about 46.4 percent under the Democrats' new plan--46.4 percent taxation on small business. How does that make sense? [[Page S6970]] So I think what is going to happen is you will see a lot of small businesses go out of business if this happens and certainly not be able to create new jobs and the opportunity that we saw during the 2018, 2019 time period. But it is not just larger and small businesses that are going to feel the impact of these tax hikes. American workers and families will find themselves losing more of their hard-earned cash from all sides, thanks to the across-the-board tax increases, whether in estate taxes, capital gains taxes, retirement account taxes, the marriage tax, cigarette excise taxes--the list goes on and on. It is no surprise, then, that contrary to what President Biden has repeatedly said, according to the nonpartisan Joint Committee on Taxation--they are the people up here on the Hill who tell us what the impact is of tax law changes. The Joint Committee on Taxation, analyzing this tax proposal that is out there already--this is the Democrat tax proposal of the Ways and Means Committee--they say a lot of taxpayers who make less than $400,000 a year are going to see higher taxes. Some percentage of taxpayers in every bracket will see tax rates go up, even folks making between 40,000 and 50,000 a year, according to the distribution tables by the Joint Committee on Taxation. More than one in three taxpayers making between $100,000 and $200,000 per year will be paying higher taxes in 2023--more than one in three. By 2031, more than three-quarters of those middle-class taxpayers will be paying higher taxes. This is according to the Joint Committee. I encourage you to go on their website. Joint Committee on Taxation, JCT.org So even working-class families are going to end up paying some of the price of this spending spree in the form of higher taxes. But all of us have to pay an additional price in damage to our economy. According to the Tax Foundation, the combined long-run effects of the tax hikes include a decline in our long-run gross domestic product of 0.98 percent. So about a 1-percent decline in our GDP--wow--a decline of the wage rate of about 0.68 percent, and a loss of 303,000 full-time jobs. So this is the Tax Foundation analyzing what the effects of this would be in addition to what I have talked about in terms of the tax hikes. The Joint Committee on Taxation has looked at this and said: Well, if you raise taxes on corporations, it is going to come primarily out of the pockets of the workers, and that is a lot of these middle-class families. But also it is going to reduce our economy. It is going to decline our wages. And it is going to result in a loss of over 300,000 full-time jobs. That is the Tax Foundation. So, to be honest, I am not exactly sure where the President got the notion he has been repeating lately that the price tag on this $3.5 trillion--maybe $5 trillion; I don't know; depending on how you look at the spending--is zero dollars. That is what he said. It is zero dollars. Even by their own admission, the big tax hikes we are talking about here are not going to cover all the spending, No. 1. But more importantly, billions of dollars lost in economic growth, a significant decline in wages, and hundreds of thousands of jobs lost doesn't sound like zero to me; it sounds like a bad deal for the American people. So, along with my Republican colleagues, we have to keep telling the American people what is in this tax proposal and urging people to learn more about how these new taxes are going to affect them, their businesses, and their communities, and weigh in with their representatives in Congress. Why would the American people support tax hikes that are going to be bad for workers and bad for our businesses? We have a responsibility to our constituents to ensure that does not happen. I yield the floor. The PRESIDING OFFICER. The Senator from Utah. Unanimous Consent Request--S. 2846 Mr. LEE. Mr. President, President Biden announced his vague, still- unwritten mandate for the vaccine just almost a month ago. He said then, at the time of his announcement, that his ``patience was wearing thin.'' Those are his words, not mine. Yet, oddly, President Biden's administration is now in no particular rush to implement the rule. So almost a month has now elapsed, but there is still no rule and therefore no implementation of the rule. Perhaps President Biden and those who work with him are realizing what countless Americans already know: that the mandate was not well thought out. First, neither the President of the United States specifically nor the Federal Government generally has the authority to issue a sweeping vaccine mandate of this nature. The Constitution doesn't empower the Federal Government and certainly not the President individually, acting in isolation, with the right, the authority, or the power to broadly dictate personal medical decisions for all Americans with the stroke of the Executive pen. I spoke earlier this week and I also spoke last week about individuals with religious, moral, and medical reasons to forgo vaccinations. The President's mandate ignores their concerns and their rights. Much of corporate America is already starting to fire unvaccinated workers despite the legitimate religious, moral, or health concerns that those workers might have. Some are even being charged fees for being married to an unvaccinated spouse. So it is not just their decisions but that of their spouses that are causing them to confront adverse action from their employer, all as a result of this mandate--a mandate which doesn't yet exist. Even though time was of the essence a month ago when it was issued, there is still no rule and still nothing to enforce, but people are starting to enforce what they think will be in the rule if and when it ever does get promulgated. In recent days, I have heard from over 200 Utahns who are at risk of losing their jobs due to this mandate. They are scared of becoming not just unemployed but unemployable--unemployable, second-class outcasts due to the President's order. Have we lost compassion? Have we lost all reason? Troublingly, it seems that these mandates aren't based in reason. The mandate completely ignores the millions of Americans who have previously contracted and recovered from COVID-19. These people have antibodies against the virus. In other countries where significant research on natural immunity has been conducted, the results are compelling. A study conducted in Italy shows that natural immunity is more effective than vaccines at reducing risk of future infection. Another study of half a million people in Denmark has shown that natural immunity provides significant, lasting protection against infection. Finally, a study from three separate hospitals in Israel found that natural immunity from a previous COVID infection was ``27 times more effective than vaccinated immunity in preventing symptomatic infections.'' But the President's mandate announcement makes no mention of natural immunity--no mention whatsoever. Our entire national health apparatus seems to disregard the significant protection individuals have if they previously had and recovered from COVID. Now, I believe the vaccines are generally safe and effective. I have been vaccinated. Every member of my family has been vaccinated, with my encouragement. I see these vaccines as a miracle, one that is helping to protect millions and millions of Americans--hundreds of millions of Americans, for that matter. But I also recognize that millions of Americans are already protected by their natural defenses because they contracted COVID, before the vaccines were available in many instances, and they have recovered and therefore have natural immunity. The science shows that this immunity is strong, that it is effective, and that it is widespread in America. So I, today, am offering a bill that would require Federal Agencies to recognize, accept, truthfully characterize, and include natural immunity in any regulation. This bill does not say that vaccines are bad or unhelpful; it merely asks the Federal Government to respect widely available science. I am glad to be joined in this effort by Senators Braun, Tuberville, and Sullivan as cosponsors. The bill would allow us to keep Americans employed and help us beat [[Page S6971]] the pandemic in a smart way, in a reasoned, rational way, and in a compassionate way. Now, I believe--in fact, I am quite confident that the mandate in its entirety will be struck down as unconstitutional, as having been issued outside the authority of the President of the United States. This simple bill wouldn't undo the whole thing, as I believe the courts are certain ultimately to do. This simple bill is narrow, and it would simply give peace of mind to Americans and employers by recognizing and upholding evidence-based realities concerning our natural defense to COVID. It is a commonsense proposal, and I urge my colleagues to support it. So, Mr. President, as if in legislative session, I ask unanimous consent that the Committee on HELP be discharged from further consideration of S. 2846 and that the Senate proceed to its immediate consideration. I ask unanimous consent 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? The Senator from Washington. Mrs. MURRAY. Mr. President, reserving the right to object, unfortunately, even though the Senate has had multiple exposures now to nonsense ideas like this bill, they keep coming back. Now, Agencies like the CDC and NIH are already looking closely at data on COVID infection and natural immunity. They have been since the earliest days of this pandemic. In an August ``Morbidity and Mortality Weekly Report,'' CDC assessed data from Kentucky and found that out of a group of people who had been infected with COVID before, those who were unvaccinated were twice as likely to get COVID again than the people who were vaccinated. In other words, being unvaccinated puts you at higher risk of being reinfected, period. Getting vaccinated is a necessary step to protect you but also to protect those around you. We are in the middle of the deadliest pandemic in American history. It has now killed 700,000 people and counting. If we are going to end this thing, if we are going to reopen our economy, if we are going to save lives, we need to get everyone vaccinated when they are eligible. We don't need politicians suggesting they know more than those experts and ignoring the data. We don't need bills meant to weaken one of our strongest tools to get this thing behind us, like the ones that Republicans have repeatedly been pressing for. Workplace safety standards are nothing new in this country. Immunization requirements are nothing new in this country. And let's be clear. The vaccine requirements President Biden has enacted so far include tailored exemptions for legitimate religious and medical considerations that have long been standard. The emergency temporary standard he has envisioned would allow testing as an alternative. People are dying every day. Families are scared, and they are tired, and they are angry that even as they try so hard to do the right thing so we can end this crisis, their hard work is being undermined. So can the Republicans stop the theatrics and stop wasting our time? Can they stop pretending they know more than the experts about this disease? Is that too much to ask? It isn't, and I object. The PRESIDING OFFICER. Objection is heard. The Senator from Utah. Mr. LEE. Mr. President, I appreciate the insight and the thoughtful attention paid to this matter by my friend and distinguished colleague, the Senator from Washington. I respectfully submit that we are not dealing with theatrics when it comes to hard-working Americans, including the more than 200 Utahns whom I have heard from just in the last 2 weeks, who are losing their jobs or are at immediate risk for doing so based on a decision forced upon them by an action that has been threatened but not taken and in no way legally articulated by the President of the United States. These are not theatrics for those who are losing their jobs. That is just not an accurate portrayal, and it really is disrespectful to those who are enduring that. To them, these are not theatrics. To them, this is their ability to make a living. As far as the characterization that these claims of natural immunity are one off, I have yet to see any study that refutes the studies I referenced a moment ago--not the one from Denmark, not the one from Italy, and not the one from Israel that shows the significant immunity benefits conferred by a previous COVID infection, one from which a person has fully recovered. In the case of at least two of those studies--the one from Italy and the one from Israel--the immunity is as strong if not stronger. In fact, the one from Israel concluded that it is 27 times more protective. Yet we continue to hear efforts like this one today characterized as ``theatrics,'' characterized as ``nonsense ideas like this bill''-- bills that try, in the case of the bill that we are talking about today, to protect the employment rights and the personal decisions of Americans who have natural immunity or, as in previous bills, those who have a legitimate medical concern, especially where that concern is one that has been taken on the advice of a board-certified physician who has advised them, based on a preexisting medical condition, not to get it. I also heard that the President has indicated that there would be exceptions. We don't know what those exceptions are. Many of those exceptions are not being honored by those segments of corporate America already moving to implement and enforce this vaccine mandate. What is happening is that HR departments and general counsel's offices in large corporations--those with more than 99 employees--are understandably trying to get ahead of this so that they are not behind when the rule actually issues, so they won't run any risk of the aggressive, heavy fines with which they have already been threatened. So for that reason, many of them are trying to get ahead of it, and many of them are now using President Biden's speech about the yet-to- exist rule, and they are either threatening to fire or preparing to fire or in some cases already have fired people regardless of any exceptions that they think they ought to be entitled to. It is easier for the corporation, in some instances, perhaps, or maybe more convenient or maybe more in conformity with the liking of the individuals making the decision to do that, but it is not fair to the workers. It is especially not fair in light of the fact that all of these actions are being undertaken in response to a yet-to-exist rule promulgated by an executive branch Agency that has yet to act at the behest of the President of the United States--one person without statutory authority and without constitutional authority to do this. That is tragic. Because he doesn't have the authority to do this, it shouldn't happen at all. At a minimum, we, as the lawmaking body within the Federal Government, have an obligation to take it down. Even if we can't take it all down or to stop it, we at least have an obligation to try to make its effects less draconian, less hurtful, and less harmful to individuals who, by no choice of their own and no fault of their own, aren't in a position to get this, whether because of religious convictions, natural immunity, or a health condition or something else. It is tragic. We are better than this. We should be acting to protect Americans, not make them more vulnerable. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant bill clerk proceeded to call the roll. Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Ms. Cortez Masto). Without objection, it is so ordered. Build Back Better Agenda Mr. VAN HOLLEN. Madam President, I am here to talk about the President's Build Back Better agenda and its importance to our country. We have heard a lot over the last couple of months about the new jobs that that plan will bring. It is estimated by economists that it will generate 4 million jobs every year for the next 10 years. That is because we are going to be investing in modernizing our infrastructure. [[Page S6972]] We have already heard about the important work to modernize our roads and our bridges, expand our transit systems, build out the infrastructure of the 21st century, including high-speed internet to every American household and every small business. We have talked about the importance of deploying a clean energy grid and making sure that we move toward a clean energy economy. That will put millions of Americans to work in good-paying jobs. If you are generating that kind of economic activity, that kind of wage opportunity, obviously, that is good for every American household and brings in more income. But, today, I am going to gather with some of my colleagues, organized by the Senator from Minnesota, Ms. Klobuchar, who will join us shortly, to talk about how the Build Back Better agenda will not just generate millions of jobs and good-paying jobs, but help the dollars that Americans have in their pockets and bank accounts travel faster, how it is going to save them money. Now, one way it is going to save money is for families with kids. They are going to get a tax cut. In fact, that tax cut was put in place as part of the American Rescue Plan that we passed earlier this year. As a result of a tax cut for families with kids, families around the country right now are getting up to $300 per child to help cover the everyday costs of raising kids and addressing the needs of a family. That will also cut child poverty in half, but only for this year. It is currently scheduled to terminate at the end of this year, that tax cut for American families with kids. So one of the things we do in the Build Back Better agenda is extend that for many years because it doesn't make sense to have that terminate and have those families stuck with all those additional costs. But there is also another way that the Build Back Better agenda is going to help every dollar that comes into the family bank account go farther, and that is by reducing the costs that they face in so many of their everyday household expenditures. I want to focus on a couple of areas. One is in the area of childcare, one is in the area of healthcare and prescription drugs, and the other is the energy costs and gas costs that so many families face. The Build Back Better agenda is going to lower the costs for American families in those areas so that the income they have will go much further. I want to start with childcare because working parents with infant children are scraping by today to pay for childcare, paying, on average, $1,300 every month to get licensed care. Under the Build Back Better agenda, if you look at the projections, you will see that Marylanders--families in my State of Maryland--will see their childcare bills cut nearly in half with weekly savings of $141 every week. That is $7,322 a year for childcare costs--lowering of childcare costs for those families. If you think about the need to try to get more people in the workforce, it is understandable that if you are a parent with kids, you want to make sure that when you go into the workforce, your kids have an affordable and secure place during the day. And right now that is not an option for millions of American families. So one of the things this proposal does, the Build Back Better plan, is dramatically reduce those costs for childcare. The proposal will also cut prescription drug costs for seniors. We have been having a debate for years about the need to allow Medicare to negotiate for lower drug prices on behalf of all of us, on behalf of all the beneficiaries in Medicare. The Veterans' Administration negotiates drug prices for veterans who are in their care, and yet we don't allow Medicare to negotiate drug prices. This is nuts. And it runs up the costs for Medicare because if you don't get to negotiate price, the pharmaceutical companies get to set the price wherever they want. So this proposal, the Build Back Better plan, will cut those costs and reduce prescription drug costs for Part D premiums by 15 percent. We are also proposing to expand Medicare to cover vision, dental, and hearing services. This is a big gap in the current Medicare Program. Right now, seniors, on average, each year, are paying $914 out of pocket for hearing services, $874 for dental services, and $230 for vision services. Our proposal would cover that big gap in the Medicare Program. I am going to talk for one moment about energy prices because we all know we have to move to a clean energy economy. We are going to make it easier to do that as we put more Americans to work in that area. One of the things that is proposed is a generous electric vehicle tax credit of up to $12,500. This will make it easier for Americans to afford those cars. It is much easier to run a car on cheaper electricity than on gas. But it is also going to help folks who continue to drive their gas- powered cars for years to come, because if we get more people into electric cars, that means less demand for gas, and so that means the folks who continue to drive in their gas cars will get lower gas prices. And we all know that gas prices have been on the rise. Finally, talking about energy savings--you know, the best way to save energy money is to make sure that we don't waste as much energy. All of us know that we have homes, in many cases they are not that well insulated. So part of this plan also includes help to homeowners to more cheaply make their homes energy efficient. That means, with a given amount of power, they will heat their homes at cheaper costs because there will be less wasted energy. In situation after situation, if you look at this bill, not only will it generate more jobs at better wages, not only will it provide working families with kids with tax cuts, but it will also help Americans save money on everything from prescription drugs to childcare, to energy prices, and many others. That is what economists have said, and that is especially true because we are going to pay for this by finally requiring big corporations to pay their fair share and not allow them to hide so many of their profits offshore in places like Bermuda and the Cayman Islands. And we are going to ask the very wealthiest, billionaires, to also pay more for the success of the entire country. So I just want to emphasize the fact--because we hear so much misinformation in this Chamber about what is in the Build Back Better agenda--that in addition to the jobs and higher wages, it is also going to help save families money on their bills so that their dollars will travel farther. I yield the floor. The PRESIDING OFFICER. The Senator from Wisconsin. Order of Business Ms. BALDWIN. Madam President, let me start by asking unanimous consent that the vote on the motion to discharge the Lhamon nomination occur at 3:30 p.m today. The PRESIDING OFFICER. Without objection, it is so ordered. Build Back Better Agenda Ms. BALDWIN. Madam President, I rise today to talk about the opportunity we have before us to deliver results for the people we work for. Right now, too many Americans are struggling to make ends meet and get ahead because of the cost and availability of childcare, healthcare, home care, and prescription drugs. In my home State of Wisconsin, people like Zena, a human resources representative from Twin Lakes, needs us to pass the Build Back Better Budget that invests in working families. Zena has been battling several severe autoimmune diseases, and she has been battling this for more than 15 years. She fell very ill after contracting norovirus, and she was unable to work and ultimately lost her job, as well as her employer-sponsored healthcare that came with it. Sick and uninsured, she turned to our State's BadgerCare program for help. But because the Republicans in the Wisconsin State Legislature have refused a Federal investment to fully expand Medicaid coverage, Zena was locked out of the program and unable to access necessary healthcare coverage. Like millions of Americans, Zena found herself in the Medicaid coverage gap and was forced to make choices that no one living in the United States should have to face, choices like paying for life-sustaining medication or paying her mortgage. Right now, the people we work for are paying two to three times more for their prescription drugs than people in [[Page S6973]] other wealthy countries. This needs to change, and we have an opportunity to get the job done if we simply make the superwealthy and most profitable corporations, like the big drug companies, pay their fair share of taxes. For years, Congress has been talking about lowering the cost of prescription drugs, so let's finally do it by giving Medicare the power to negotiate lower prescription drug prices that will save taxpayers money. Let's stand on the side of seniors, who should no longer be at the mercy of Big Pharma. In addition to lowering the cost of needed medications, our Build Back Better budget provides the opportunity to expand Medicare benefits to include vision, dental, and hearing. The last time I checked, your ears, eyes, and teeth are all a part of your overall health, and there is no good reason not to include them in Medicare coverage. Right now, the United States is also in the midst of a long-term care and caregiving crisis. Hundreds of thousands of older adults and people with disabilities who need and qualify for home- and community-based care services are unable to access them. I know something about this. I was my grandmother's caregiver, and I know firsthand the challenges that family caregivers face. But we can do something about this, and we should, with Build Back Better legislation that invests in long-term care; creates new, good- paying home-care jobs; and raises wages for care workers who often work around the clock to care for our loved ones yet live in poverty. All of this and more is doable if Washington finally says we are not going to continue spending trillions of taxpayer dollars on tax loopholes and tax giveaways for huge, profitable corporations, millionaires, and billionaires. This is all to say that we face an urgent choice: Do we work for the powerful special interests who have too much influence in Washington, or do we work for people like Zena and others like her who simply look for a little help from us to even the playing field and to get ahead? This is our moment to prove to the American people--to people like Zena--that their government works for them, not just those at the top. I have faith that we can do this for Zena, for Wisconsin, and for the millions of Americans counting on us to get the job done for them. I yield. The PRESIDING OFFICER. The Senator from Rhode Island. Mr. WHITEHOUSE. Madam President, as we go over the wonderful things that Build Back Better offers--including tax benefits for families with children, support for home care and childcare for family members, lower prescription drug costs--I want to focus on a particular area, which is the addiction crisis, which grinds on in Rhode Island. I think every Member of this body knows a family who has been touched by this crisis. I remember visiting the small town of Burrillville, RI, a close-knit community. People know one another there. On January 1, 2015, no one would have known that half a dozen people would die in Burrillville of drug overdoses in the next 3 months. That went through that community just in a heartbreaking wave, and it remains burdened by addiction and overdose. We have made a lot of gains since then. The CARA bill that Senator Portman and I did, CARA 2.0, which was baked into the SUPPORT Act, shifted the way we think about addiction so we don't see it as a moral failing. We recognize its medical nature. We recognize, frankly, the noble nature of the path to recovery that people have to walk. We invested in prevention and education and treatment. But still there is a massive gap that remains between the needs of families who have a member who is facing addiction and the care and support that we give them, and Build Back Better makes some really important steps for those families--first, for new mothers in recovery. A new mom has a lot going on: caring for a newborn, coping with a potential substance abuse complication for that newborn, and caring for herself in her often deadly battle with addiction. Build Back Better would grow the workforce specializing in that care for moms. The Medicaid Reentry Act, which I did with Senator Baldwin, is also in the mix to provide Medicaid coverage to people as they get out of jail and prison. We showed in Rhode Island that these programs dramatically reduce overdoses and deaths in the weeks following release from incarceration. Steady access to care through Medicaid will save lives. There is a boost to the Minority Fellowship Program because it is demonstrable that a more diverse workforce produces better outcomes for patients and families. Finally, the peer recovery coach is a personal favorite of mine. We are pioneering this in Rhode Island. These are people who have walked the path of addiction and recovery, and they can relate to people who are struggling in a way that you and I might not be able to. Their role, after an overdose or in a crisis, to get people onto the path of recovery is wonderfully important. All of the other things we are doing will actually create more stable lives. When events happen that knock people off of the path of recovery, having a stable life actually allows for a better shot at recovery and work around relapse. So there is a lot to love in Build Back Better, and I want people to know that we did not forget those folks who are struggling with addiction or walking the noble path of recovery. I yield the floor. The PRESIDING OFFICER. The Senator from Minnesota. Ms. KLOBUCHAR. Madam President, I ask unanimous consent that Senators Merkley, Kaine, and I be able to complete our remarks prior to the vote. The PRESIDING OFFICER. Without objection, it is so ordered. Ms. KLOBUCHAR. Madam President, we are all gathered here today, the group of us, to make a real case for passing the Build Back Better agenda and what it really means to people back in our home States, as Senator Whitehouse was just explaining about Rhode Island. We get a lot in the minutia here for good reason. We are fighting a lot of forces. But in the end, what I know about this agenda, from the infrastructure in the bipartisan infrastructure bill to the work we are doing as part of this people-first agenda, it is about putting the people of this country first over the pharmaceutical companies, over polluters. As I see those fires rage in my State, I know we have to do something about it. As I see people coming to me after years and years and years about the costs of common drugs--Lyrica. You see it advertised on TV all the time. What you might not know is that it has gone up 50 percent in just the last 5 years. What I do know is that the people of this country overwhelmingly-- Democrats, Republicans, and Independents--support bringing costs down for families, support a big middle-class tax cut, and support doing something about pharmaceutical prices. Chief among the reforms in this bill when it comes to healthcare will be allowing Medicare to negotiate directly for less expensive drugs for our seniors. I think 46 million seniors should be able to get a pretty good deal, and I know they could if someone let them do it. Right now, in law, because the pharmaceutical companies lobbied to get it done, they got a ban--a ban--on Medicare negotiating better prices for our seniors. This doesn't just help our seniors, to lift this ban; it helps everyone in America because this is the single biggest purchaser of drugs, our seniors, because they need help in their later years. They have health issues. The stories I have heard in my State--people like Claire from St. Paul. When the cost of the prescription drugs she relied on to manage her arthritis jumped from 60 bucks per month to 1,400 bucks per month, she knew she could no longer afford it. She tried over-the-counter options. Her arthritis advanced. She could barely hold a fork and a knife. I met a woman who was literally holding the drops of her insulin from day to day to day so she could save it for the next day. That is how we are treating seniors in our country? Let's unleash the power of 46 million seniors, get better prices for the drugs, push this Build Back Better agenda, which puts people first, and bring down the cost of prescription drugs. Thank you, Madam President. [[Page S6974]] I yield the floor to my friend from Oregon. The PRESIDING OFFICER. The Senator from Oregon. Mr. MERKLEY. Madam President, Build Back Better invests in families, the foundations for our families to thrive--in education, in childcare, in healthcare, and in housing. So much is needed. It makes huge investments critical to taking on the biggest challenge facing mankind: climate chaos. Earlier this summer, the U.N climate panel released a report they called ``code red for humanity'' because the science shows what a dire path we are on right now. Another report, this one coming from Save the Children and published in the journal Science, titled ``Born into the Climate Crisis,'' shows how much harder life is going to be for our children. Let me say it again: for our children--not our children's children, not our grandchildren's grandchildren; our children. On average, they will experience 2\1/2\ times more droughts than we did, three times as many floods, three times as many crop failures, twice the number of wildfires, and so forth. This is the dangerous and unforgiving world we are willfully leaving our children if we do not act now to control methane and carbon dioxide that are heating up our planet and causing these catastrophes. This is a collective effort of humankind, but America has to act and help lead the world to action. Now, some say we simply cannot afford the investments, but the truth is, we can't not afford to act. Last year alone, America confronted 22 separate billion-dollar disasters. That came with a $95 billion pricetag to the American people. Winds and flooding and severe storms accounted for $35 billion. Hurricanes over the last 5 years cost $400 billion. Those numbers don't account for the droughts, the wildfires, the impact on sea life, ocean ecosystems, the fishing industry. They don't account for any of that. We are facing massive economic disasters if we don't act on climate, and the way we act: We pass Build Back Better. We set ourselves on that path to net zero in the next 30 years, reducing our emissions over the next decade to half of what they were in 2005, ensuring that 80 percent of our American electricity is carbon-free by 2030, and ensuring that half of America's auto fleet is electric by the same time. We have the tools. We have to have the political will to act. So we must pass Build Back Better. Thank you, Madam President. The PRESIDING OFFICER. The Senator from Virginia. Mr. KAINE. Madam President, I rise with my colleagues on Build Back Better, and I just want to emphasize two points that really matter to me. First, Build Back Better is absolutely critical to combine with the infrastructure bill. If we make an infrastructure investment that will be the biggest since the Interstate Highway System, who is going to build it? Who is going to build it? Open the paper. You can't hire schoolbus drivers. You can't hire truckers. We have a tight labor market right now. What Build Back Better does is massive investments in the American workforce, beginning with the workforce of tomorrow--our children--all the way up through community college, workforce development, and immigration reforms that will expand the Nation's workforce. If we invest in infrastructure but don't think about making sure that we have the workforce to do it, what a missed opportunity. The Build Back Better plan has amazing investments in our workforce--the workforce we need right now and the workforce we will need for decades. The second thing about Build Back Better that I particularly appreciate is what it does for children. If we pass Build Back Better, we will have done for American children what Social Security has done for American seniors. Let me just point something out. Pre-Social Security, you would work your whole life; you would educate your kids; you would be the PTA president or the Little League coach or the Sunday school teacher. You would retire, and 50 percent of people would retire and then go below the poverty level. That was what being a senior citizen was in the United States before Social Security. FDR basically said: We want you to have a dignified retirement because you have worked, and you have earned it. So Social Security, once passed and implemented, dropped the senior poverty rate from 50 percent to 10 percent. There has never been a program that has been as successful in doing exactly what it was designed to do as Social Security. Build Back Better can do the same thing for kids. We are a nation that has tolerated, for decades, a youth poverty level dramatically higher than the adult poverty level. What does that say about a society? Yet we have sort of acted like: Well, I guess that is the law of nature. I guess we can't do anything about it. I guess kids are just going to be a lot poorer than adults. We don't have to tolerate it. We can do something about it with the combined impact of the child tax credit, the childcare tax credit, the funding for childcare, universal pre-K, paid parent and family leave, and free community college. If you put those things together, we will do for children what Social Security did for adults, and we will no longer be a nation that tolerates an unacceptably high children's poverty rate and says: Well, there is nothing we can do about it. We can do something about it, and we will do something about it. That is why I so strongly support, with my colleagues, Build Back Better. I yield back. The PRESIDING OFFICER. The Senator from Minnesota. Debt Ceiling Ms. KLOBUCHAR. Madam President, as we await the vote this afternoon, I hope we will resolve a number of things today so that we make sure we stand by the full faith and credit of the United States and not let regular people's interest rates go up, the economy go to tatters, and our credit rating be downgraded. I hope we can get this done. At the same time, just as Americans have gone through this pandemic-- just as those moms and dads have been at home, with their toddlers on their knees and laptops on their desks; just as they have been teaching their first graders how to use a mute button; and just as so many people have lost their jobs or risked their lives while working on the frontline--they are ready to get through this. They see the light at the end of the tunnel or, as we say in Duluth, MN, the lighthouse on the horizon. They see this just as we continue to work, as best we can, with a number of our colleagues we disagree with because we think we should just simply move through this and make sure we are standing by the full faith and credit of the United States and not let our debt ceiling lapse. As we do that, we are looking to the future just as America is. Just as we are starting to see those jobs come back, they are going back to work; they are starting to see their families again; they are going to family reunions; they are starting to be able to go to weddings again. As all of this is happening--as we get the vaccine out there and as we bring people back together--we also have to plan for that future just like families do every day. That is what this is about, the Build Back Better agenda. That is what this is about--putting people in front of so many people who, honestly, have done pretty well during this time. There are a whole bunch of billionaires who didn't even have to pay taxes while these families have been struggling through the pandemic. There are a whole bunch of people for whom it is easier to go and get prescription drugs or do whatever they want while other people are having to choose between filling their refrigerators with food or filling their prescriptions at the pharmacy. So you got a tour in the last half hour from Maryland to Wisconsin, the State of my neighboring friend Tammy Baldwin; to Rhode Island; to the great State of Oregon on the west coast; to my home State of Minnesota; to close by Senator Kaine's State of Virginia. What we are seeing, while our States may be very different, and what we are hearing are the same things: Regular people want to bring costs down. That is what this bill is about--bringing costs down for families in America-- and there are many ways we are going to do this. One is with straightforward tax cuts for people. Another is with making it [[Page S6975]] easier to afford things. It is that simple. That is what I like most about it in my State. They want to make it easier to get childcare. They want to make it easier to get healthcare. They want to make it easier for their parents at the moment when they go to assisted living or they need to get someone in to help them, just like my dad, whom we lost this year. He got that long-term care insurance. I don't know why he did it, but he did. I knew the day that his money ran out, and he was going to go on Medicaid because that was there for his safety net. So many families in America know exactly what I am talking about, and what this bill does is build on the safety net we have in place. So let's remember that. Putting our kids first, our seniors first, our families first, our healthcare first--that is what this is about. We look forward, over the next few weeks, to getting this bill done and getting it agreed to. To me, it is not always about what those top numbers are and everything you hear on the news; it is for what it is going to mean to the families in my State. I yield the floor. The PRESIDING OFFICER. The Senator from Virginia. Mr. KAINE. Madam President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Order of Procedure Mr. SCHUMER. Madam President, as in legislative session, I ask unanimous consent that notwithstanding rule XXII, following the disposition of the motion to discharge, the Senate resume legislative session; that there be 3 hours for debate under the control of Senator Lee or his designee and 1 hour under the control of the majority; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture on the motion to concur with an amendment; that if cloture is invoked, all postcloture time be considered expired, amendment No. 3848 be withdrawn, and the Senate vote on the motion to concur with the amendment; that if the motion to concur with the amendment is agreed to, the motion to reconsider be considered made and laid upon the table without intervening action or debate; further, that upon disposition of the House message with respect to S. 1301, the Senate vote on the motion to invoke cloture on Executive Calendar No. 259; that if cloture is invoked on the nomination, all postcloture time be considered expired and the Senate vote on the confirmation of the nomination at 5:30 p.m , Monday, October 18. The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered. Vote on Motion to Discharge The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion. The yeas and nays were previously ordered. The clerk will call the roll. The bill clerk called the roll. Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. Burr). The result was announced--yeas 50, nays 49, as follows: [Rollcall Vote No. 410 Ex.] YEAS--50 Baldwin Bennet Blumenthal Booker Brown Cantwell Cardin Carper Casey Coons Cortez Masto Duckworth Durbin Feinstein Gillibrand Hassan Heinrich Hickenlooper Hirono Kaine Kelly King Klobuchar Leahy Lujan Manchin Markey Menendez Merkley Murphy Murray Ossoff Padilla Peters Reed Rosen Sanders Schatz Schumer Shaheen Sinema Smith Stabenow Tester Van Hollen Warner Warnock Warren Whitehouse Wyden NAYS--49 Barrasso Blackburn Blunt Boozman Braun Capito Cassidy Collins Cornyn Cotton Cramer Crapo Cruz Daines Ernst Fischer Graham Grassley Hagerty Hawley Hoeven Hyde-Smith Inhofe Johnson Kennedy Lankford Lee Lummis Marshall McConnell Moran Murkowski Paul Portman Risch Romney Rounds Rubio Sasse Scott (FL) Scott (SC) Shelby Sullivan Thune Tillis Toomey Tuberville Wicker Young NOT VOTING--1 BURR The motion was agreed to. The PRESIDING OFFICER (Mr. Warnock). Pursuant to S. Res. 27 and the motion to discharge having been agreed to, the nomination will be placed on the Executive Calendar.

**Load-Date:** October 10, 2021

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[***NA Proactive news snapshot:Water Tower Research, Milestone Scientific, ESE Entertainment, Major Precious Metals, Mydecine Innovations UPDATE ...***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64GD-BN01-F03R-N47S-00000-00&context=1516831)

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Water Tower Research LLC said that it has expanded its analyst ranks by appointing Graham Mattison to cover the industrial and sustainability sectors.The investor engagement company said that adding Mattison to its already strong sustainable team, led by co-founder Shawn Severson, expands its presence in the rapidly growing segment. Mattison brings about 20 years of equity research and investor relations experience. Most recently, he was a contracted investor relations officer for natural gas/LPG vehicle technologies company Westport Fuel Systems.

Milestone Scientific Inc (NYSE:MLSS)announced that it has commenced sales of its CompuFlo Epidural disposables with a prominent pain clinic in North Carolina.In a statement, the company said leading physician Dr. Harsh Govil, whose practice is based in Statesville, has begun incorporating the CompuFlo Epidural instrument into his practice for pain management following a successful evaluation.Dr. Govil plans to utilize the CompuFlo Epidural instrument for office-based procedures to safely and quickly access the epidural space.'I am excited to incorporate Milestone Scientific's CompuFlo Epidural instrument into my practice, as I believe it represents an advancement in pain management,' Dr. Govil said. 'The instrument provides real-time feedback and confirmation of epidural placement, which offers a number of advantages in terms of safety and efficacy.' ESE Entertainment Inc has issued a corporate update highlighting the achievements of 2021, and strategic plans for 2022. Konrad Wasiela, ESE CEO said: "We have established new relationships with global companies, formal working relationships with tier-1 publishers, and surpassed many operational goals. In addition, our aggressive M&A strategy has proven itself, with ESE completing four acquisitions and announcing a fifth. 'Our team's relentless work ethic, alongside a strategic business plan, yielded a successful 2021. We are now setting our sights on following up the tremendous 2021 with an even stronger year in 2022,' he added. In the coming year, the Vancouver, British Columbia-based company said that it will evaluate a plan to expand its business offerings to the metaverse, which may be synergistic with its existing assets. It will also evaluate a plan to expand its business offering to include Igaming. Major Precious Metals Corp. (CSE:SIZE, OTC:SIZYF) has announced that it will present at the inaugural Future Minerals Summit (FMS) to be held from January 11-13, 2022 at the King Abdulaziz International Conference Center in Riyadh, Kingdom of Saudi Arabia. Over 150 mining, and exploration and development companies are expected to attend FMS including over 2,000 in-person attendees. The summit's program will focus on three main themes -- mining's contribution to society, reimagining mining, and investing in new and emerging mining regions. CEO Tony Williams will provide shareholders and interested stakeholders with an update on the company's Skaergaard PGM project in Greenland on January 13, at 2:10pm Saudi Arabia Standard Time. A link to this presentation will be available on the company's website at [*www.majorprecious.com*](http://www.majorprecious.com) after the event. Mydecine Innovations Group Inc (OTC:MYCOF, NEO:MYCO) CEO Joshua Bartch has appeared on Gamechangers LIVE, a podcast series putting a spotlight on individuals who are gamechangers in their fields. The broadcast hosted by executive coach Sergio Tigera is available for on-demand viewing on Gamechangers LIVE. During the interview, Bartch discussed his life as an entrepreneur spanning multiple successful ventures. 'After [taking a multi-million-dollar exit from AudioTranscriptionist.com], I segued into the cannabis industry and went on to found a company by the name of Doctor's Orders in Denver, Colorado. I was actually issued and granted the third legal medical cannabis license in the state,' said Bartch. 'I had no experience in retailIt was an interesting experience, for sure, but that was the beginning of the [Colorado cannabis] business. There was just this huge evolution and ebbs and flows.' In 2014, Bartch co-founded Cannabase.io, the most sophisticated US legal cannabis wholesale platform. After successful exits from both Doctor's Orders and Cannabase.io, he and his Mydecine co-founders turned their attention toward their next challenge. 'We got together and looked at this re-emerging field of psychedelicsWe determined what our approach needed to be, and we founded Mydecine,' said Bartch. Belmont Resources Inc (TSX-V:BEA) has revealed encouraging new drill results from its Lone Star copper-gold project in Washington State that show multiple zones of mineralization. Drilling intersected wide zones of high-grade copper mineralization of up to 18.5%, with elevated gold up to 10.4 grams per ton (g/t) and silver up to 106 g/t. A standout intercept included 44.2 metres at 1.3% copper, including 19.8 metres at 2.4% copper in one hole, and 15.5 metres at 3.7% copper and 1.6 g/t gold in another. Safe-T Group (NASDAQ:SFET) Ltd has advised investors that its fourth-quarter revenue is likely to reach $3.6 million, an increase of more than 170% from the $1.3 million reported for the quarter ended December 31, 2020.The company, a global provider of cybersecurity and privacy solutions, said the expected increase will take full-year revenue to above $10 million, more than double the $4.8 million reported for its 2020 fiscal year. 'Operationally, 2021 was a significant year for Safe-T as our team achieved many milestones, including our expanded focus on the large, global consumer cybersecurity and privacy markets,' the company's CEO Shachar Daniel said in a statement. Northstar Gold Corp said its phase IIB surface exploration program at the Miller gold property near Kirkland Lake, Ontario hasextended the Allied Syenite gold zone 130 metres (m) to the east and southeast. Notably, this zone has now been defined by drilling and surface sampling to ***measure*** 350m by 200m and remains open along strike to the northwest and southeast. In all, 529 channel and 46 grab samples were collected from eight stripped areas on the Miller and Searles properties between July and October last year, reported the explorer. The best results came from two of the eight areas - C1 and C2 - with the former home to 14.79 grams per ton (g/t) gold over 7m and the latter housing 4.52 g/t of the precious metal over 4m, said the company. PlantX Life Inc has announced the opening of XMarket Caf at Rideau Hudson's Bay in Ottawa. The 100% plant-based caf features carefully crafted vegan beverages and plant-based food options with ingredients sourced from Ottawa businesses, including local bakery Marcie's Caf.Additionally, PlantX said it has opened signature XMarket shops at both Yorkdale and Rideau, offering a curated selection of plant-based products spanning grocery, home, personal care, pets, and more. Benchmark Metals Inc has reported the resumption of drilling this month to expand gold-silver zones at its flagship Lawyers Gold-Silver project in British Columbia. The program will continue from the 83,570 metres (m) completed in 2021 as the company anticipates drilling 20,000m during the winter drill program to expand and define the existing resource areas and to advance the new discovery at the Marmot Zone."Benchmark is leveraging its road accessible project by drilling during the winter months to deliver more results in early 2022 and to expedite the project towards a mining a decision,' CEO John Williamson said in a statement. Bloom Health Partners Inc (CSE:BLMH, OTCQB:BLMHF) announced that it has opened a new location in New Jersey to provide health services to the population-dense northeast seaboard. The new location will serve the surrounding metropolitan areas like New York City, Philadelphia, Boston and Washington, DC. Bloom's New Jersey facility will provide expanded laboratories for operational health services and diagnostic testing for Fortune 500 clients, sporting events, and film productions in the area. NEO Battery Materials Ltd announced that it has established and built a research and development (R&D) Scale-Up Centre at the Yonsei University of South Korea through NEO Battery Materials Korea (NBM Korea), a wholly-owned subsidiary. The Vancouver-based company said it entered into a collaborative development agreement with the university in May 2021 to develop and commercialize its proprietary nanocoating technology for silicon anode materials.Due to the increasing need for expanding space and procuring equipment to advance R&D and manufacturing activities, it said it decided to establish the independent scale-up centre through NBM Korea. With the active support of Yonsei University, it said it has successfully secured a strategic space of 4,300 square feetnext to testing and evaluation facilities within the university to develop its technology. CleanSpark Inc (NASDAQ:CLSK), a sustainable bitcoin mining and energy technology company, has released an unaudited Bitcoin production and operations update, saying that it held 633 of the cryptocurrency as of December 31, 2021. The Las Vegas, Neveda-based sustainable bitcoin mining and energy technology company said it sold 414 bitcoin during December 2021 at an average of $49,791 per bitcoin to support growth and operations. 'As of the date of this release, daily BTC production has reached a high of 9.5,' said the company. 'I'm tremendously proud of our teams that worked throughout the busy holiday season to get machines racked and ready,' CleanSpark CEO Zach Bradford said in a statement. 'As of today, we have added more than 550 PH/s of ***processing*** power in the three weeks since our December earnings call, and expect to reach our 2.0 EH/s milestone in the coming days.' Cabral Gold Inc (TSX-V:CBR) has outlined its plans for 2022 and provided a summary of successes achieved during 2021 at the Cuiú Cuiú gold district in northern Brazil. The company said it is looking forward to continuing its aggressive exploration program in 2022 and is planning an expanded drill program at its PDM target following encouraging drill results in December which included 22.4 metres (m) at4.8 grams per ton (g/t) gold from the granitic rocks below the recently identified gold-in-oxide blanket. This drilling will determine the dimensions and grade of the new mineralized zone. In addition, Cabral added, diamond drilling at the Central and MG gold deposits will continue with the objective of defining higher grade zones within both deposits, while testing for additional zones of mineralization. Reverse circulation (RC) drilling will also continue testing the overburden above the Central gold deposit with the objective of identifying a third gold-in-oxide blanket. Levitee Labs (CSE:LVT) Inc announced that it has formed a medical advisory board consisting of experts across a diverse group of fields, including addiction, mental health, drug development, compounding, chronic pain, policy, neurology, and psychedelics. The Vancouver, British Columbia-based company said that it methodically recruited each member of the new medical advisory board for their individual expertise and cumulative synergies that will facilitate expeditious and efficient growth through connections to other thought leaders and major players in all relevant industries. North Americans are faced with an ever-increasing crisis of mental health and addiction disorders that demand innovation to flatten and reverse the curve. Much like the United States, Canada suffered a 74% increase in opioid-related deaths over the course of the first six months of the coronavirus (COVID-19) pandemic. 'Providing effective, easily accessible treatment options to the millions of people suffering from substance abuse disorder is the foundation of our strategy and I am confident in the contributions the medical advisory board will make to meet all our goals by changing the existing paradigm," said Pouya Farmand, CEO at Levitee Labs (CSE:LVT) in a statement. Fidelity Minerals Corp has outlined the recommendations of the author of an NI 43 101 technical report, as previously reported, for itsLas Huaquillas project in Peru ahead of a potential resource update for the asset, which includes 5,000 metres (m) of drilling. In a statement, the company said that it had now filed the report, which was authored by Luc Pigeon, on January 4, 2022, with an effective date of December 18, 2021. The NI 43-101 report summarizes the project's location, ownership, geological setting, mineralization, historical exploration and resource estimates and recommends future work. As reported in December 2021, confirmatory rock grab sampling was completed by the author as part of a site visit, which included a highlight of 9.7 grams per tonne (g/t) gold, 126 g/t silver, and 1.1% lead. In the report, Pigeon has recommended that a phase one exploration program be completed to include a community relations program and obtain surface access to exploration areas and in-fill soil sampling surveys over anomalous areas. Hapbee Technologies Inc (TSX-V:HAPB, OTCQB:HAPBF) has unveiled the latest generation of its smart wearable device and app at the highly influential consumer electronics show (CES) in Las Vega and told investors now is a "pivotal" time in human history as billions struggle with anxiety and stress amid the pandemic. The firm is also showcasing its Sleepbee Sleep Mask and Sleepbee Mattress Topper at this year's conference, which runs between January 5 and 8, 2022. Hapbee's technology has been 15 years in development and boasts over 16 US and 47 international patents covering recording and stimulation capabilities. The idea is users pair a Hapbee wearable device with their phone, place the band around their neck, the sleep mask on their eyes or lie down on the mattress topper and select a so-called Blend from the Hapbee app. Sassy Resources (CSE:SASY, OTCQB:SSYRF) Corporation announced that it has signed a binding letter of intent (LOI) to acquire up to 100% of the Highrock Uranium Project in Saskatchewan's Athabasca Basin from Forum Energy Metals Corp (TSX-V:FMC, OTCQB:FDCFF). The company said the drill-ready Highrock project is a potential high impact exploration play that gives its shareholders exposure to a dynamic sector benefiting from the global energy transition, which is driving significant new investment in nuclear demand.'This strategic initial foray into uranium makes Sassy the only junior resource company with exploration assets covering Northwest BC's Eskay Camp (home of our flagship Foremore Project), Saskatchewan's Athabasca Basin, and the Central Newfoundland Gold Belt - three world-class investor-friendly mining districts that provide a rock-solid foundation for Sassy's immediate and longer-term success,' Sassy president and CEO Mark Scott said in a statement. Vicinity Motor Corp has announced the receipt of a new C$3.5 million purchase order from North American private transit operator First Transit Inc for eight Vicinity Classic buses. Vancouver-based Vicinity said the 35-foot clean-diesel buses are due for delivery in 2022 and will service the city of Yellowknife in Canada's Northwest Territories. "Our Vicinity Classic buses continue to prove their popularity within the North American transit market as we continue to attract exciting orders from our continent-wide base of satisfied customers," Vicinity founder and CEO William Trainer said in a statement. "Our ability to grow alongside our customers and fulfill many of their transit needs as a one-stop-shop is invaluable, particularly as many transit authorities begin to evaluate electric vehicles to supplement or replace their conventional diesel fleets in service today,' he added. Thesis Gold Inc (TSX-V:TAU) has hailed initial drill results from the Ridge zone at its Ranch project in British Columbia, which showed strong continuity of high-grade gold and silver from near-surface to a vertical depth of 160 meters (m). The assays come from the first six of a 12-hole program last year at Ridge, during the firm'sinaugural drill program at the asset in the Golden Horseshoe area. Notably, one hole returned 27m core length at a grade of 6.78 grams per ton (g/t) gold and 161.74 g/t silver, starting from a depth of 131m, which included an intercept of 10m at 16.28 g/t gold and 179.96 g/t silver starting at 143m. Another hole showed 12.4m at 1,47 g/t gold and 49.8 g/t silver from 47.6m depth. "These strong results from Ridge continue to show the significant potential of this sparsely drilled Zone," said Ewan Webster, Thesis CEO, in a statement. Logiq Inc,a provider of e-commerce and fintech business enablement solutions, told investors it expects to report an 87% rise in fourth-quarter revenue to a record $12.3 million.The company said its gross margin for the three months to December 31, 2021, is also expected to expand to record levels, exceeding 34%, from 29.5% in Q3 and 21.1% in the same year-ago quarter. It said the results exceed its earlier 4Q revenue guidance by $2.3 million, reflecting an ***exceptionally*** strong finish to the year. It also puts full-year revenue on track to total approximately $36.5 million, while its 4Q gross margin is expected to exceed earlier guidance by 100 basis points. Vuzix Corporation (NASDAQ:VUZI) hasannounced a collaboration with Fielmann Group, one of the largest manufacturers of glasses and eyewear products in the world, and TeamViewer, an AR productivity solution platform provider and Vuzix value-added reseller. Hamburg, Germany-based Fielmann currently supports over 11,000 enterprise customers and provides individual workstation and protection glasses, as well as hearing protection, to over100,000 employees across Europe. Fielmann also has an existing relationship with TeamViewer. It is currently assisting companies with the selection of suitable glasses, fitting of smart glasses, and training their staff. Vuzix said that the collaboration with Fielmann will enable itto offercustomers a variety of purpose-built frames that provide the enterprise worker with options that are comfortable and attractive to support all-day usage to complement its enterprise-leading Vuzix M400 and Vuzix M4000 smart glasses. Lucky Minerals (TSX-V:LKY, OTC:LKMNF)Inc has announced a strategic partnership with Hubbard Drilling Services ahead on an upcoming drill program at the Wayka gold discovery on its Fortuna project in 2022. The firm also announced a non-brokered private placement to raise just over C$2 million to support its drill program. Under the partnership, Vancouver-based Lucky said it inked a non-binding letter of intent with Hubbard's Ecuadorian subsidiary for drilling services, to be satisfied in Lucky shares. Todos Medical Ltdchief executive officer Gerald Commissiong has issued a letter to shareholders outlining the company's progress towards a Nasdaq uplisting expected in the first half of 2022, itsacquisition of NLC Pharma assets, and coronavirus (COVID-19) testing. Commissiong told investors that Todos expects the clinical data from the Phase 2 clinical trial of its botanical drug candidate Tollovir to be released on January 26 and will provide further details around the data's release in the weeks ahead. "We believe the data will be a revaluation event for Todos and thereafter we will strategically plan on the best path to achieve the Nasdaq listing that has been a key stated objective for some time," he said. Nextech AR Solutions Corp has announced the signing of multiple CAD to POLY deals across a variety of industries including Brunswick (NYSE:BC) Corporation, Jacuzzi Brands LLC, and Ford Motor Company (NYSE:F). With the announcement, Nextech said it is validating its proprietary CAD-Poly 3D modeling technology called ARitize CAD.The company said it believes that its CAD-Poly technology is a 'game changer' for the manufacturing industry, as itenablesthe conversion of CAD files into 3D AR models at scale at a price and quality that the company believes isbest in class. CAD is a function of product engineering. Golden Tag Resources Ltd told investors that diamond drilling at its San Diego project in Mexico was expected to get going within days after the work paused at year-end. The now expanded 4,500-metre (m) program is following up on 4,716m of drilling, which were completed and reported in the first half of last year. In the fourth quarter of last year, 1,675 samples were sent to the lab and assays from the first hole are expected shortly, the company also noted. BioHarvest Sciences Inc has posted another strong quarter of sales growth for VINIA, its nutrient-rich red grape supplement, in both its primary markets of Israel and the United States. For the fourth quarter ended December 31, 2021, the biotech reported sales orders of 825,000 from its direct-to-consumer ecommerce business, up 17% from the third quarter. The firm said it also represented 'triple the sales orders from the same quarter in 2020.' BioHarvest also broke down the sales number, showing how its dietary supplement VINIA fared in its primary markets. In Israel, BioHarvest reported record sales orders of US$501,000 in4Q, up 11% over3Q and 84% over 4Q 2020. CO2 GRO Inc (TSX-V:GROW, OTCQB:BLONF) has told investors that three months into a commercial feasibility study using its CO2 Delivery Solutions system at a California greenhouse yield targets are being met and its Pathogen Perimeter Protection is also successfully suppressing powdery mildew.In a progress update, the Toronto-based company said both factors are a key focus of the commercial feasibility.The greenhouse facilities, which are being kept confidential for competitive reasons, are expanding to 20 acres (800,000 sure feet) over the course of 2022, CO2 Gro said. The commercial feasibility will run for at least another six months until a decision is made to purchase a commercial installation fora portion or all of the 800,000 square foot expansion, it added. FPX Nickel Corp (TSX-V:FPX)said that it has confirmed the continuation of a new nickel discovery at the Van target on its Decar nickel project in central British Columbia. Drill results from the final three holes in the 2021 program revealed the continued near-surface lateral extension of the discovery, according to a statement from the company. FPX told shareholders that the results complement the first four discovery holes, meaning the first seven Van holes define a zone of strong awaruite nickel mineralization approximately 400 to 750 meters wide and up to 750 meters long, to downhole depths of up to 350 meters. Phunware Inc (NASDAQ:PHUN)has announced two new strategic supplier relationships in support of a Consumer Electronics Show-inspired series of optimized high-performance computers provided by its LYTE Technology business unit. 'With these new strategic supplier relationships, we took the guesswork out of selecting the right personal computer systems for power users' needs,' said Caleb Borgstrom, vice president and general manager of LYTE by Phunware, in a statement. 'Phunware launched these four newly optimized personal computers designed specifically for high-end gamers, traders, streamers and cryptocurrency miners in conjunction with CES in Las Vegas.' Kodiak Copper Corp has told investors that 2022 is shaping up to be a potentially transformative year for the company as it embarks on another exploration season at its flagship MPD copper-gold project in Southern British Columbia, as well as a maiden drill program at its Mohave copper porphyry project in Arizona.In an annual letter to investors, the company's president and CEO Claudia Tornquist said the chance for more discoveries, combined with its strong treasury and share structure presents a compelling opportunity to create value for shareholders. Prospects for 2022 follow what Tornquist described as a 'momentous year' in 2021 as Kodiak executed the largest drill program in the history of the 100% owned MPD project and built upon its discovery success. NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n) Technology Inc has announced the appointmentof Sholeh Atash as its chief operating officer. The company noted that MsAtash brings over 15 years of experience in the technology and finance sectors, and has a proven ability to scale teams and build sustainable growth. At NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n), Atash will have executive oversight over the day-to-day operations of the company to ensure that all key performance metrics are met.In her previous positions, the company said, Atash demonstrated critical skills in recruitment, finance, product development, and capability management. AMPD Ventures Inc has announced that Ian Wilms has joined the company as vice president of Business Development and Government Affairs to accelerate its domestic and international growth. The company noted that Wilms is a seasoned senior executive with over 26 years of experience. For 14 years, he led procurement, consulting, and public safety teams across Canada and Latin America for IBM. "AMPD is currently seeing ***unprecedented*** growth and we expect this to continue as we launch numerous initiatives to develop multiple revenue streams and recurring revenue. With Ian joining our management team, the Company will be better positioned to execute on our aggressive growth strategy," the company's CEO, Anthony Brown said in a statement. Binovi Technologies Corp said it has appointed Jatinder Dhaliwal as its chief executive officer and to the company's board of directors. A registered pharmacist, Dhaliwal is the director of multiple publicly traded companies and has extensive knowledge in ***agricultural***, medical and pharmaceutical operations, Binovi said. 'With Mr. Dhaliwal's appointment, Binovi will enhance its access to capital markets and health care industry networks, which will be valuable assets towards the execution on Binovi's strategy and conversion of business prospects,' said Terry Booth, chairman of the board in a statement. GameSquare Esports Inc has congratulated its CEO, Justin Kenna, and Christina Grushkin, head of sales for its Complexity Gaming business, for being named as top executives defining the future of advertising in video games and esports by Business Insider. The Business Insider list includes executives from leading companies such as Anheuser-Busch, McDonald's, Verizon, State Farm, Nike, and Honda as well as top agencies and esports organizations like Dentsu, Omnicom Media Group, and Evil Geniuses. The article, published by Business Insider, highlights the acquisitions that GameSquare has completed under Kenna's tenure as CEO and the positive impact that the business can have on satisfying advertisers' needs around marketing, talent management, and organizing events. Business Insider also noted that Complexity Gaming provides sponsorship opportunities for brands and that Grushkin, is key to these efforts. BetterLife Pharma Inc (CSE:BETR, OTCQB:BETRF) said it is pleased to share that Dr Eleanor Fish, a member of the company's Advisory Board has been appointed to the Order of Canada on December 29, 2021. The company noted that Dr Fish was bestowed this order for her contributions to immunology, including her groundbreaking studies on the use of interferon-alpha in the treatment of disease. 'On behalf of our entire team at BetterLife and Altum, we want to congratulate Dr. Fish for receiving this distinguished honor. We are very privileged to have Dr. Fish as one of the Principal Investigators of Altum's Phase 2 study currently underway at Pontificia Universidad Católica de Chile. Her expertise and support to develop our interferon-alpha2b program, AP-003, will be essential as we move forward through our clinical trials in 2022,' said BetterLife's chief executive officer, Dr Ahmad Doroudian. Mednow Inc (TSX-V:MNOW, OTCQB:MDNWF) said the TSX Venture Exchange has accepted for filing a non-arm's-length share purchase agreement dated December 20, 2021, between Liver Care Canada Inc., the shareholders of Liver Care and Mednow, whereby the company is to acquire all of the issued and outstanding shares of Liver Care for an initial cash payment in the amount of $65,000 and two subsequent earnout payments in the amount of 0.1 times the revenue generated by Liver Care in each of its 2022 and 2023 financial years. Mobilum Technologies Inc said it has granted an aggregate of 4.85 million incentive stock options to certain members of its board, employees and advisers. The options are exercisable at a price of 28 cents per share for a period of five years, and a portion of the options are subject to vesting stages. The options have been granted under and are governed by the terms of the company's incentive stock option plan. Sigma Lithium Corp (TSX-V:SGML, OTCQB:SGMLF, NASDAQ:SGML) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced on December 10, 2021, December 13, 2021, and December 17, 2021, which will see the issue of 11,634,137 common shares at a purchase price of $11.75 per common share with 38 placees. Melkior Resources Inc said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced December 16, 2021, that will see the issue of 2.1 million flow-through shares at a purchase price of 40 cents per flow-through share with four placees. Fireweed Zinc Ltd (TSX-V:FWZ) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced November 24, 2021, December 6, 2021, and December 8, 2021, which will see the issue of 6,473,000 flow-through shares at a purchase price of 80 cents per flow-through share with 24 placees. Enveric Biosciences (NASDAQ:ENVB) announced that Joseph Tucker, CEO of the company, will participate in the H.C. Wainwright BioConnect Conference to be hosted virtually on January 10-13, 2022. . Tucker's corporate presentation will be available on-demand starting Monday, January 10th. Register to attend here: [*https://c212.net/c/link/?t=0&l=en&o=3406053-1&h=361210196&u=https%3A%2F%2Fhcwevents.com%2Fbioconnect%2F&a=here*](https://c212.net/c/link/?t=0&l=en&o=3406053-1&h=361210196&u=https%3A%2F%2Fhcwevents.com%2Fbioconnect%2F&a=here). Enveric Biosciences (NASDAQ:ENVB) is an innovative biotechnology company developing a next-generation mental health and oncology treatment clinical discovery platform, leveraging psychedelic-derived molecules for the mind and synthetic cannabinoids for the body. Major Precious Metals Corp. (CSE:SIZE, OTC:SIZYF) has announced that it will present at the inaugural Future Minerals Summit (FMS) to be held from January 11-13, 2022 at the King Abdulaziz International Conference Center in Riyadh, Kingdom of Saudi Arabia. Over 150 mining, and exploration and development companies are expected to attend FMS including over 2,000 in-person attendees. The summit's program will focus on three main themes -- mining's contribution to society, reimagining mining, and investing in new and emerging mining regions. CEO Tony Williams will provide shareholders and interested stakeholders with an update on the company's Skaergaard PGM project in Greenland on January 13, at 2:10pm Saudi Arabia Standard Time. A link to this presentation will be available on the company's website at [*www.majorprecious.com*](http://www.majorprecious.com) after the event. Zynerba Pharmaceuticals (NASDAQ:ZYNE) Inc has announced that Armando Anido, its chairman and chief executive officer will present during the H.C. Wainwright BioConnect Conference being held virtually January 10-13, 2022. A webcast of the presentation will be available on-demand beginning January 10, 2022, at 7.00am ET under the Events & Webcasts tab of the Investors section of the Zynerba website at [*www.zynerba.com*](http://www.zynerba.com). An archived replay will be available on the company's website following the event for 60 days. BioSig Technologies, Inc has announced that it will present at the 24th Annual Virtual Needham Growth Conference on Friday, January 14, 2022 at 4.15pm ET. To register for the live webcast of the event, investors can click here: [*https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282*](https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282). A replay of the presentation will also be available on the BioSig Website.

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[***LEGISLATIVE SESSION; Congressional Record Vol. 167, No. 92 (Senate - May 26, 2021)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:62SX-9F01-F0YC-N1MS-00000-00&context=1516831)

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**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1260, which the clerk will report. The senior assistant legislative clerk read as follows: A bill (S. 1260) to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes. Pending: Schumer amendment No. 1502, in the nature of a substitute. Cantwell amendment No. 1527 (to amendment No. 1502), of a perfecting nature. Amendment Nos. 2014, 1710 and 1911 to Amendment No. 1502 The PRESIDING OFFICER. Under the previous order, the following amendments will be called up and reported by number. The senior assistant legislative clerk read as follows: The Senator from Illinois [Mr. Durbin] proposes an amendment numbered 2014 to amendment No. 1502. The amendment is as follows: AMENDMENT NO. 2014 (Purpose: To express the sense of the Senate on the allocation of Special Drawing Rights by the International Monetary Fund to help other countries procure COVID-19 vaccines and protect against the economic instability caused by the COVID-19 pandemic) At the end of subtitle A of title II of division C, add the following: SEC. 3219L. SENSE OF SENATE ON ALLOCATION OF SPECIAL DRAWING RIGHTS BY INTERNATIONAL MONETARY FUND RELATING TO COVID-19 PANDEMIC. It is the sense of the Senate that-- (1) it is in the strategic interests of the United States to help ensure that COVID-19 vaccines are available to other countries, particularly poorer countries with limited resources, not only as a timely live-saving and humanitarian ***measure***, but also as the best way to protect hard-fought gains made against the pandemic in the United States; (2) the people of the United States will never be fully protected against the COVID-19 pandemic until the pandemic is also brought under control through vaccination around the world; (3) the release of Special Drawing Rights by the International Monetary Fund, as was done after the 2008 global economic crisis, is a no-cost way to help poorer countries procure COVID-19 vaccines and protect against the instability caused by a severe economic downturn; (4) helping protect against another global economic meltdown by releasing Special Drawing Rights is also a way to help protect United States export jobs at home, and why the move is supported by leaders of United States businesses and labor organizations; and (5) any allocations of Special Drawing Rights approved by the International Monetary Fund to help with the purchase of COVID-19 vaccines and stem the worst economic impact of the pandemic should include ongoing efforts to discourage countries that are allies of the United States from exchanging Special Drawing Rights for hard currencies with rogue countries and follow-up by the International Monetary Fund to audit how such allocations were spent. The senior assistant legislative clerk read as follows: The Senator from Louisiana [Mr. Kennedy] proposes an amendment numbered 1710 to amendment No. 1502. The amendment is as follows AMENDMENT NO. 1710 (Purpose: To prohibit allocations of Special Drawing Rights at the International Monetary Fund for perpetrators of genocide and state sponsors of terrorism without congressional authorization) At the end of title III of division C, add the following: SEC. 3314. PROHIBITION ON ALLOCATIONS OF SPECIAL DRAWING RIGHTS AT INTERNATIONAL MONETARY FUND FOR PERPETRATORS OF GENOCIDE AND STATE SPONSORS OF TERRORISM WITHOUT CONGRESSIONAL AUTHORIZATION. Section 6(b) of the Special Drawing Rights Act (22 U.S.C 286q(b)) is amended by adding at the end the following: ``(3) Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund to a member country of the Fund, if the government of the member country has-- ``(A) committed genocide at any time during the 10-year period ending with the date of the vote; or ``(B) been determined by the Secretary of State, as of the date of the enactment of the Strategic Competition Act of 2021, to have repeatedly provided support for acts of international terrorism, for purposes of-- ``(i) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C 4813(c)(1)(A)(i)); ``(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C 2371); ``(iii) section 40(d) of the Arms Export Control Act (22 U.S.C 2780(d)); or ``(iv) any other provision of law.''. The Senator from Alaska [Mr. Sullivan] proposes an amendment numbered 1911 to amendment No. 1502. The amendment is as follows: [[Page S3471]] amendment no. 1911 (Purpose: To require institutions of higher education to submit attestations on freedom of speech) At the end of title V of division B, add the following: SEC. 2528. FEDERAL REQUIREMENTS FOR AWARD. (a) In General.--Consistent with the First Amendment to the Constitution for public institutions, and in compliance with stated institutional policies regarding freedom of speech for private institutions, and all applicable Federal laws, regulations, and policies, entities receiving awards under title I or title II of this division shall-- (1) protect free speech, viewpoint diversity, the free exchange of ideas, and academic freedom, including extramural speech of staff and students; (2) protect religious liberty; and (3) prohibit discrimination, consistent with titles IV and VI of the Civil Rights Act of 1964 (42 U.S.C 2000c et seq; 2000d et seq.). (b) Attestation.-- (1) In general.--An institution of higher education that submits an application for Federal funding under title I or II of this division, or an amendment made by title I or II of this division, shall provide to the Director, as part of such application-- (A) an intra-institutional attestation that the institution is in compliance with the requirements under subsection (a); and (B) information on the actions taken by the institution to ensure such compliance. (2) Annual submission.--An institution shall not be required to submit an attestation under paragraph (1) more than once per year. (c) Director Report.--The Director shall annually transmit to Congress and make public on the website of the Foundation the attestations submitted under subsection (b). (d) Office of Inspector General Report.--Not later than one year after the date of enactment of this division, and every 2 years thereafter, the Office of Inspector General of the Foundation shall submit a report to Congress that contains a review of the efforts of the Foundation to ensure that all recipients of an award from the Foundation are aware of and in compliance with all Federal requirements for such an award, including the requirements under subsection (a). The PRESIDING OFFICER. The Senator from Virginia. Remembering John Warner Mr. WARNER. Mr. President, I rise to mourn the passing of a statesman, a patriot, a mentor, a friend, and someone who loved this institution as much as anybody I know. It was the passing late last night of Senator John Warner. I am joined here by my friend of 39 years--now maybe 40--Tim Kaine, and we are going to go back and forth a little bit as we talk about someone who played an enormously important role in both of our lives, both, I can say, on a personal basis and on a political basis, and we will get some of the basic facts out. John Warner was 94 years old when he passed. He was born in Washington, DC, into a family from Amherst, VA. He joined the U.S Navy at the age of 18 in the waning days of World War II. He served from 1945 to 1946. He left the military and then rejoined the Marines in 1950, when the Korean war started. After he left the military, he worked for the U.S attorney, worked in private practice, and then got involved in Republican politics in Virginia at that point. I think Senator Kaine will probably speak to this. Being involved in Republican politics in the late fifties and early sixties was the progressive party in Virginia. He ended up serving President Nixon as Secretary of the Navy, and he was the head of the Bicentennial. Then, in 1978, in a campaign that Tim will probably comment on, he got elected to the U.S Senate, where he then served for five terms--30 years. John Warner was a remarkable guy. He was someone--and I say this, again, respectfully--who looked the part, who sounded the part. He could say things that, if they came out of my mouth or even somebody's as eloquent as Senator Kaine, they might sound a little over the top. Coming out of John Warner, they always sounded senatorial, thoughtful, and pretty darned cool. How I got to know John was in really kind of an unusual way. I was a little bit active in Democratic politics in the late eighties, early nineties. Then I had the audacity in 1996 to actually run against John Warner. By the way, you know, John Warner v. Mark Warner managed to confuse the hell out of Virginians. The takeaway from that campaign-- and Tim has had to hear this story many times, and John always used to tell the story as well--is that we had a bumper sticker from the campaign that simply read--and it was our one good idea--``Mark, not John.'' It is the honest-to-goodness truth. I was down in Danville one day, which is near the North Carolina border, and got in the car, and somebody saw the bumper sticker as I was trying to shake hands, for I was not that well-known. He looked at me, and he said: Excuse me. Is that a biblical reference? There was no divine intervention. The right Warner won that race, and John Warner got reelected. The thing that I didn't understand then but that I understand better now is, after you run against somebody, even in a respectful campaign, you bear some scars, some bruises, whatever. You know, I got really close to John Warner in terms of that race. I almost beat him. Afterward, I was thinking about continuing and maybe trying one more time, and I thought about running for Governor. John Warner was willing to become my friend. I got elected Governor. He was a Republican, and I am a Democrat, and anything I tried to do as Governor that was hard, like a transportation referendum up here, John Warner was right there by my side, saying: We are going to do what is right for Virginia. We had a battle in which our budget was way out of whack, and I had a 2-to-1 Republican legislature. I can still remember sneaking him into the State capitol so the press corps wouldn't see him, and he got up on the third floor where the press room was. In a Zeus-like moment, he said: Politics be damned. We are going to do what is right for Virginia. The truth was, we ended up fixing that challenge, and Virginia got named the best managed State and the best State for business, and we made record investments in education. I am not sure we would have gotten there if John Warner had not been willing to use his own personal political capital, but this was at a time when everybody was signing those crazy no-new-tax pledges, and John Warner said: Politics be damned. Let's do what is right for Virginia. Tim will talk, probably, a little bit about this. I mean, his role as chair of the Armed Services Committee was legendary, and there is not a sailor, soldier, marine, or airman anywhere in Virginia--for that matter, anywhere in the country--who doesn't owe a debt of gratitude to John Warner. I live in Alexandria, close to the river. I look out my window each day and see the Woodrow Wilson Bridge, which, for those of us who live in this region, was a big bottleneck way in decay. How John Warner got $1.2 billion for that bridge when it was way down the list in terms of getting refurbished was maybe a story that can't be told on the Senate floor. As John got older, I always said--you know, as I had tried my one time against him--if you want to stay in this seat, I think you can stay as long as you want. In 2008, he decided he would go out at the top of his game. I would go see him, and I know Senator Kaine would, as well, to always ask for his advice and counsel. I have two more quick stories, and then I will yield to my friend Senator Kaine, and we can go back and forth a little bit. In 2014, I was so extraordinarily honored when John Warner-- Republican senior Senator John Warner--endorsed Mark Warner for the U.S Senate. That kind of thing doesn't happen in politics too much these days. I can remember, up and down through the Shenandoah Valley, there was one trip on which Senator Kaine and I were campaigning with John. He was, you know, at that point already in kind of his eighties, with a walking stick. Let me assure you, we had both been former Governors and both had kind of thought we knew our stuff, but whenever John Warner was in the room, we were the junior guys and followed his lead. As a matter of fact, in this last campaign, where he endorsed me again, there was one fundraiser we went to. He introduced me. I did my little talk. Then he kind of took his walking stick and kind of whacked me on the shins and said, ``Sit down, Mark. I've got some more to say,'' and got up and spent 30-plus minutes telling old stories of how the Senate used to work. I have never been at a fundraiser where people got more of their money's worth than that night. [[Page S3472]] John was also very, very disturbed and concerned about where our country was headed, the lack of respect for the rule of law, what was happening to his beloved Republican Party. But he always kept that burning sense of optimism. I saw him 4 or 5 weeks ago, pretty frail, but he still, oftentimes with a pocket square and looking like he had just stepped out of a Hunt Country magazine, but he was asking about how we could get the Senate back on track and how we could always continue to put our country first. I want to say a couple of other things, but let me yield at this point to my dear friend Senator Kaine. We in Virginia were blessed, and our country was blessed, to have him, and I am going to miss him horribly. But I do know this much: When I am wrestling with an issue, I often will think: What would John Warner do? And if I follow that mantra, chances are I am doing the right thing for Virginia and the right thing for our country. I will miss him greatly, and I would be happy to yield to my friend and colleague, the other Senator from Virginia. Mr. KAINE. Well, thank you. Mr. President, I want to thank my best friend in politics, Senator Mark Warner. And I just realized something. John Warner defeated in an election my best friend in politics, and John Warner also defeated in an election my political hero, my father-in-law, Linwood Holton, who was Governor of Virginia from 1970 to 1974. So I want to talk a little bit about John's effect on me personally and then also his great partnership when I was mayor of Richmond and Governor and into the Senate, and then I will hand it back to our senior Senator for his comments. When John Warner came out of the Pacific at the end of World War II, he went back to complete his studies at Washington and Lee. He was a surface ship guy in the Pacific Navy and went back to Washington and Lee in Lexington. My father-in-law, Linwood Holton, was a submariner in the Pacific during World War II and also came back to complete his studies at Washington and Lee. John Warner and Linwood Holton, my father-in-law, met in 1946 at W&L, and they were part of the same fraternity, and John Warner used to always say that my father-in-law broke a paddle across his backside in a fraternity hazing ritual. But those friends began a friendship that went to 75 years--75 years of friendship. My father-in-law is still alive. He will be 98 in September, and it was an amazing friendship. They worked on projects together. As Senator Warner mentioned, they had to build the Republican Party in Virginia. We were a one-party State, dominated by the Byrd machine Dixiecrats, and they had to build the Republican Party with just a handful of others. My father-in-law became the first Republican-elected Governor of Virginia, elected in 1969, at the time that John was Secretary of the Navy. One day, a Navy ship, moored on the Elizabeth River, broke free and ran into and destroyed a bridge. And my father-in-law called: Mr. Secretary. Yes, Governor. One of your ships has broken one of my bridges. They had so much fun together as friends. In 1978, they ran against each other to be in this body--a four-way Republican nominating convention. Neither of them won. Dick Obenshain won that convention. John Warner was second, my father-in-law was third, and someone else was fourth. Dick Obenshain was killed in a plane crash, and it was unclear how it would sort out and who would be the nominee. My father-in-law threw his support behind John Warner. John Warner got the nomination. John Warner ran and then became the longest serving Senator in Virginia history, with 30 years. When I married Anne in 1984, I was adopted into the John Warner friendship society because of being part of the Holton family. We were friends, and I enjoyed him. I admired him, and I saw his work here. I came into public life as a city councilman and mayor in Richmond, and John Warner: I have to produce for the mayor of my capital city. I was a young whippersnapper. I was mayor when I was--I think I was-- 39, and by now John Warner was in his mid-seventies, but he would produce for the capital city. And then, as Mark knows, because he had the same relationship when he was Governor--I was Governor, and I was about 45 or 46, and by now John Warner was nearly 80--John Warner had an old-fashioned sense: You do what the Governor says. There are two Senators, but there is only one Governor. I treated him like he was the senior partner, but he kind of treated you, when you were Governor, as, sort of, ``Well, we have to produce for the Governor.'' We were working on the Metro Silver Line project, the rail to Dulles, and the project during the George W. Bush administration was about to be unplugged from life support, after decades of work, and John Warner helped us get in and save that project. A tremendous friend, a tremendous supporter, but I will say this and then hand maybe to Senator Reed, who might want to say a word, and then back to Senator Warner, because I think Senator Warner might want to be our closer here. I got to know a new side of John Warner when I came to the Senate. I mean, I felt like we were like best friends and family friends, and he helped me when I was mayor and Governor. I came to the Senate in 2013, and he had been gone for 4 years. But I started to meet people whom I didn't know--John McCain and Carl Levin and Jack Reed and so many others whom I did not know before I was here--and then I really learned about John Warner. I learned about his service as the chair and ranking of the Armed Services Committee. I learned about the fact that he was always in the middle of whatever gang was trying to do something good. I learned about his love for this institution. I learned about his love for his fellow Senators. I was on a ticket with one of those fellow Senators, Senator Hillary Clinton, and stood with John Warner when he came out to endorse us, and he talked with such depth about working together with Senator Clinton on the Armed Services Committee. I asked John Warner to come to lunch with me one day in the Senate Dining Room, and it was like I had brought the Pope in. I mean, we sat down and everyone--all the staff, everybody working in the Senate Dining Room, all the Senators and their families--were coming over to talk to John Warner because they loved him so much. And one of the reasons they loved him is they knew how much he loved the institution. There is so much more I could say, but I just want to tell one more thing. John and I, at some point during my first term, were talking about the Senate, and we were both regretting that the Senate of today was not the Senate that John Warner served in--that the relationship- based Senate was turning into a more partisan Senate. And we were just being candid about that. But when we finished, John said to me: Old friend--old friend is what he would call you--old friend, that is the way it is. But it is not in the water supply, and it is not sick building syndrome. It is just in the character and priorities of the people who walk in the doors every day. So if you don't like the way it is right now, guess what. You will walk in the Capitol tomorrow, and it can be different tomorrow if you try to make it better. That was just John's attitude about this country and about this institution, and it leaves a big hole in my life. I am just grappling with the big hole in my life now not to have John Warner to go to and seek his advice. With that, I yield to the chairman of the Armed Services Committee, the Senator from Rhode Island Mr. REED. Thank you very much, Senator Kaine and Senator Warner. I am here today to pay tribute to an extraordinary gentleman, a great Senator, a decent and honorable individual, the paragon of what we would all like to be--John Warner. John was someone who appreciated everyone, respected everyone, and treated people with kindness. He has monumental achievements, but at the end of his days, I think people remember him most for the kindness and the personal help that he gave naturally [[Page S3473]] because he was an extraordinary gentleman. He also was a patriot, not just in words, not wearing a lapel pin or doing something like that. He joined the Navy at 18 years old at the end of World War II because he wanted to defend and serve the Nation. He didn't get overseas, but in 1950, with the Korean war, he decided to drop everything he was doing and join the U.S Marine Corps, and he served with distinction and left the service as a captain. So he knew what it was like to be a sailor, a marine, a soldier, an airman, and he never forgot that, and that molded his service to this country. It was about service. It was about sacrifice, and it was about protecting the other fellow and other men, and that was John Warner. He was bipartisan because, again, his focus was the country. It wasn't party. It was principle and what is best for the country, and I think that dedication stemmed from the fact that he knew that all across the world, all through his tenure in the Senate and his public life, there were thousands of young Americans defending us, and he wanted to make sure they were well prepared and well protected. And as chairman of the Armed Services Committee, he did that. He did it in an extraordinarily bipartisan way. He set a tone and a tempo for the committee that still is with us today, that is imbued in what we all try to do. Now, he was someone who had a sparkle in his eye. He always had a sense of humor, a sense of--I won't say mischief, but probably close to mischief. And I remember a specific codel he organized. This was his major codel going into Iraq in 2003, and, of course, it was bipartisan: Senator Levin, Senator Cornyn, myself, and others. We were in there because John had to see firsthand what the troops were experiencing, what he could do to help them, what we needed to know about the situation. Again, public service--even if it is inconvenient--is something that he did constantly. But also he had, as I said, this sense of mischief and a twinkle in his eye. Now, as we flew out of Iraq, we had to find a place to spend overnight so the crew could rest. And John, being a very sophisticated gentleman, a former Secretary of the Navy, knew that there was a nice place to spend a few hours. So we landed in Souda Bay, and John arranged that we would get on a bus, drive up to this beautiful restaurant overlooking the Aegean, and have a nice night of Greek food and fellowship, bipartisan fellowship. You could tell he was enjoying himself because other people were enjoying themselves. We will miss him, and I just hope and pray that his example of thoughtful, principled bipartisanship is recognized and honored today, as it was when he was here with us. With that, I would yield to my colleague. Mr. WARNER. Thank you, Senator Reed. I see Senator Thune is here. I will be very brief. You mentioned, Senator Reed, about the occasional twinkle in his eye. I am not sure, again, here is the right time or place to tell the stories, but that twinkle really lit up when he would talk about some of his sailing trips with Senator Ted Kennedy and Senator Chris Dodd, usually also involving stopping at select locations, at selected moments in time. Mr. REED. Many of them in Rhode Island. Mr. WARNER. And many of them in Rhode Island. There are two other comments I want to make. One was, again--both of our political parties sometimes go a little bit awry. But one of the things that John Warner did--he didn't need to do this. He was a sitting Senator, well respected, senior. There was a fellow in Virginia who was getting into politics who had kind of a checkered history. Sometimes, he was not necessarily always willing to tell the truth. His name was Oliver North. John Warner did not think that Mr. North had the personal characteristics that ought to be in a Senator of Virginia, and at great political risk to himself, he was willing to make that known. He didn't leave the party--his party--but said that, you know, the party, his Republican Party, had to stand for principles, truth, and respect for the rule of law. Again, it is an example of the John Warner that was so special. More recently, as Senator Kaine knows, we, in Virginia, have a very checkered history with race. And in the aftermath of Brown v. Board of Education, there were a number of school divisions that literally shut down rather than letting White children go to school with Black children. And in Prince Edward County, in a little town called Farmville, which was--a group of Black students had literally done a walkout, in their case, on the part of Brown v. Board of Education case. For a couple of years, Black students had no place to go because they took the public money and put it into private academies, and there were no public schools, a great blot on the history of Virginia, leaving these young people--now not so young--when this issue came up about 2002 or 2003, with a big hole in their education. So we thought we could maybe end up providing these individuals an education, give them a couple of years of community college education. It was a fairly audacious idea. The local editor of the newspaper there came up with this. And, at first, the legislature, you know, didn't want to do this. They didn't want to take this on. So John Warner got on the phone and called one of his friends, John Kluge, a very successful business guy, and said: Would you put up the money? It is only a couple of million dollars. And John and I worked out something, where we said: Let's have Kluge put up a million, and we will go back to the legislature and shame them into doing the other million. And we did that. It was one of the most moving days in my life to see these individuals who had been cheated out of their education receive the ability to get an education. And John Warner never wanted an ounce of credit and, I don't think, even to this day, that story has been told too many times. At the close of this, which is--I know I am not supposed to do this, but I will do this briefly. John Warner appropriately got recognized for his service, and there is a submarine named after him. And I remember going to the commissioning. He and his wife Jeanne, they were so proud of the young men and women who were serving on that boat and then carried on the kind of sense of patriotism and public service that he exemplified. As we have both said, we are going to miss him a lot, but I hope we will take that sense of his heart and courage and commitment and maybe rededicate ourselves to trying to follow that kind of example. With that, I yield the floor. The PRESIDING OFFICER. The Republican whip. Mr. THUNE. Mr. President, before I give my remarks, I want to echo what has been said on the floor here by our two colleagues, the two Senators from the Commonwealth of Virginia, about Senator John Warner. I would just say, too, that when I first got to the Senate, my first 6 years in the Senate, I was a member of the Senate Armed Services Committee. When I got here, Senator Warner was the chairman of that committee. And I had known him a little bit from a distance because I had worked as a staffer out here back in the 1980s, but I got the chance to know him in a very personal way as the chairman of the Senate Armed Services Committee. And I have to just, again, associate myself with many of the comments that have already been made about him. He truly was a gentleman in the truest sense of the word--somebody who represents everything, I think, that is good about public life in politics and legislating and making public policy and cared profoundly and deeply for our men and women in uniform. As the chairman of the committee, that was his No. 1 priority. Of course, as has been mentioned, he was a marine and Secretary of the Navy and had just a deep, deep passion to make sure that the men and women who defend this country on a daily basis were respected and had the resources, the equipment, the training, and everything they needed to succeed in their jobs. So he truly was a--he couldn't have been a kinder person to me. As a rookie out here, I remember I was standing over there offering an amendment to the Defense authorization bill. I think it was my first, probably, amendment [[Page S3474]] on the floor, and it was something that he, as the chairman, opposed. And he, I think, probably could have eviscerated me if he had wanted to, but he had that, as has been mentioned--he had that demeanor and disposition, somebody described it as a twinkle in his eye. He truly had that. And he really was out of central casting. If anybody wanted to cast somebody, he certainly could have had a career in Hollywood because he looked the part. But it was more than just looking the part. He lived it. He was truly not only a gentleman but a great Senator for the Commonwealth of Virginia and a great patriot to this country, who got up every day and thought of ways that he could make our country stronger and better. So my thoughts and prayers are with his wife Jeanne and all of his family today ***Agriculture*** Mr. President, the last several years have been difficult ones for cattle producers in my home State of South Dakota and around the country. A 2019 fire, and later COVID, caused reductions in meatpacking capacity, which left cattle producers with cattle to sell and no place to sell them. And even now, with our country well on its way to full reopening, meatpackers are still not back at full capacity--at least in part, it seems, because of the enhanced unemployment benefits the Biden administration is providing are not encouraging workers to come back to work. Throughout these challenges, ranchers have struggled, but meatpackers--meatpackers have seen continued substantial profit margins. While certainly market forces can see the price for cattle fluctuate, the gap between meatpacker profits and rancher profits raises some questions, most especially because more than 80 percent of the meatpacking market in this country is concentrated in the hands of just four companies. That level of concentration creates the opportunity for market manipulation. The gulf between rancher and meatpacker profits and the significant power these companies have over the beef industry has raised concerns that we are looking at something more than just an issue of supply and demand. That is why I wrote to the Department of Justice at the beginning of the pandemic urging the Department to begin an investigation into the meatpacking industry to make sure that there was no market manipulation going on. The Department of Justice responded by directing the Justice Department's Antitrust Division to initiate an investigation. Well, that was a year ago, and since then, we have heard nothing. No results from the investigation have been released, and it is not clear whether the investigation is still ongoing. So, last week, I led several of my Senate and House colleagues, along with South Dakota Representative Dusty Johnson, in a letter to Attorney General Merrick Garland urging the Department of Justice to continue investigating the beef sector to determine if improper and anticompetitive activity has occurred. It is essential that we hold the highly concentrated meatpacker industry accountable to consumers and producers who depend upon it. I will continue to press the Department of Justice to thoroughly investigate this situation. Another important thing that we can do to help ranchers start to see better prices for their cattle is to encourage competition in the meatpacking industry. As I said, more than 80 percent of the meatpacking industry in this country is controlled by just four companies. Encouraging more companies to get into this marketplace and encouraging small meatpackers to expand will dilute the power of these four companies and create more competition for ranchers' cattle, which will lead to higher prices for ranchers when they bring their cattle to market. That is why I introduced the Strengthening Local ***Processing*** Act in February with Senator Merkley. Our legislation would help strengthen and diversify national meat-***processing*** capacity by providing new resources for smaller, more local meat-***processing*** operations. Encouraging new meatpackers to enter the market and smaller meatpackers to expand their operations will provide livestock producers with more marketing options and thus increase competition for their cattle. Plus, spreading out and expanding our Nation's meat-***processing*** capacity over more plants will make our Nation's meat supply less vulnerable to interruption in situations like the coronavirus pandemic or natural disaster. During the pandemic, outbreaks of COVID at meatpacking plants seriously compromised supply, as empty grocery store meat sections attested. Had meatpacking capacity been less concentrated, it is likely that we would not have seen such significant shortages. Last month, I requested that the Senate ***Agriculture*** Committee hold a hearing to consider the challenges facing the livestock industry, as well as the bills that have been introduced this year to try to improve the situation. I recognize that there are contrasting views among cattle producers on the best path forward to improve the cattle market, but I am hopeful that a hearing would help lead to the passage of legislation that would improve the outlook for cattle producers. I also recently introduced, along with Senator Tester, an amendment to the legislation the Senate is considering today that would require the U.S Trade Representative and the U.S Department of ***Agriculture*** to review the 2015 World Trade Organization ruling that led to the repeal of mandatory country-of-origin labeling, or COOL, and identify how it affected U.S consumers, producers, and the supply chain. If the review finds negative impacts, the amendment would require the administration to submit to Congress legislative or administrative actions to address the impacts. I am a longtime supporter of country- of-origin labeling, and I have been raising the importance of this issue with the new Biden administration. I will continue working on a path forward for country-of-origin labeling. There is strong demand for U.S born and raised beef, and consumers want to know where their food is coming from. The least we can do for our ranchers and the consumers who depend on their products is to provide them with the benefit and certainty of seeing ``Made in the USA'' labels on grocery store shelves in South Dakota and around the country. I think I speak for a lot of Americans when I say there are few things I enjoy more than a mouthwatering burger or a really good steak. And there are a lot of men and women out there in South Dakota and across the country doing the demanding work of raising cattle so that the rest of us can enjoy our burgers and steaks and roasts. I am very proud to represent South Dakota ranchers here in the Senate, and I will continue to make it a priority to support cattle producers and make sure that they have fair and transparent markets for the commodities that they produce. I yield the floor. The PRESIDING OFFICER. The Senator from Iowa. Mr. GRASSLEY. Mr. President, first of all, I compliment Senator Thune with his remarks and agree with everything that he said and particularly to emphasize his call for a hearing before the Senate ***Agriculture*** Committee, something we have been trying to get done for a long period of time, and I hope that will soon happen. Remembering John Warner Mr. President, secondly, I would like to follow up on the comments that the two Senators for Virginia made about Senator Warner. Senator Warner came to the Senate 2 years before I did, and I remember him almost constantly talking about the No. 1 responsibility of the Federal Government: our national security and protecting the American people. And he was always, whether he was Secretary of the Navy or whether he was a Senator from Virginia--he was always speaking strongly about keeping and making sure that our military was strong to meet its constitutional responsibilities. I also remember that he was a person that quite frequently would speak up in Republican caucuses when he had a disagreement with the leadership of the day or the position of the caucus for the day or maybe he would even be in the minority of the caucus speaking on something that he felt strongly about. [[Page S3475]] And I also remember his speaking in terms of--after Reagan Airport was shut down because of 9/11 and the consequences that brought to the economy of Northern Virginia, how we worked so hard to get that airport opened up again. Anti-Semitic Hate Crimes Mr. President, the third and last reason for coming to the U.S Senate floor at this time to speak is to, like all of my colleagues would do, condemn the troubling increase in hate crimes, whether it is on any minority group, but today I come to the floor because of the recent attacks on Jewish Americans. Anti-Semitism has been called the oldest hatred. Throughout the history of the Jewish people, they have been subjected to cruelty, discrimination, and violence. Even in modern times, even here in America, Jews are still not safe from this hatred, and that is a profoundly bad and sad situation. No Jewish American should ever experience bigotry based on their religion, nor should they be subjected to threats, harassment, or injury because there is a Jewish State of Israel. We can express disagreements about foreign policy and about conflict in the Middle East, but we should never allow those disagreements to become dehumanizing and abusive. Yet, in response to the terrible conflict in Gaza recently, Jewish Americans have been attacked in recent weeks. The Anti-Defamation League has said that the reporting of anti- Semitic incidents has gone up 63 percent since the start of the war between Israel and Hamas. In New York, two Jewish teenagers were surrounded by an angry mob just this last Saturday. The boys were told that they had to chant ``free Palestine'' or chant ``kill all Jews'' before they were beaten and choked. On Thursday, a man wearing a yarmulke was beaten by a gang of men who chanted words like ``Hamas is going to kill all of you.'' In Los Angeles, anti-Israel protesters attacked Jewish patrons at a restaurant. The attackers reportedly said ``death to Jews'' and ``free Palestine.'' An orthodox Jewish man was chased by cars flying Palestinian flags in another incident in Los Angeles. I hope that we all condemn this horrible wave of violence against Jewish Americans, but Members of Congress can do more to take down the temperature. We should never vilify Israel or Israelis. This only fosters other hateful attacks, encouraging others to do dehumanizing things. We can talk about geopolitical problems without demonizing a people. That is pretty common sense. I remember how far anti-Semitic violence can go. In October of 2018, Robert Bowers attacked the Tree of Life synagogue in Pittsburgh, PA, killing 11. He did so after complaining that our first President with Jewish members in the first family--President Trump, that is--was surrounded by a Jewish ``infestation.'' Those were his words. It was the deadliest attack on the Jewish community in U.S history. While battling the recent spike in Asian-American and Pacific Islander hate crimes, we need to remember to combat all hate crimes. I look forward to opportunities in hearings or in legislation to see if we are doing everything that we can to protect our Jewish brethren and all Americans. I yield the floor. The PRESIDING OFFICER. The Senator from Wyoming. Mr. BARRASSO. Mr. President, I ask unanimous consent that both Senator Sullivan and I be allowed to complete our remarks--me for up to 12 minutes and Senator Sullivan for up to 5 minutes--before the vote. The PRESIDING OFFICER. Without objection, it is so ordered Border Security Mr. BARRASSO. Mr. President, I come to the floor today to talk about the ongoing crisis at our southern border. Over the past few weeks, the Biden border crisis has been overshadowed by several other crises facing our country under this administration. Inflation has surged. The price of gasoline across Wyoming and likely in the home State of the Presiding Officer as well is now over $3 a gallon. Democrats have been on another spending spree. It is a trillion-dollar spending spree. Hiring has plummeted across the country. Terrorists have attacked our closest ally. The response from the Biden administration actually on that attack has been to treat both our closest ally Israel and the attackers of Hamas as equals. I could go on and on. The most serious challenges facing our Nation have escalated ever since President Biden has taken office, but you can't forget the border crisis that we have now under President Biden. Over the last several months, basically since President Biden took office on January 20 and he changed our border policies, the crisis has only gotten worse. President Biden flipped on a big green light and said: Come to America. That is the message that people heard all across the world. He sent a clear message that the border is open. On his first day in office, President Biden shut down construction of the southern border wall. He stopped all deportations for 100 days. He brought back a program basically known as catch-and-release. Now those policy changes have led to a dramatic increase in illegal immigration. In March, our border agents caught 170,000 immigrants crossing our southern border illegally. In April, they caught even more: 178,000 illegal immigrants in just 30 days. The numbers have gone up and up. I heard a report yesterday that we are now at half a million people coming in illegally ever since President Biden has taken office. Half a million--that is the population of the entire State of Wyoming coming into the country illegally since January 20. This year we are on a pace for illegal immigration to hit a 20-year high. Our border agents are overwhelmed. Two-thirds of the Border Patrol are too busy to actually be out there enforcing the law. They are too busy either taking care of kids, unaccompanied minors, or adults who have come across with families and have done so illegally. So only about one-third are out there trying to stop the bad guys who are coming into this country--human traffickers, drug traffickers--some even, we know, on the terrorist watch list. In fact, they are so overwhelmed that they are doing something now they have never done before: They are releasing illegal immigrants directly into the country without even giving them court dates. Instead, they are telling them to report to ICE facilities, oh, sometime in the next couple of months. This is ***unprecedented***. This is worse than catch-and-release. This is an absolute, total surrender by the Biden administration to people coming into the country illegally. This is in addition to the tens of thousands of immigrants who simply escape. Border Patrol calls them getaways. They got away. They got into the country without being stopped. We saw these folks doing this when a number of us went to the border a month or so ago, chanting across the Rio Grande River: ``You cannot stop us now.'' The top Republican on the Homeland Security Committee, Senator Portman, revealed last week that there were 40,000 of these ``got- aways'' just last month. Well, how many of them were drug smugglers? How many of them are human traffickers? How many are on the terrorist watch list? We will never know. Over the same month, deportation hit a record low. The crisis might have disappeared from the headlines, but it hasn't gone away. And the people living near the border are being impacted dramatically. It is only getting worse Fifty thousand unaccompanied children have crossed the border since Joe Biden became President. ***Unprecedented***. At a time of a global pandemic, these children are not social distancing, let me tell you. That is what we saw when we saw them crammed in like sardines into the Donna facility at the southern tip of Texas. The media reports that the Department of Health and Human Services has left some kids on buses overnight. This is a humanitarian crisis: nowhere for them to sleep, nowhere to bathe. One teenager named Joel said he was left on a bus for 3 days. That is how President Biden and his administration are handling the situation. I know Democrats love to lecture Republicans about humane immigration policy. This is not humane. This is not humane. [[Page S3476]] The White House is now boasting that they are transferring the kids out of Border Patrol facilities. Nothing to brag about there. That is what the law mandates. They are just sending them from one overcrowded government facility to another overcrowded government facility. It seems like they are playing a shell game with these kids so they can play with the numbers. But the problem hasn't been solved; no, sir, it has not. Thousands and thousands of children keep showing up, and the crisis keeps getting worse. The Biden White House has told the world: Anyone under 18 can cross our border; we will let them in. And they are coming in record numbers. So it is not a surprise that tens of thousands of families are taking President Biden up on the offer. Not just families--criminals are taking advantage of these children. Criminals know that Border Patrol is overwhelmed. Criminals know, if they use kids to distract our agents, they will be able to make an end run via got-away, get-around, and bring drugs into the country. Border Patrol has come to the Congress and has told the Appropriations Committee in the House that they are seizing four times as much fentanyl this year as they seized last year. They are not sure how much they are missing, but we do know that this is a drug that killed more than 30,000 Americans in 2019. Border Patrol has already seized more fentanyl over the last 7 months than they did over the previous year. They have seized enough fentanyl at the border--people trying to move it into the country illegally--the volume that has been seized at the border is enough to kill more than a million people. That is just the drugs that we know about. Imagine the drugs we don't know about. Well, how are Democrats going to deal with this border crisis? Many are ignoring it. Neither the President nor the Vice President has been to the border since taking office 4 months ago--neither one of them. Many Democrats are trying to distract people from the issue. So why are the President and Vice President not going? Because they know, if they go, TV cameras will go with them, and it will attract more attention to the crisis--the humanitarian crisis, the national security crisis--that they have created. Now some Democrats are actually proposing that we make the crisis worse. Last week, the Senate had an opportunity to finish the border wall. Remember, the border wall has already been paid for. Only one Democrat voted to complete the wall. Every other Democrat voted to block it. They voted against finishing the wall even though we have already paid for it. I have been there. I have seen areas of the wall. The materials are there lying on the ground, just needing to be lifted up and connected to other portions of the wall, and that construction stopped the day President Biden took the oath of office. The Border Patrol officers say it would make a huge difference in their lives, in their jobs of protecting our Nation, if they could just put up and place that final spot of the wall. Some Democrats are actually encouraging even more illegal immigration. Democrats in Washington just sent $26 billion in taxpayer money to the Governor of California. Now, what does he want to do with the $26 billion that was sent to the Governor of California? He wants to give some of that money to illegal immigrants. Eight Senate Democrats have introduced a bill to give free healthcare to children who are here illegally. They introduced a bill this month, knowing full well about the child migration crisis at our border. This bill would only make the crisis worse. The Democrat promises of government benefits are a magnet to illegal immigrants. Democrats talk a lot about compassion. This is not compassion. The compassionate thing to do is to stop the crisis. We know how to do that. We know what works. Democrats don't like to admit it, but President Trump was historically successful in controlling our border. Democrats say that the system was dismantled. This is the exact opposite of the truth. Democrats are dismantling it today. Democrats need to stop giving our taxpayer dollars to illegal immigrants. Democrats need to turn off this magnet that is drawing 50,000 children to risk their lives and take a very dangerous journey, many paying those to traffic them, to bring them up to the border and carry them across. We need to go back to the policies that make our borders secure: Enforce the law, close the loopholes that encourage our illegal immigration, finish the wall that we paid for, bring back the Remain in Mexico policy. This crisis might be overshadowed by the other crises that are hitting us now in this Nation, ones for which Joe Biden is responsible; yet the crisis at our Southern border will not go away until we take action. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Hickenlooper). The clerk will call the roll. The bill clerk proceeded to call the roll. Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1911 Mr. SULLIVAN. Mr. President, for decades, even centuries, America's universities have been the envy of the world and one of America's biggest comparative advantages. At their best, they are hubs for innovative thinking, places where free exchange of ideas are not only encouraged but expected on campus. They have been the backbones of innovations that have changed countless lives in America and, really, across the world for the better. Now, of course, freedom of speech is enshrined in the First Amendment of our Constitution. The birth of our Nation was the result of our Founding Fathers escaping tyranny and pursuit of freedom of thought and expression. And since the inception of our country, we have prevailed over every country an empire that we have competed with, in part, because of America's commitment to the free exchange of ideas, and our universities have traditionally amplified this longstanding American ideal and comparative advantage. But, unfortunately, this is changing. Today, it is becoming increasingly clear that many of our universities too often stamp out the exchange of ideas for certain politically correct narratives. This is having a chilling effect on our students, on campus, and most importantly, their ability to express themselves. Let me present some disturbing findings. A recent Gallup survey of 3,000 undergraduate students found that 81 percent of students widely support a campus environment where they are exposed to all types of speech, even speech they find offensive--81 percent. However, that same survey found that only 59 percent of college students believe that free speech rights are secure, and that is down from 73 percent just 4 years ago. That same survey also found that 63 percent of university students in America agree that the climate on their campus deters students from expressing themselves openly, almost two-thirds of American students. That is remarkable. It is dangerous, not just for university life but for American life, and I believe it is unacceptable. Fortunately, we can do something about it with the simple amendment that I have offered today. This bill that we are debating right now, the Endless Frontier Act, will be sending billions, tens of billions, of dollars--taxpayer dollars--to America's universities. My amendment says, in return for these billions of dollars when applying for National Science Foundation funds, universities will be required to attest that they are protecting free speech, religious liberty, and prohibiting discrimination on campus and explain what steps they are taking to ensure compliance. That is it, a letter to the NSF once a year for billions in Federal research dollars. Now, already, we are hearing that some universities oppose my amendment, calling it ``burdensome.'' Well, here it is. It is 2 pages. It is simple. It is easy. This university opposition actually illustrates the problem that, in exchange for billions of dollars in Federal research money, America's universities can't be bothered to demonstrate to Congress and the American people that they are committed to the principles of the First Amendment which, by the way, have made our country and our universities so ***exceptional***. [[Page S3477]] Censorship, oppression, and one-sided thoughts are characteristics of Communist China, not America, and certainly should not be the characteristics of America's great universities--to the contrary. One of the most important ways to compete with and win against Communist China is to ensure that America--and, yes, our universities-- remain what they have traditionally been: laboratories of free expression, free thought, creativity, innovation, and ingenuity. My simple amendment will help make sure this happens, and I encourage all of my colleagues to vote yes to support this amendment, an America of free liberty, free thinking, and innovation. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mrs. MURRAY. 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 PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on Sullivan amendment No. 1911. The Senator from Washington. Mrs. MURRAY. Mr. President, I rise today in opposition to amendment No. 1911. It is an amendment that claims to be about protecting free speech but that could actually have a very chilling effect on speech at our institutions of higher education. I share the goal of fostering campus environments that protect free speech and the free exchange of ideas, but I have multiple concerns with the way this amendment goes about advancing those goals. It is not the role of the National Science Foundation or the inspector general of the National Science Foundation to police speech on campuses. Deciding what is appropriate regulation of speech should not be left to agencies that are not experts in constitutional analysis or in issues related to First Amendment protections at our institutions of higher education. I believe it would be a mistake to use today's amendment to make substantial change without the opportunity for input from students, educators, and stakeholders. I have heard from many institutions of higher education, as well as civil rights groups, who strongly share my concerns. I urge my colleagues to vote no. The PRESIDING OFFICER. The Senator from Alaska. Mr. SULLIVAN. Mr. President, with all due respect to my colleague from Washington, when the universities say they can't do this because it is too burdensome, again, to me that actually demonstrates the very problem my simple amendment is trying to resolve. All it is saying is in exchange for the tens of billions of dollars that America's universities will be getting as part of the Endless Frontier Act, they have to do one simple thing: once a year, send a letter to the National Science Foundation saying--and this is in the amendment right here--they have committed to protecting free speech, viewpoint diversity, the free exchange of ideas, academic freedom, and the protection of religious liberty, and prohibiting against discrimination. That is it, Mr. President. It is very simple. This is what universities should be doing. It is a letter, once a year, that is very simple in exchange for billions and billions of Federal research dollars. I certainly hope all of my colleagues will support this amendment--simple, needed. Again, this is how we outcompete communist China, which is all about what the Endless Frontier Act is focused on. I encourage my colleagues to vote yes. Vote on Amendment No. 1911 The PRESIDING OFFICER. The question is on agreeing to the amendment. Mr. SULLIVAN. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll. The bill clerk called the roll. The result was announced--yeas 49, nays 51, as follows: [Rollcall Vote No. 207 Leg.] YEAS--49 Barrasso Blackburn Boozman Braun Burr Capito Cassidy Collins Cornyn Cotton Cramer Crapo Cruz Daines Ernst Fischer Graham Grassley Hagerty Hawley Hoeven Hyde-Smith Inhofe Johnson Kennedy Lankford Lee Lummis Marshall McConnell Moran Murkowski Paul Portman Risch Romney Rounds Rubio Sasse Scott (FL) Scott (SC) Shelby Sullivan Thune Tillis Toomey Tuberville Wicker Young NAYS--51 Baldwin Bennet Blumenthal Blunt Booker Brown Cantwell Cardin Carper Casey Coons Cortez Masto Duckworth Durbin Feinstein Gillibrand Hassan Heinrich Hickenlooper Hirono Kaine Kelly King Klobuchar Leahy Lujan Manchin Markey Menendez Merkley Murphy Murray Ossoff Padilla Peters Reed Rosen Sanders Schatz Schumer Shaheen Sinema Smith Stabenow Tester Van Hollen Warner Warnock Warren Whitehouse Wyden The amendment (No. 1911) was rejected.

**Load-Date:** May 29, 2021

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[***BIOECONOMY RESEARCH AND DEVELOPMENT ACT OF 2021; Congressional Record Vol. 168, No. 22 (House of Representatives - February 03, 2022)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64PV-VYB1-JDG9-Y239-00000-00&context=1516831)

Impact News Service

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**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R 4521) to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology will now resume. The Clerk read the title of the bill. amendment no. 22 offered by ms. jayapal The SPEAKER pro tempore. It is now in order to consider amendment No. 22 printed in part D of House Report 117-241. Ms. JAYAPAL. Madam Speaker, I rise to offer amendment 22 as a designee of Congressman Jamaal Bowman. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: At the appropriate place in title II of division D, insert the following: SEC. \_\_. REPORT ON IMPACT OF SANCTIONS ON OPPORTUNITIES FOR INNOVATION THAT ADDRESS THE CLIMATE CRISIS AND PROMOTE ENVIRONMENTAL JUSTICE. (a) Sense of Congress.--It is the sense of Congress as follows: (1) The climate crisis is the single biggest health threat facing humanity and ***unprecedented*** levels of global cooperation and collaboration are necessary for basic security provided by equitable access to food production, access to fresh water, habitable ambient temperature and ocean food chains. (2) The frequency and severity of extreme weather events, such as wildfire, cyclones, floods and droughts are increasing worldwide, significantly impacting the environment, and displacing people from their homes, resulting in growing numbers of climate refugees. (3) Substantially scaling up a range of investments to address the climate crisis, including development assistance and green tech transfer, are necessary to meet the goal of limiting global warming to not more than 1.5 degrees Celsius. (b) Report.--Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of the Department of Energy, shall submit a report to the appropriate congressional committees that-- (1) describes the impact of United States sanctions on opportunities for innovation that address the climate crisis and promote environmental justice; (2) describes the impact of sanctions on climate diplomacy and low-carbon development assistance; and (3) identifies barriers to reducing greenhouse gas emissions and reliance on fossil fuels caused or exacerbated by United States sanctions. (c) Form.--The report required by subsection (b) shall be submitted in unclassified form. (d) Appropriate Congressional Committees.--For purposes of this section, the term ``appropriate congressional committees'' means-- (1) the Committee on Foreign Affairs, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives; and (2) the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate. The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Washington (Ms. Jayapal) and a Member opposed each will control 5 minutes. The Chair recognizes the gentlewoman from Washington. Ms. JAYAPAL. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I first want to offer my congratulations to the chairwoman of the committee for this very, very important piece of legislation. Madam Speaker, I rise today as the designee of Congressman Jamaal Bowman to offer this amendment. The climate crisis is the single biggest threat facing humanity, and if we are going to address it at the scale needed to limit global warming to not more than 1.5 degrees Celsius, we are going to have to work together. We are going to need ***unprecedented*** levels of global cooperation and collaboration to meet everyone's basic needs, including food, clean water, and keeping the communities we call home habitable. At the same time, we increasingly rely upon sanctions as a key foreign policy lever. The material impact of sanctions is known to undermine the human rights of civilians who can get cut off from access to basic needs, often the same basic needs that are threatened by the very climate crisis, as we see increasingly more frequent extreme weather events. This amendment would simply require the State Department to issue a report in coordination with the Department of Energy on the impact that sanctions have on our ability to be innovative in addressing the climate crisis and economic justice. This will give us important information as we seek to create and craft sanctions or understand the impact of sanctions and decide not to use them. Madam Speaker, I reserve the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition. The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes. Mrs. BICE of Oklahoma. Madam Speaker, I rise in opposition to amendment 22. I believe this amendment will undermine our ability to appropriately deal with human rights abuses and aggressions towards the United States. This amendment would require the Secretary of State in coordination with the Secretary of Energy to submit a report to Congress on how U.S sanctions are affecting our ability to adapt to climate change and promote environmental justice, among other things. First, let me remind my friends across the aisle that we are meant to be discussing the competitiveness bill today, not a climate bill. This bill is meant to address the Chinese Communist Party's growing aggression and [[Page H926]] to ensure the United States remains the world leader in science and technology. This amendment doesn't prioritize our competitiveness, and it doesn't help us face the threat from China. Worst, it could hinder our abilities to address that threat. Let's not forget sanctions are for countries that have committed inexcusable offenses against their own people or the United States. It seems to me that the purpose of this amendment is to show that our sanctions against China, who is committing forced labor crimes every day, are actually hurting progress towards adapting to climate change. Essentially, this amendment places technological adaptations to climate change on the same footing as forced labor and genocide. I fully believe that the United States has the capacity to develop innovative technologies to continue to reduce our emission and mitigate the effects of climate change. And I do not accept that to do this, we need to prioritize China's innovation over their use of forced labor. Addressing climate change does not require sacrificing American ideals and standards. We can best address global climate change by innovating in America and holding China accountable, not by giving them a pass. I would much rather look at how the United States can encourage more participation in research and development than drive innovation. Let's support our research enterprise, our workforce, our access to domestic critical minerals and, yes, let's actually identify innovative ways that we can combat global climate change. Not once has the Department of Energy or the National Science Foundation come to us to say that our stance against forced labor or child labor is hindering their ability to research, develop, and demonstrate clean energy technologies. This is a made-up problem, which this report is trying to solve with a pre-determined solution. Madam Speaker, I urge my colleagues to support your constituents by putting the United States first and opposing this amendment. Madam Speaker, I reserve the balance of my time. Ms. JAYAPAL. Madam Speaker, I am prepared to close, and I yield myself the balance of my time. Madam Speaker, I don't really understand--and with tremendous respect to my colleague across the aisle--how assigning a report so that we can get more information about the effect of sanctions on the people of a country undermines in any way anything that we are trying to do in this bill. In fact, competitiveness is deeply tied to whether or not we adhere to human rights values that the United States holds very dear. And the question of how we can be most effective in our policy is very important to this bill. So I really don't understand why we wouldn't want the information that a report is going to generate unless we are afraid that it is going to present some choice that feels very difficult to us. So I am not sure why there would be resistance to a report that says, Department of Energy, in coordination with the State Department, tell us what impact sanctions have on our ability to be innovative, one of the key goals of this bill, in addressing the climate crisis and economic justice. Let's not disentangle competitiveness from justice. Let's not disentangle competitiveness from our ability to uphold our core values as a country. Madam Speaker, I yield back the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I think my opening statement made the point that this is actually conflating two issues and shouldn't. And so for that reason, I strongly oppose the amendment. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Washington (Ms. Jayapal). The question is on the amendment offered by the gentlewoman from Washington (Ms. Jayapal). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. The Chair is advised that amendment No. 23 will not be offered. amendment no. 43 offered by mr. castro of texas The SPEAKER pro tempore. It is now in order to consider amendment No. 43 printed in part D of House Report 117-241. Mr. CASTRO of Texas. Madam Speaker, I have an amendment at the desk. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: Page 1847, line 1, insert ``media and entertainment,'' after ``health care,''. The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from Texas (Mr. Castro) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from Texas. Mr. CASTRO of Texas. Madam Speaker, I thank Chairwoman Eddie Bernice Johnson and all of the chairs of the committees and members who helped bring the America COMPETES Act to where it is. Madam Speaker, today I offer my amendment to the America COMPETES Act. My amendment simply adds ``media and entertainment'' to the list of eligible programs for nontraditional industries or occupations. {time} 1245 The U.S media and entertainment industry plays a prominent role in defining who we are as a nation, not only within our borders but across the world. The media, as I know the media is plural, but the media as an institution continues to serve as one of the main narrative-creating and image-defining institutions conveying America's values and ideals to audiences around the world. Yet the lack of diverse talent in the industry's workforce fails to reflect our population, therefore, stunting our ability to accurately portray the U.S as a multicultural symbol on a global scale, and also sidelining millions and millions of Americans from participating in an industry with well-paying jobs. By expanding apprenticeship programs, we can build a foundation for more Americans to begin professional careers in the media industry, particularly those that have been traditionally excluded, such as Latinos and other minority communities that are often underrepresented and undervalued. Madam Speaker, I reserve the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition. The SPEAKER pro tempore. The gentlewoman from Oklahoma is recognized for 5 minutes. Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, this amendment further expands the existing 80-year- old apprenticeships system to now include apprenticeships in ``media and entertainment.'' Instead of expanding this program that is already bloated with bureaucracy, time-consuming paperwork, and overly burdensome requirements, this bill should be focusing on programs that push employer-developed apprenticeships that will help our workforce expand and thrive. I cannot help but ask: What do apprenticeships in media and entertainment have to do with competing with the Chinese Communist Party? The CCP has dramatically increased its STEM workforce. One report predicts a 300 percent increase in the number of overall STEM graduates in China versus a 30 percent increase in the United States. Instead of focusing on training the next Meryl Streep, we should be focused on developing America's STEM workforce, especially at the skilled technical workforce level. If we can't expand the STEM workforce through initiatives like innovative apprenticeship models that give [[Page H927]] employees the skills they need, we won't be able to maintain the talent base that supports key sectors of the economy, including ***agriculture***, energy, healthcare, and defense. Madam Speaker, I encourage my colleagues to oppose this amendment and I reserve the balance of my time. Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, to address some of the concerns, the media and entertainment industry is one that involves different STEM fields such as a wide variety of engineering positions, for example, many of which have gone unfilled in different media corporations. Also, as the gentlewoman knows, the GOP in particular has made a big deal about our film industry yielding to different Chinese demands, for example. So it is important that our government collaborate with the industry to make sure that we have a well-prepared workforce that is able to, again, make sure that the America media is robust. We also want to be sure that--as you have industries like the media industry that continue to, for example, go film television and movies overseas, that American workers are well-prepared to take on those jobs so that industry does not have a single excuse to go somewhere else but to one of our cities and States in the United States. That is exactly what this amendment will help do, is to bring about a more prepared workforce to take on these roles so that industry doesn't have an excuse to go somewhere else. Madam Speaker, I reserve the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I would reply to my colleague that in Oklahoma we have done an incredible job of expanding the media and entertainment industry within our State without this type of program. We need to be focusing on STEM innovation and STEM workforce. In Oklahoma, we could graduate every engineering student from our colleges and universities and still be 3,000 engineers short, particularly as we look at our military bases in Oklahoma. Focusing on core industries like energy and defense are what we should be doing. Madam Speaker, I reserve the balance of my time. Mr. CASTRO of Texas. Madam Speaker, I yield back the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from Texas (Mr. Castro). The question is on the amendment offered by the gentleman from Texas (Mr. Castro). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. amendment no. 56 offered by mr. crenshaw The SPEAKER pro tempore. It is now in order to consider amendment No. 56 printed in part D of House Report 117-241. Mr. CRENSHAW. Madam Speaker, I have an amendment at the desk. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: Page 1330, after line 5, insert the following: (e) Annual Briefing.--Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Department of State, in consultation with the heads of other relevant Federal departments and agencies, shall provide a briefing to relevant Committees of the House of Representatives and the Senate regarding the progress and efforts of the PRC to achieve the goals and commitments stated in subsection (a)(3). The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from Texas (Mr. Crenshaw) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from Texas. Mr. CRENSHAW. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise in support of amendment 56, which I was proud to offer. Madam Speaker, it is no secret what the Republican Party thinks of the Chinese Communist Party and their attack on our global leadership and the threat they pose to our ***exceptional*** Nation and the global order we established and maintained. If you look at the COVID outbreak and coverup, the treatment of Uyghurs in Xinjiang, or the repression in Hong Kong, the facts clearly establish that the CCP is unaccountable, unreliable, and untruthful. While some in this Chamber want to think of them as a partner, I cannot bring myself down to that level of naivety. Let's call them what they are: they are a competitor; they are a threat. That is why when I read this bill I was shocked to see that Democrats are almost being complimentary when they refer to China and their emission goals. They say China ``is likely to achieve its carbon emissions'' pledge to the Paris Agreement, and that their emissions will peak ahead of schedule in 2030, a full 15 years after they agreed to Paris. Some Democrats go on to highlight China's pledge to be carbon neutral by 2060 and to phase down their coal-fired power generation. It reads like a press release for the Chinese Communist Party published in the Global Times or something tweeted by the bombastic foreign ministry spokesmen, not policy from the United States Congress. Worst of all, there is not even an attempt to fact check this information. Take it as blind fact, despite coming from an autocratic, Communist regime. Trust but verify will not do here. With China it should be do not trust until we verify and continue to verify. Madam Speaker, are we so naive that we take China's word at face value? I believe I speak for my fellow Republicans, and probably a few of my friends on the other side of the aisle, when I say: No, absolutely not. We have no reason to believe the Communist leadership that has publicly stated that their goal is to best us in every technological field and establish global dominance. In fact, we already have evidence that they falsified emissions data before joining the Paris Agreement. But some still want to trust them? It doesn't take a classified intel report to call China's bluff. They have no intention of meeting these goals, but that won't stop them from telling us that they are on track. If I had to guess, they will say they are doing it even better than we are in reducing emissions, if for nothing more than their ongoing information warfare to make us appear weak and ineffectual on the world stage. Madam Speaker, that is the purpose of my amendment. We need to have the State Department, in consultation with the Department of Energy, come in and give us the facts. This amendment requires an annual briefing regarding the progress and efforts of China to meet emissions goals. We need to know: Is China telling the truth about how much they have reduced emissions? Are they building more coal-fired power plants? Have they successfully deployed carbon capture technologies the way we have? These are answers we need for the United States to compete with China. Knowledge is power and the quickest path to victory is understanding your adversary. Despite all the other problems scattered throughout this bill, I believe this amendment is a chance to at least do one thing right. This amendment is about accountability, this is about accuracy, and most importantly, this is about knowing the full capabilities of our largest and fiercest competitor. Madam Speaker, I urge my colleagues to support accountability, to support accuracy, to support truth, and to support knowledge by supporting this amendment. Madam Speaker, I reserve the balance of my time. Mr. CASTRO of Texas. Madam Speaker, I rise in opposition to amendment 56 by Representative Crenshaw. The SPEAKER pro tempore. The gentleman from Texas (Mr. Castro) is recognized for 5 minutes. [[Page H928]] Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I believe the information being solicited is important, although I don't think that we need to pass a law to get it, and we shouldn't have to pass a law to get it. In that sense, I think the amendment is overkill. As chairman of the Oversight Subcommittee on Foreign Affairs last Congress, I saw how incredibly difficult it was to get basic information and simple briefings from the Trump administration. So I am sympathetic to getting information from an administration. The checks and balances put in place by the Constitution require the executive branch, no matter the party, to be responsive to congressional oversight. As we saw during the last administration, the executive branch has become increasingly empowered to not cooperate with Congress on basic oversight matters; that much is true. The Foreign Affairs Committee has found statutorily mandated briefings, however, generally backfire. They give the executive branch an excuse not to provide basic briefings on important subject matters on which we do not mandate briefings through legislation. These topics vastly outnumber those with statutorily required briefings. By writing mandatory briefings into statute, Congress is conceding to the executive that it does not need to be responsive to legislative branch inquiries unless a statute says so. Although I am opposing this amendment, I think the information is important. I would also join Representative Crenshaw in a letter requesting that kind of briefing from the Biden administration this year and the next and until the next administration. Madam Speaker, I reserve the balance of my time. Mr. CRENSHAW. Madam Speaker, I yield 1\1/2\ minutes to the gentleman from Pennsylvania (Mr. Meuser). Mr. MEUSER. Madam Speaker, I thank the gentleman from Texas for his leadership. Madam Speaker, I rise today in strong support for the amendment proposed by Representative Crenshaw. Despite being the world's leading emitter of carbon emissions and the second largest economy, China made minimal commitments under the Paris Agreement for greenhouse gas reduction, and we let them get away with it. Now we have heard claims from the CCP, this administration, as well others, the CCP is stepping up their commitments and generally want to address climate change. In fact, China has only committed to stop increasing emissions by 2030. That is another 8 years of increasing emissions from China. This administration's wishful thinking ignores the fact that the United States is the only industrialized nation to reduce greenhouse gas emissions over the last 2 years in a row, which has been achieved primarily with low-emissions natural gas from my home State of Pennsylvania. However, the reality of China's new commitments is that they are still doing the bare minimum compared with what the United States and other leading economies have committed. China continues to use fuels that this administration is strongly throttling back. If we are expected to believe the CCP is genuine in their commitments on climate, then it is critical that we see proof and accountability. Madam Speaker, that is why I support this amendment to require annual briefings on the Peoples Republic of China's progress toward their climate commitments. Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, again, I agree this is important information. However, this should not be our approach, except on issues where the executive branch has continuously, and over a period of time, refused to respond to basic inquiries. On climate issues, the Foreign Affairs Committee has not had any issues obtaining core information that is shared on a bipartisan basis. In fact, both Secretary of State Blinken and Special Envoy Kerry addressed this question in their hearings in front of our committee last year. Again, I would be willing to work with Representative Crenshaw, and everybody else who is interested in a bipartisan way, to request this hearing. Madam Speaker, I yield back the balance of my time. Mr. CRENSHAW. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from Texas (Mr. Crenshaw). The question is on the amendment offered by the gentleman from Texas (Mr. Crenshaw). The question was taken; and the Speaker pro tempore announced that the noes appeared to have it. Mr. CRENSHAW. Mr. Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. {time} 1300 Amendment No. 89 Offered by Mr. Garamendi The SPEAKER pro tempore. It is now in order to consider amendment No. 89 printed in part D of House Report 117-241. Mr. GARAMENDI. Madam Speaker, pursuant to the rule, I rise to offer the Garamendi-Johnson amendment No. 89 to the America COMPETES Act. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: Add at the end the following: DIVISION M--OCEAN SHIPPING REFORM SEC. 120001. PURPOSES. Section 40101 of title 46, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following: ``(2) ensure an efficient and competitive transportation system for the common carriage of goods by water in the foreign commerce of the United States that is, as far as possible, in harmony with fair and equitable international shipping practices; ``(3) encourage the development of a competitive and efficient liner fleet of vessels of the United States capable of meeting national security and commerce needs of the United States; ``(4) support the growth and development of United States exports through a competitive and efficient system for the common carriage of goods by water in the foreign commerce of the United States and by placing a greater reliance on the marketplace; and ``(5) promote reciprocal trade in the common carriage of goods by water in the foreign commerce of the United States.''. SEC. 120002. SERVICE CONTRACTS. Section 40502 of title 46, United States Code, is amended-- (1) in subsection (c)-- (A) in paragraph (7) by striking ``; and'' and inserting a semicolon; (B) in paragraph (8) by striking the period and inserting ``; and''; and (C) by adding at the end the following: ``(9) any other essential terms or minimum contract requirements that the Federal Maritime Commission determines necessary or appropriate.''; and (2) by adding at the end the following: ``(g) Service Contract Requirement.--With respect to service contracts entered into under this section, a common carrier shall establish, observe, and enforce just and reasonable regulations and practices relating to essential terms and minimum contract requirements the Commission determines are necessary or appropriate under subsection (c)(9).''. SEC. 120003. SHIPPING EXCHANGE REGISTRY. (a) In General.--Chapter 405 of title 46, United States Code, is amended by adding at the end the following: ``Sec. 40504. Shipping exchange registry ``(a) In General.--No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section. ``(b) Registration.--A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest. ``(c) Exemption.--The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration and licensing under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in the home country of the shipping exchange. ``(d) Regulations.--In issuing regulations pursuant to subsection (a), the Commission shall set standards necessary to carry out [[Page H929]] subtitle IV for registered national shipping exchanges, including the minimum requirements for service contracts established under section 40502, and issue licenses for registered national shipping exchanges. ``(e) Definition.--In this subsection, the term `shipping exchange' means a platform, digital, over-the-counter or otherwise, which connects shippers with common carriers (both vessel-operating and non-vessel-operating) for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.''. (b) Applicability.--The registration requirement under section 40504 of title 46, United States Code (as added by this section), shall take effect on the date on which the Federal Maritime Commission issues regulations required under subsection (d) of such section. (c) Clerical Amendment.--The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following: ``40504. Shipping exchange registry.''. SEC. 120004. DATA COLLECTION. (a) In General.--Chapter 411 of title 46, United States Code, is amended by adding at the end the following: ``Sec. 41110. Data collection ``(a) In General.--Common carriers covered under this chapter shall submit to the Federal Maritime Commission a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by such common carrier. ``(b) Prohibition on Duplication.--Data required to be reported under subsection (a) may not duplicate information-- ``(1) submitted to the Corps of Engineers pursuant to section 11 of the Act entitled `An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved September 22, 1922 (33 U.S.C 555), by an ocean common carrier acting as a vessel operator; or ``(2) submitted pursuant to section 481 of the Tariff Act of 1930 (19 U.S.C 1481) to U.S Customs and Border Protection by merchandise importers.''. (b) Clerical Amendment.--The analysis for chapter 411 of title 46, United States Code, is amended by adding at the end the following: ``41110. Data collection.''. SEC. 120005. NATIONAL SHIPPER ADVISORY COMMITTEE. (a) National Shipper Advisory Committee.--Section 42502(c)(3) of title 46, United States Code, is amended by inserting ``, including customs brokers or freight forwarders'' after ``ocean common carriers'' each place such term occurs. (b) Analysis.--The analysis for chapter 425 of title 46, United States Code, is amended by inserting before the item relating to section 42501 the following: ``Sec.''. SEC. 120006. ANNUAL REPORT AND PUBLIC DISCLOSURES. (a) Report on Foreign Laws and Practices.--Section 46106(b) of title 46, United States Code, is amended-- (1) in paragraph (5) by striking ``and'' at the end; (2) in paragraph (6)-- (A) by striking ``under this part'' and inserting ``under chapter 403''; and (B) by striking the period and inserting a semicolon; and (3) by adding at the end the following: ``(7) an identification of any anticompetitive or nonreciprocal trade practices by ocean common carriers; ``(8) an analysis of any trade imbalance resulting from the business practices of ocean common carriers, including an analysis of the data collected under section 41110; and ``(9) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are-- ``(A) State-owned or State-controlled enterprises; or ``(B) owned or controlled by, is a subsidiary of, or is otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country-- ``(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of ( U.S.C 1677(18))) as of the date of enactment of this paragraph; ``(ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C 2242) as a priority foreign country under subsection (a)(2) of that section; or ``(iii) subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C 2416).''. (b) Public Disclosure.-- (1) In general.--Section 46106 of title 46, United States Code, is amended by adding at the end the following: ``(d) Public Disclosures.--The Federal Maritime Commission shall publish, and annually update, on the website of the Commission-- ``(1) all findings by the Commission of false certifications by common carriers or marine terminal operators under section 41104(a)(15) of this title; and ``(2) all penalties imposed or assessed against common carriers or marine terminal operators, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier or marine terminal operator.''. (2) Conforming and clerical amendments.-- (A) Conforming amendment.--The heading for section 46106 of title 46, United States Code, is amended by inserting ``and public disclosure'' after ``report''. (B) Clerical amendment.--The analysis for chapter 461 of title 46, United States Code, is amended by striking the item related to section 46106 and inserting the following: ``46106. Annual report and public disclosure.''. SEC. 120007. GENERAL PROHIBITIONS. Section 41102 of title 46, United States Code, is amended by adding by adding at the end the following: ``(d) Prohibition on Retaliation.--A common carrier, marine terminal operator, or ocean transportation intermediary, either alone or in conjunction with any other person, directly or indirectly, may not retaliate against a shipper, a shipper's agent, or a motor carrier by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, has filed a complaint, or for any other reason. ``(e) Certification.--A common carrier or marine terminal operator shall not charge any other person demurrage or detention charges under a tariff, marine terminal schedule, service contract, or any other contractual obligation unless accompanied by an accurate certification that such charges comply with all rules and regulations concerning demurrage or detention issued by the Commission. The certification requirement only applies to the entity that establishes the charge, and a common carrier or marine terminal operator that collects a charge on behalf of another common carrier or marine terminal operator is not responsible for providing the certification, except that an invoice from a common carrier or marine terminal operator collecting a charge on behalf of another must include a certification from the party that established the charge.''. SEC. 120008. PROHIBITION ON UNREASONABLY DECLINING CARGO. (a) Unreasonably Declining Cargo.--Section 41104 of title 46, United States Code, is amended in subsection (a)-- (1) by striking paragraph (3) and inserting the following: ``(3) engage in practices that unreasonably reduce shipper accessibility to equipment necessary for the loading or unloading of cargo;''; (2) in paragraph (12) by striking ``; or'' and inserting a semicolon; (3) in paragraph (13) by striking the period and inserting a semicolon; and (4) by adding at the end the following: ``(14) fail to furnish or cause a contractor to fail to furnish containers or other facilities and instrumentalities needed to perform transportation services, including allocation of vessel space accommodations, in consideration of reasonably foreseeable import and export demands; or ``(15) unreasonably decline export cargo bookings if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for the immediate destination of such cargo.''. (b) Rulemaking on Unreasonably Declining Cargo.-- (1) In general.--Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to define the term ``unreasonably decline'' for the purposes of subsection (a)(15) of section 41104 of title 46, United States Code (as added by subsection (a)). (2) Contents.--The rulemaking under paragraph (1) shall address the unreasonableness of ocean common carriers prioritizing the shipment of empty containers while excluding, limiting, or otherwise reducing the shipment of full, loaded containers when such containers are readily available to be shipped and the appurtenant vessel has the weight and space capacity available to carry such containers if loaded in a safe and timely manner. SEC. 120009. DETENTION AND DEMURRAGE. (a) In General.--Section 41104 of title 46, United States Code, is further amended by adding at the end the following: ``(d) Certification.--Failure of a common carrier to include a certification under section 41102(e) alongside any demurrage or detention charge shall eliminate any obligation of the charged party to pay the applicable charge. ``(e) Demurrage and Detention Practices and Charges.-- Notwithstanding any other provision of law and not later than 30 days of the date of enactment of this subsection, a common carrier or marine terminal operator, shall-- ``(1) act in a manner consistent with any rules or regulations concerning demurrage or detention issued by the Commission; ``(2) maintain all records supporting the assessment of any demurrage or detention charges for a period of 5 years and provide such records to the invoiced party or to the Commission on request; and ``(3) bear the burden of establishing the reasonableness of any demurrage or detention charges which are the subject of any complaint proceeding challenging a common [[Page H930]] carrier or marine terminal operator demurrage or detention charges as unjust and unreasonable. ``(f) Penalties for False or Inaccurate Certified Demurrage or Detention Charges.--In the event of a finding that the certification under section 41102(e) was inaccurate, or false after submission under section 41301, penalties under section 41107 shall be applied if the Commission determines, in a separate enforcement proceeding, such certification was inaccurate or false.''. (b) Rulemaking on Detention and Demurrage.-- (1) In general.--Not later than 120 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking proceeding to establish rules prohibiting common carriers and marine terminal operators from adopting and applying unjust and unreasonable demurrage and detention rules and practices. (2) Contents.--The rulemaking under paragraph (1) shall address the issues identified in the final rule published on May 18, 2020, titled ``Interpretive Rule on Demurrage and Detention Under the Shipping Act'' (85 Fed. Reg. 29638), including the following: (A) Establishing clear and uniform definitions for demurrage, detention, cargo availability for retrieval and associated free time, and other terminology used in the rule. The definition for cargo availability for retrieval shall account for government inspections. (B) Establishing that demurrage and detention rules are not independent revenue sources but incentivize efficiencies in the ocean transportation network, including the retrieval of cargo and return of equipment. (C) Prohibiting the consumption of free time or collection of demurrage and detention charges when obstacles to the cargo retrieval or return of equipment are within the scope of responsibility of the carrier or their agent and beyond the control of the invoiced or contracting party. (D) Prohibiting the commencement or continuation of free time unless cargo is available for retrieval and timely notice of cargo availability has been provided. (E) Prohibiting the consumption of free time or collection of demurrage charges when marine terminal appointments are not available during the free time period. (F) Prohibiting the consumption of free time or collection of detention charges on containers when the marine terminal required for return is not open or available. (G) Requiring common carriers to provide timely notice of-- (i) cargo availability after vessel discharge; (ii) container return locations; and (iii) advance notice for container early return dates. (H) Establishing minimum billing requirements, including timeliness and supporting information that shall be included in or with invoices for demurrage and detention charges that will allow the invoiced party to validate the charges. (I) Requiring common carriers and marine terminal operators to establish reasonable dispute resolution policies and practices. (J) Establishing the responsibilities of shippers, receivers, and draymen with respect to cargo retrieval and equipment return. (K) Clarifying rules for the invoicing of parties other than the shipper for any demurrage, detention, or other similar per container charges, including determining whether such parties should be billed at all. (c) Rulemaking on Minimum Service Standards.--Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to incorporate subsections (d) through (f) of 41104 of title 46, United States Code, which shall include the following: (1) The obligation to adopt reasonable rules and practices related to or connected with the furnishing and allocation of adequate and suitable equipment, vessel space accommodations, containers, and other instrumentalities necessary for the receiving, loading, carriage, unloading and delivery of cargo. (2) The duty to perform the contract of carriage with reasonable dispatch. (3) The requirement to carry United States export cargo if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for such cargo's immediate destination. (4) The requirement of ocean common carriers to establish contingency service plans to address and mitigate service disruptions and inefficiencies during periods of port congestion and other market disruptions. SEC. 120010. ASSESSMENT OF PENALTIES. (a) Assessment of Penalties.--Section 41109 of title 46, United States Code, is amended-- (1) in subsection (a)-- (A) by inserting ``or, in addition to or in lieu of a civil penalty, order the refund of money'' after ``this part''; and (B) by inserting ``or refund of money'' after ``conditions, a civil penalty''; (2) in subsection (c) by inserting ``or refund of money'' after ``civil penalty''; (3) in subsection (e) by inserting ``or order a refund of money'' after ``civil penalty''; and (4) in subsection (f) by inserting ``or who is ordered to refund money'' after ``civil penalty is assessed''. (b) Additional Penalties.--Section 41108(a) of title 46, United States Code, is amended by striking ``section 41104(1), (2), or (7)'' and inserting ``subsections (d) or (e) of section 41102 or paragraph (1), (2), (7), (14), or (15) of section 41104(a)''. (c) Conforming Amendment.--Section 41309 of title 46, United States Code, is amended-- (1) in subsection (a)-- (A) by inserting ``or refund of money'' after ``payment of reparation''; and (B) by inserting ``or to whom the refund of money was ordered'' after ``award was made''; and (2) in subsection (b) by inserting ``or refund of money'' after ``award of reparation''. (d) Award of Reparations.--Section 41305(c) of title 46, United States Code, is amended-- (1) by inserting ``or (c)'' after ``41102(b)''; and (2) by inserting ``, or if the Commission determines that a violation of section 41102(e) was made willfully or knowingly'' after ``of this title''. SEC. 120011. INVESTIGATIONS. Section 41302 of title 46, United States Code, is amended by striking ``or agreement'' and inserting ``, agreement, fee, or charge''. SEC. 120012. INJUNCTIVE RELIEF. Section 41307(b) to title 46, United States Code, is amended-- (1) in paragraph (3)-- (A) in the heading by striking ``and third parties''; and (B) by striking the second sentence; and (2) by adding at the end the following: ``(5) Third party intervention.--The court may allow a third party to intervene in a civil action brought under this section.''. SEC. 120013. TECHNICAL AMENDMENTS. (a) Federal Maritime Commission.--The analysis for chapter 461 of title 46, United States Code, is amended by striking the first item relating to chapter 461. (b) Assessment of Penalties.--Section 41109(c) of title 46, United States Code, is amended by striking ``section 41104(1) or (2)'' and inserting ``paragraph (1) or (2) of section 41104(a)''. (c) National Shipper Advisory Committee.--Section 42502(c)(3) of title 46, United States Code is amended by striking ``Representation'' and all that follows through ``Members'' and inserting ``Representation.--Members''. SEC. 120014. AUTHORIZATION OF APPROPRIATIONS. Section 46108 of title 46, United States Code, is amended by striking ``$29,086,888 for fiscal year 2020 and $29,639,538 for fiscal year 2021'' and inserting ``$32,603,492 for fiscal year 2022 and $35,863,842 for fiscal year 2023''. SEC. 120015. NAS STUDY ON SUPPLY CHAIN INDUSTRY. (a) In General.--Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy shall conduct a study on the United States supply chain that examines data constraints that impede the flow of maritime cargo and add to supply chain inefficiencies and that identifies data sharing systems that can be employed to improve the functioning of the United States supply chain. (b) Contents.--The study required under subsection (a) shall include-- (1) the identification of where bottlenecks or chokepoints are most prominent within the United States supply chain; (2) the identification of what common shipping data is created with each hand-off of a container through the United States supply chain and how such data is stored and shared; (3) the identification of critical data elements used by any entity covered by subsection (c), including the key elements used for various supply chain business ***processes***; (4) a review of the methodology used to store, access, and disseminate shipping data across the United States supply chain and evaluation of the inefficiencies in such methodology; (5) an analysis of existing and potential impediments to the free flow of information among entities covered by subsection (c), including-- (A) identification of barriers that prevent carriers, terminals, and shippers from having access to commercial data; and (B) any inconsistencies in-- (i) terminology used across data elements connected to the shipment, arrival, and unloading of a shipping container; and (ii) the classification systems used across the United States supply chain, including inconsistencies in the names of entities covered by subsection (c), geographical names, and terminology; (6) the identification of information to be included in an improved data sharing system designed to plan, execute, and monitor the optimal loading and unloading of maritime cargo; and (7) the identification of existing software and data sharing platforms available to facilitate propagation of information to all agents involved in the loading and unloading of maritime cargo and evaluate the effectiveness of such software and platforms if implemented. (c) Collection of Information.--In conducting the study required under subsection (a), the National Academy of Sciences shall collect information from-- (1) vessel operating common carriers and non-vessel operating common carriers; (2) marine terminal operators; [[Page H931]] (3) commercial motor vehicle operators; (4) railroad carriers; (5) chassis providers; (6) ocean transportation intermediaries; (7) custom brokers; (8) freight forwarders; (9) shippers and cargo owners; (10) the National Shipper Advisory Committee; (11) relevant government agencies, such as the Federal Maritime Commission, the Surface Transportation Board, and the United States Customs and Border Protection; (12) to the extent practicable, representatives of foreign countries and maritime jurisdictions outside of the United States; and (13) any other entity involved in the transportation of ocean cargo and the unloading of cargo upon arrival at a port. (d) Facilitation of Data Sharing.--In carrying out the study under subsection (a), the National Academy of Sciences may solicit information from any relevant agency relating to the United States supply chain. (e) Report.--Not later than 18 months after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make available on a publicly accessible website, a report containing-- (1) the study required under subsection (a); (2) the information collected under subsections (b) and (c), excluding any personally identifiable information or sensitive business information; and (3) any recommendations for-- (A) common data standards to be used in the United States supply chain; and (B) policies and protocols that would streamline information sharing across the United States supply chain. SEC. 120016. TEMPORARY EMERGENCY AUTHORITY. (a) Public Input on Information Sharing.-- (1) In general.--Not later than 30 days after the date of enactment of this Act, the Federal Maritime Commission shall issue a request for information seeking public comment regarding-- (A) whether congestion of the common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system; (B) whether an emergency order described in subsection (b) would alleviate such an emergency situation; and (C) the appropriate scope of such an emergency order, if applicable. (2) Consultation.--During the public comment period under paragraph (1), the Commission may consult, as the Commission determines to be appropriate, with-- (A) other Federal departments and agencies; and (B) persons with expertise relating to maritime and freight operations. (b) Authority to Issue Emergency Order Requiring Information Sharing.--On making a unanimous determination described in subsection (c), the Commission may issue an emergency order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability, in order to ensure the efficient transportation, loading, and unloading of cargo to or from-- (1) any inland destination or point of origin; (2) any vessel; or (3) any point on a wharf or terminal. (c) Description of Determination.-- (1) In general.--A determination referred to in subsection (b) is a unanimous determination by the Commission that congestion of common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system. (2) Factors for consideration.--In issuing an emergency order under subsection (b), the Commission shall ensure that such order includes parameters relating to temporal and geographic scope, taking into consideration the likely burdens on ocean carriers and marine terminal operators and the likely benefits on congestion relating to the purposes described in section 40101 of title 46, United States Code. (d) Petitions for Exception.-- (1) In general.--A common carrier or marine terminal operator subject to an emergency order issued under this section may submit to the Commission a petition for exception from 1 or more requirements of the emergency order, based on a showing of undue hardship or other condition rendering compliance with such a requirement impractical. (2) Determination.--Not later than 21 days after the date on which a petition for exception under paragraph (1) is submitted, the Commission shall determine whether to approve or deny such petition by majority vote. (3) Inapplicability pending review.--The requirements of an emergency order that is the subject of a petition for exception under this subsection shall not apply to a petitioner during the period for which the petition is pending. (e) Limitations.-- (1) Term.--An emergency order issued under this section shall remain in effect for a period of not longer than 60 days. (2) Renewal.--The Commission may renew an emergency order issued under this section for an additional term by a unanimous determination by the Commission. (f) Sunset.--The authority provided by this section shall terminate on the date that is 2 years after the date of enactment of this Act. (g) Definitions.--In this section: (1) Common carrier.--The term ``common carrier'' has the meaning given such term in section 40102 of title 46, United States Code. (2) Motor carrier.--The term ``motor carrier'' has the meaning given such term in section 13102 of title 49, United States Code. (3) Rail carrier.--The term ``rail carrier'' has the meaning given such term in section 10102 of title 49, United States Code. (4) Shipper.--The term ``shipper'' has the meaning given such term in section 40102 of title 46, United States Code. The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from California (Mr. Garamendi) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from California. Mr. GARAMENDI. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, my amendment No. 89 is the Ocean Shipping Reform Act, H.R 4996, which the House passed under suspension of the rules on December 8, 2021. I introduced this legislation with Congressman Dusty Johnson of South Dakota last summer to provide the first major overhaul of the Federal rules for the global ocean shipping industry in nearly a quarter century. We did this because American exporters have a serious and, in some cases, an existential problem. Many exporters cannot get a container to ship their goods. For those who can get a container, they cannot get it on a ship. Last Friday, a farmer in my district pleaded for help. His business depends upon exporting his crop. He had worked with the normal forwarding and shipping companies to no avail. His words were: ``I will be out of business. I will lose my market. Help me.'' For months, I have heard similar words from the wine, almond, walnut, beef, and other industries. I know that my colleague, Congressman Johnson, has heard the same. The Ocean Shipping Reform Act is the solution to this problem. And the House has already acted, passing our bill by a strong bipartisan vote of 364 yeas to 60 nays. All but two members of the House Democratic Caucus voted for our bill, and I am looking for them now to vote on this in a positive way. Seventy percent of the Republican Conference also voted aye. In short, this is among the most bipartisan bills considered in the House this Congress, and it has the potential to get signed into law. Congressman Johnson and I are offering our Ocean Shipping Reform Act as an amendment to the America COMPETES Act, the House counterpart to the U.S -China competition bill passed by the Senate last summer. The world has changed greatly since Congress last reformed the Federal law governing the global ocean shipping industry. In late 2001, the People's Republic of China was granted permanent normal trade relations with the United States, the so-called most-favored-nation status, following that country's admission to the WTO. The United States' trade imbalance with the People's Republic of China grew from approximately $83 billion in nominal dollars in 2001 to a trade imbalance of over $310 billion in 2020, increasing nearly every year. Our bipartisan legislation in this amendment would better support American exporters by ensuring reciprocal trade to help reduce the United States' longstanding trade imbalance with export-driven countries. There has also been considerable consolidation among the foreign- based ocean carriers, coinciding with the continued decline of the U.S -flagged international fleet in favor of foreign flags of convenience. A handful of foreign-flagged ocean carriers now dominate the global ocean shipping industry. Many of these foreign-flagged carriers are effectively controlled by foreign governments: China, Taiwan, and South Korea. In 2021, as Americans endured monumental port congestion and supply [[Page H932]] chain problems, the largest foreign-flagged ocean carriers saw their profits more than triple over the previous year. Last year, the China Ocean Shipping Company, COSCO, reported annual profits nine times greater than the company's earnings in the previous year. Madam Speaker, I am here today to say, once again, that foreign exporters' access to the American market and our consumers is a privilege. It is not a right. American ***agricultural*** exporters and other businesses are willing to pay to ensure that their products reach the emerging market in the Asia-Pacific region. In turn, companies looking to off-load foreign- made products at West Coast ports must provide opportunities for American exports. In 2019, America exported more than $21.7 billion in ***agricultural*** products. Our farmers, ranchers, and producers in the Central Valley of California and throughout the State have worked for decades to unlock foreign export markets. That hard-won access to those valuable foreign markets, particularly in East Asia and the Indo-Pacific, is now threatened by the ocean carriers' anticompetitive and likely illegal business practices. Congress must ensure reciprocity in trade with other countries to reduce the American trade imbalance, particularly with cheap imports from Asia. Even during the pandemic, trade must be mutually beneficial, and that is exactly what the Ocean Shipping Reform Act would ensure. Dozens of ***agricultural*** exporters contacted my office, as I have already said, and the outright refusal of American exports is not conscionable. Madam Speaker, I yield back the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I claim the time in opposition, although I am not opposed. The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes. There was no objection. Mrs. BICE of Oklahoma. Madam Speaker, this amendment would insert the text of H.R 4996, the Ocean Shipping Reform Act of 2021, into the America COMPETES Act. The bill passed the House under suspension of the rules with 364 bipartisan votes in December, and I was proud to support the legislation. The amendment provides expanded authorities to the Federal Maritime Commission, which regulates ocean shipping to protect and ensure fairness for U.S shippers who import and export items to and from the U.S The amendment helps American shippers operate on a level playing field by increasing protections for U.S shippers from retaliation by foreign shippers who file a complaint with the FMC. It also prohibits foreign ocean carriers from unreasonably denying the carriage of U.S export cargo on foreign ocean carriers' vessels if such cargo is available, can be loaded safely, and is going to a destination on the ship's schedule. This provision is important for ***agricultural*** producers in Oklahoma and across the country who will benefit from increased capacity to ship production across the globe. Madam Speaker, I want to thank Congressmen Garamendi and Johnson for their support of the underlying bill and this amendment, and I urge its passage. Madam Speaker, I yield 3 minutes to the gentleman from the Mount Rushmore State of South Dakota (Mr. Johnson). Mr. JOHNSON of South Dakota. Madam Speaker, some have suggested that the supply chain crisis has eased. Now, to be sure, important progress has been made, but serious problems still exist, and now is not the time for us to take our foot off the gas. Notably, although this body has passed the Garamendi-Johnson Ocean Shipping Reform Act, the Senate has not yet acted. Let's be clear: Action is needed. Earlier this week, the dry peas and lentils producers told me that 30 to 40 percent of their shipments are still being canceled by the foreign-flagged ocean carriers. Now, remember, this is an environment where 60 percent of the containers that were hauled back to Asia last year went back empty. They were empty at a time when American ***agriculture*** products were aging and, in some cases, spoiling right there on the docks. Carriers are discriminating against American manufactured and ***agricultural*** goods. This is not a conceptual threat. These practices have already cost the American dairy industry more than $1.3 billion, and things could get a lot worse. Our producers have worked hard to build foreign markets in the commodities that Mr. Garamendi mentioned as well as beef, beans, corn, and dairy. If those producers cannot meet their obligations, then buyers will look elsewhere for food. This has already cost us an estimated 22 percent of market share for our ag producers. This is unacceptable. Now, Mr. Garamendi is right. A functional market has reciprocity. It also has basic rules of the road, and the Ocean Shipping Reform Act establishes those basic rules of the road. This amendment would add OSRA to the underlying bill. Madam Speaker, I urge a ``yes'' vote on the amendment so that we can continue to build momentum. Now, in fact, our partners in the Senate, Amy Klobuchar and John Thune, are expected to introduce OSRA in their Chamber this week. Yet another House vote in support of OSRA will send a clear message to Leader Schumer that our bill should be put on the floor for a vote. Madam Speaker, we do need to better align the interests of the foreign-flagged ocean carriers with those of American manufacturers and American ag producers. That is what this amendment does. Mrs. BICE of Oklahoma. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from California. The question is on the amendment. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Ms. JOHNSON of Texas. Madam Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. Amendment No. 124 offered by Ms. Jayapal The SPEAKER pro tempore. It is now in order to consider amendment No. 124 printed in part D of House Report 117-241. Ms. JAYAPAL. Madam Speaker, I rise today to offer an amendment to the America COMPETES Act section 60501. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: Page 1498, after line 7, insert the following: (D) An assessment of-- (i) humanitarian impacts of U.S and multilateral sanctions on entities and individuals associated with the current government of Afghanistan and the freeze of $9.4 billion of the Afghan central bank's foreign reserves, including projections regarding potential mortality rate and refugee outflows; (ii) the impacts of existing United States and multilateral laws, regulations, and sanctions on the influence of the People's Republic of China in Afghanistan; and (iii) projected impacts on illicit finance activity between the People's Republic of China and affiliated entities in Afghanistan in connection with the finances of Afghanistan and the Taliban in the event of a collapse of the licit Afghan banking system. The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Washington (Ms. Jayapal) and a Member opposed each will control 5 minutes. The Chair recognizes the gentlewoman from Washington. Ms. JAYAPAL. Madam Speaker, I rise today to encourage my colleagues to vote for my amendment to section 60501 of the America COMPETES Act, which asks the Treasury Department to study the growth of Chinese Government influence and illicit finance in Afghanistan. My amendment would also require the Treasury to examine the humanitarian impact of U.S sanctions in Afghanistan, projected increases in civilian deaths and refugees, and the resulting effect on additional Chinese Government influence in Afghanistan. [[Page H933]] Today's New York Times published a harrowing front-page article headlined ``Over a Million Flee as Afghanistan's Economy Collapses,'' which reports that for millions already living hand to mouth, Western sanctions have led to life-threatening hunger across the country as incomes have dried up and humanitarian aid has been obstructed. After our withdrawal from Afghanistan, U.S sanctions on the Taliban have impacted the broader functioning of the entire Afghan Government, including schools and hospitals, which cannot buy food for patients or gas to heat their buildings. The New York Times reports that, according to aid organizations, starvation could kill 1 million children this winter. These fatalities could far exceed civilian deaths resulting from 20 years of war. The United States has frozen $9.4 billion of the Afghan central bank's foreign reserves, making it impossible for the country's financial system to function and threatening to collapse the entire economy. U.N Secretary General Antonio Guterres has pleaded for ``increased liquidity'' to ``free up frozen currency reserves and reengage Afghanistan's central bank'' to ``pull the economy back from the brink.'' Former Republican South Carolina Governor David Beasley, now the head of the World Food Programme, similarly said that unless those Afghan central bank funds are unfrozen, ``this country will absolutely collapse.'' A senior official at the International Red Cross pointedly asked: ``Can the international community hold 39 million people hostage to the fact that they do not want to recognize the authorities that are now in place in Kabul and in Afghanistan?'' If appeals from the world's leading humanitarian and aid organizations on the devastating impacts of current U.S policy do not persuade my colleagues, I ask them to consider whether Afghanistan's economic crisis will pose an opportunity for neighboring China to expand its influence in the country. {time} 1315 For those seeking to better understand the Chinese Government's influence in Afghanistan and the rise of illicit financial transactions in the country, my amendment would ensure that we have this information. I urge my colleagues to support this amendment, which simply requires additional information on the impact of U.S sanctions on Afghanistan's migration, mortality, financial health, and influence from the Chinese Government. Madam Speaker, I reserve the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition. The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes. Mrs. BICE of Oklahoma. Madam Speaker, I rise in strong opposition to this amendment. The amendment is the latest attempt by Progressives to undermine efforts to keep money out of the hands of a terrorist organization. Following the Biden administration's disastrous withdrawal from Afghanistan and the Taliban's takeover of the country, the U.S did freeze nearly $9.5 billion in assets of the Afghan central bank to prevent the terrorist organization from accessing the funds. Other international organizations have taken similar actions. This amendment attacks such protections made by the U.S and our international partners. The package already jeopardizes our national security by signaling to the Communist leadership in China that we are not taking our economic competitiveness and technological leadership seriously. Now, some of our colleagues on the other side of the aisle are taking it a step further by attempting to include language that encourages handing over billions of dollars to a terrorist organization. I am disappointed an amendment that helps enrich the Taliban is being considered for inclusion in a so-called international competitiveness package. I encourage my colleagues to oppose the amendment, and I reserve the balance of my time. Ms. JAYAPAL. Madam Speaker, we join the American people in telling the President that he did the right thing by finally ending this never- ending war in Afghanistan. However, we can't abandon the country and its people. We have to make sure we get aid to the people of Afghanistan in the wake of our 20-year war there. In addition to the moral urgency of reevaluating a set of economic policies that threaten to harm untold Afghan civilians, including 1 million children, American policymakers deserve to have a complete and comprehensive picture of what is occurring in Afghanistan, including an honest understanding of our own actions, their human impacts, and their political and economic effects. We must not be afraid to connect the dots. Indeed, this is a pre- condition to changing U.S policy when it contributes to outcomes that contradict our own interests and our own values. Any report on Afghanistan's financial picture would be gravely incomplete without also examining current U.S policies. I urge my colleagues to vote ``yes'' on this amendment, and I yield back the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, why this particular amendment is being put into an America COMPETES Act is beyond me. It is emboldening and empowering our adversaries across the world and, certainly, with this particular move, you are allowing for terrorist organizations to access $9.5 billion. While I recognize the humanitarian crisis, this administration is responsible for that, candidly. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Washington (Ms. Jayapal). The question is on the amendment offered by the gentlewoman from Washington (Ms. Jayapal). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. Amendment No. 131 Offered by Mrs. Bice of Oklahoma The SPEAKER pro tempore. It is now in order to consider amendment No. 131 printed in part D of House Report 117-241. Mrs. BICE of Oklahoma. Madam Speaker, I rise as the designee of the gentlewoman from California (Mrs. Kim), and I have an amendment at the desk. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows: Page 371, after line 6, insert the following: (y) National Science Foundation Study on Inflation.-- (1) In general.--Not later than 45 days after the date of enactment of this Act, the Director shall commission a study to-- (A) ***measure*** the economic impact of inflation on the American people, including an analysis of cost-of-living impacts; (B) assess how the increase in inflation has harmed the American workforce through decreased, less valuable wages; (C) consider the impact of inflation on American international competitiveness, particularly as it relates to offshoring jobs in the manufacturing industry; (D) evaluate the impact of inflation on rural and underserved communities throughout the country; (E) assess the ways inflation at its current trajectory could impact future American generations; and (F) make recommendations to Congress on the impact of further government spending in regards to inflation. (2) Funding.--Of the funds authorized to carry out this section, $1,000,000 shall be used to carry out the study under paragraph (1). The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Oklahoma (Mrs. Bice) and a Member opposed each will control 5 minutes. The Chair recognizes the gentlewoman from Oklahoma. Mrs. BICE of Oklahoma. Madam Speaker, I strongly support this amendment, and I thank my fellow Science, Space, and Technology Committee member, Representative Young Kim, for first authoring this policy. According to a recent Gallup Poll, 79 percent of Americans expect inflation [[Page H934]] to continue to rise over the next 6 months. Inflation isn't an abstract concept. Americans across the country are feeling the pinch every day at the grocery store, the gas pump, and everywhere else as they buy goods to support their families. The Consumer Price Index reported earlier this year that inflation soared to a record level of 7 percent in 2021, and it only continues to grow with Democrats' wasteful spending sprees. The underlying bill we are considering today just continues that dangerous pattern of reckless spending. Instead of focusing on the targeted bipartisan investments in basic research that would help America excel in competition against China, the underlying bill is filled with partisan slush fund spending. We need to address the inflation crisis, and it should be top of mind whenever we consider massive spending bills. This is why I strongly support this amendment, which directs the National Science Foundation to commission a study on the impacts of inflation on the American people, our international competitiveness, our underserved and rural communities, and our future generations. As the U.S economy rebounds from COVID-19, with the national debt at more than $30 trillion, and inflationary risks rising daily, this straightforward amendment is sensible, necessary, and timely. I want to thank my colleague for her work on this important amendment. I urge a ``yes'' vote, and I reserve the balance of my time. Ms. JOHNSON of Texas. Madam Speaker, I rise in opposition to the amendment. The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes. Ms. JOHNSON of Texas. Madam Speaker, I appreciate the colleague's concern about the impact of inflation on our constituents, especially those who are already living on the margins. If anything, this should be a wake-up call to us how far too many Americans are living on the margins. But I will not digress further. This amendment, while well- intentioned, I am sure, is misplaced. Without question, NSF funds important economic research. In fact, they have funded nearly all recipients in the history of the Nobel Prize in economics. So, surely, there are NSF-funded economists who study some of these questions. However, this amendment is highly flawed. If the intent is for NSF to fund researchers through the traditional grant-making ***process***, this amendment circumvents NSF's gold standard merit-review ***process***. In that ***process***, the researchers themselves propose the important questions, which are then reviewed by their peers. If the intent, on the other hand, is for NSF to commission the National Academies or some other organization to carry out this study, the focus is entirely inappropriate. NSF, and sometimes Congress, do call on the National Academies, or another respected organization, to carry out studies on particular topics, but those studies are notable for some key criteria. First, they are not carrying out original research or data analysis. They are summarizing the current scientific understanding, as published in the peer-reviewed literature. And second, they are providing recommendations that guide NSF's own decisionmaking in what research topics are highest priority to advance to the frontiers of science, and the mechanisms to facilitate that research. This study meets neither of those essential criteria, not even close. Perhaps the Bureau of Economic Analysis has some of these data already and can brief the gentlewoman. But this is simply inappropriate for the National Science Foundation, and I must oppose this amendment. Madam Speaker, I yield back the balance of my time. Mrs. BICE of Oklahoma. Madam Speaker, in closing, I want to reiterate my thanks to Representative Kim for her work on the amendment. I urge a ``yes'' vote to my colleagues, and I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Oklahoma (Mrs. Bice). The question is on the amendment offered by the gentlewoman from Oklahoma (Mrs. Bice). The question was taken; and the Speaker pro tempore announced that the noes appeared to have it. Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed. The Chair understands that amendment number 171 will not be offered. Pursuant to clause 1(c) of rule XIX, further consideration of H.R 4521 is postponed.

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[***Non-Racialism: The New Form of Racial Inequality in a Neo-Apartheid South Africa***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BH2-VXY1-JBMY-H4CC-00000-00&context=1516831)

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**ABSTRACT**

Non-racialism is a deep-rooted ideal in the history of resistance in South Africa. It is not only the basis of the post-apartheid legal order, but also crucial to the form of capitalism. This paper reinterprets non-racialism and inequality in post-1994 South Africa by revisiting conventional understandings of the nature of the state and the rule of law. It shows that racial inequality is inscribed in the non-racial form of the state. The non-racial democratic shell correlates with the commodity form. Scholars have neglected the shift in the form of the state after 1994, partly because they focus on policy and see the state as an external structure in a racial society.

**FULL TEXT**

**The business of non-racialism**

After a peaceful, free and fair election in 1994, South Africa started a ***process*** of hopeful change towards a new order, which as the liberal pluralist constitution insisted would be ‘united in diversity’, and ‘open society’ where ‘every citizen is equally protected by law’ and where all were obligated to ‘heal the divisions of the past’ while merely ‘recognising injustices of the past’ (RSA, Constitution 2010: 1). The equality of Black and white people before the law, non-racialism, non-sexism and the rule of law became the absolute principles of the state and businesses. Significant exceptions were made for the ‘progressive realisation of rights’ for the ‘previously disadvantaged’ to housing, water, food, healthcare and social security in a highly proscribed redress programme that depended on the state’s resources (RSA, 2010: 3). With welfare and the collective good consigned a residual status, the commodity state form of private interest and private choices was primary. Apartheid essentially could continue in the form of the infamous substandard, basic reconstruction and developmemt programme (RDP) services (community standpipes for the poor) and shameful RDP housing.

Arbitrary deprivation of individual private property was prohibited and no party could be forced to buy or sell property (RSA, 2010: 6). A large domain of social life (education, personal security, health and the economy) remained essentially open to private prerogatives and the social power of the already mainly white wealthy class. The arrangement and design of the new legal order centred on the *abstract* legal person, owner of property and sovereign buyer and seller that would seek to ‘extinguish’ the memory of exploited social groups, primitive accumulation and concrete collective experience of oppression.1 Extinguishing this memory of primitive racist accumulation was the quid pro quo or compensation settlement to whites for agreeing to universalise the franchise. Any mention of the pre-eminence of Black majority interests or public interest conceived in a majoritarian fashion was excised.

These were fundamental shifts in the *form* of rule and the legal person compared to apartheid capitalism. Henceforth, choices by the (former) racially privileged and former subordinated would be seen as private matters with freedom to voluntarily contract and associate in an ostensibly non-racial setup. This fetishised appearance of equal citizens mystified reality but had real effects in protecting a minority capitalist class and its embedded racial dominance. Non-racialism as appearance and the rule of ‘law’ became a ruling class mantra. Non-racialism became the necessary form of appearance of post-1994 neoliberal capitalism in South Africa. The combination of intentional actions and objective structures in the context of class conflict and class forces can be seen at play in South Africa.

The mainstream in the African National Congress (ANC, for example, Mandela, Kathrada, Motlantle and Ramaphosa) and many in the Democratic Alliance (DA) remained committed to racial reconciliation and the erosion of race in daily life and politics as a humanistic ethical ideal (Kathrada, 2012). In fact, ANC President, Ramaphosa, has consistently appealed for South Africans to *transcend* race as much as he has railed against using the term ‘white’ in public discourse exemplified in the refusal to name monopoly capital as ‘white’. Thus for Ramaphosa, white was simply a skin colour not at all linked an oppressor group. Similarly, the DA maintained a ‘colour-blind’ view, arguing we should be forward looking and solve ‘real issues’ such mass unemployment, rather than fixate on negative identity politics by dredging up the past (Zille, 2015). Professor Ricardo Hausmann (2017), Chairman of the International Panel on the Accelerated and Shared Growth Initiative that advised the South African government between 2004 and 2008, joins this by making an explicitly economic case for non-racial diversity: South Africa risks following countries like Zimbabwe. . . ‘Radical transformation’ may lead to the loss of know-how vital to the development of South Africa, through emigration and exclusion. Ultimately, the question is whether South Africa, like Zimbabwe, sees itself as a Black African nation with a few unfortunate impurities, or as the ‘rainbow nation’ promoted by Nelson Mandela, a country that is stronger because it builds on its existing know-how for the whole country and celebrates its diversity.2

Confusions around non-racialism and ‘race’ are also evident in zigzagging in the highest courts and the Human Rights Commission. The Constitutional Court Chief Justice Zondo declared: ‘[T]he courts are enjoined to play a particularly critical role in, among others, the fight against racism, racial discrimination and the racial abuse of *one race by another’* (cited in Jafta, 2018: 5). Another judge noted, ‘Equality means equal concern and respect across difference. It does not presuppose the elimination or suppression of difference’ (Jafta, 2018: 4). Another confusion can be seen in a recent Constitutional Court judgement about workplaces that held that we must ‘reject racist conduct in all its forms’. All forms include ‘racism’ or ‘hate speech’ and Zulu freedom songs that were sung by Black striker workers and mentioned the word ‘*white’*. ‘Employees have a duty not to undermine harmonious working relationships. Also, racism in the workplace could tarnish the employer’s reputation and jeopardise its business interests’ (Groundup, 2018). Class antipathy by workers for their exploiters, the court argued, was bad for business. These examples and contexts show that non-racialism can become an obstacle to meaningful deracialisation and the fight against inequality.

The ‘act of enforcing racelessness. . . is itself a racial act’ (Toni Morrison, 1992: 46). Ansell (2006) focuses on the ‘socio-political and psychological functions that color-blind ideology performs for whites in defending white advantage’. Ansell’s work on the transition (2006: 348) concluded: Although in the past color-blindness served as an effective rallying cry for the demise of apartheid, the very same principle serves in the post-segregation context to stall transformation of the racial order in the direction of greater equality. . . The principle of color-blindness. . . mutates at the very moment of apparent victory into one that radically limits the anti-racist imagination.

Where Ansell argues nonracialism ‘radically limits the anti-racist imagination’, for Milazzo (2015: 8) ‘although non-racialism is rooted in a history of decolonial resistance, today it represents a regressive tool that supports white privilege’. Durrheim (2017) argues that racism may be ‘kept alive by colour-blindness’.

I am in broad agreement with these criticisms of non-racialism, but I wish to make three further suggestions to extend the argument: first to emphasise that non-racialism is more than a ‘tool’ or a principle but a new form of officialised oppressive domination and capital accumulation embedded in both policy and more importantly in the state *form and Constitution*. The question to be posed, then, is why the post-1994 South African state necessarily takes a non-racial form.

Second, I critique the ‘state in racial society’ approach because it analytically separates the state and society and sees the state as an autonomous actor providing public goods and simplistically sees the state as a neutral instrument. Third, I look at how non-racialism plays into the unfolding post-1994 neoliberal state as a pillar of new kind of hyper-commodified domination and an epistemology. The issue of state form has many aspects, but within the limits of this paper, I focus on one central aspect. This paper draws on Marxian political economy showing analogies between legal forms and the commodity form. Marx (1977) shows that ‘definite social relations between men themselves assume. . . the fantastic form of a relation between things. . . . I call this the fetishism which attaches itself to the products of labour as soon as they are produced as commodities, and is therefore inseparable from the production of commodities’.

The paper tracks convergences in Nelson Mandela’s ideas about the state form (Mandela was the leader of the ANC party until 1997 and South Africa’s president from 1994 to 1999, who framed much of the reconciliationist non-racial discourse) with Tony Leon (DA leader since 2000) and Helen Zille (towering leader and DA ideologue since 2007). As a counterpoint, the paper also looks at the rise of the Economic Freedom Fighters (EFF), resurgent racial consciousness and decolonising movements that gesture towards decommodification and Black self-emancipation (Gibson, 2017; Makhubu, 2017; Ruiters, 2014).

**The state in a racial society or the capitalist racial state form**

Marx started with the commodity, which he says has two sides: use value and exchange value. Use value refers to specific qualities and incommensurable properties of a commodity. Yet qualitatively different commodities are exchangeable because they can be reduced to a common quantitative form. Marx sees the common aspect as abstract labour (as opposed to concrete labour that makes use values) that can be expressed as money. In advanced capitalism, class domination therefore has to take the form of ‘abstract’ freedom as the exploited and the exploiters both appear as free persons that willingly transact. Similarly, qualitatively different citizens are treated as equivalents in the capitalist politico-juridical form. As Balbus (1977: 576–577) writes, ‘the abstract legal person substitutes for the real, flesh-and-blood, socially differentiated individual. . . the commodity-form functions to “extinguish” the memory (in SA the memory of colonial dispossession and conquest)’. Put differently, ‘primitive accumulation is suspended in the commodity form as its “subterranean” condition, constitutive presupposition, and historical basis’ (Bonefeld, 2001: 6). The gap between appearance and essence is revealed here. The basic historical premise for capitalist production, the separation of labour from its conditions, is that the means of labour (Marx, 1977) is hidden. But workers in reality are *compelled* to sell their labour power to capital, although this is not how it appears in law, which presents it as a voluntary act.

The ‘state in society’ problematic can be criticised: first, for falsely posing the problem of the state as a separate ‘level,’ or as a relatively autonomous structure. In this view, as Song (2013: 1257) explains, the state ‘is seen as the entity. . . whose content could be changed and replaced depending on who or what group of society, be it capitalists or working-class people, seizes and utilises it to its advantage’. In contrast, the state, as Marx argues, ‘is the organisation of society’, not outside it. The state and the law embody the *commodity form* – the basic cell of capitalist society – rather than having an external, instrumental or subjective relation to it. Capital and the state are simultaneously ‘economic, power and social’ relations and internally constitutive. The state-in-society approach frequently adopted by the South African policy left assumes the state is an autonomous institution that can serve the general interests of society ‘as a whole’ and the impoverished at the same time (see Harold Wolpe’s warnings (1995) to the ANC about underestimating the problem of policy implementation).

Second, it is problematic to focus on the state’s content – policy ideas and ‘good’ intentions – while neglecting the objective form of the state and policy. Although it focuses on specific policy content, it fails to probe the precise form of the law. Examining the ‘class content of the law and the state without seeing that the form of the law (is) equally determined by the nature of capitalist society’ is an obstacle to an adequate understanding (Holloway and Picciotto, 1979: 19). State form is the hidden curriculum, to paraphrase Paulo Freire. There is a dialectical play of form and content. Put simply, ‘good content’ can be vitiated by ‘bad form’. The how of doing is as important as the what.

A mirror of the commodity form of market exchange (with formal equality of buyers and sellers), the legal is an internal ‘institutionalisation’ of capital. It takes a *public* form, representing all individuals – standing above classes and social groups. The *appearance* of non-discrimination (in the South African case, non-racial state) in the interest of all is the necessary hegemonic class form of capitalist rule even before we consider policy content and the persons heading the state (Pashukanis, 1989). Although all advanced capitalist states take a commodity form, they do so under different conditions and in different ways.

**South Africa: From incomplete commodity form to extended commodity state form**

Black people were forcibly separated from the means of production but were not allowed to become bearers of rights as free labour. Through being racially oppressed, their movement and employment choices were restricted as was freedom of association; the classical commodity form (equality of buyers and sellers under universal laws) was incomplete. Black people were deprived of a common status as fellow humans. Even if a sizeable section of white people disavowed colonialism and apartheid, they objectively benefitted in different ways over a very long time from racially defined capitalism, housing markets, superior schooling, mobility and a colonial forms of master-slave racism and exploitation of Black workers through the migrant labour system and colonial capitalist spaces of confinement such as townships and hostels.

The anti-racist struggles by the ANC, the Black consciousness movement and the Black trade unions along with the 1976 Soweto student uprising and the mass strikes by Black workers, however, shattered the teetering racial accumulation project (Greenberg, 1987). By the late 1970s, the structurally powerful Black working class was able to launch persistent challenges to the racist state and capital. English-speaking liberals such as Colin Eglin, the leader of the Progressive Federal Party (now the DA), urged business people to play a more active role in rising Black unionisation. As Greenberg (1987: 397) noted, the Afrikaaner Handels Institut and the Urban Foundation started to campaign for a new state form, the ‘free enterprise system’, in which a Black middle class could grow and a united democratic system with checks and balances could be negotiated. The apartheid state form became untenable for further capitalist growth and actual social relations were moving ahead of de jure legal forms.

By the late 1970s, key forces within the white minority sought to shift gears away from an inherently fragile coercive racist state to the liberal, neutral terrain of the ‘economy’, legal equality among citizens and the classic bourgeois market abstractions such as equal buyers and sellers. A reformulated state would emerge operating on a formal democratic terrain of: The dull compulsion of economic relations completes the subjection of the labourer to the capitalist. Direct force, outside economic conditions, is of course still used, but only ***exceptionally***. In the ordinary run of things, the labourer can be left to the ‘natural laws of production’, i.e., to his dependence on capital, a dependence springing from, and guaranteed in perpetuity by, the conditions of production themselves. (Marx, 1977)

What would a re-formulated ‘post-apartheid’ form of subjection/dull compulsion look like?

**Which ANC and whose non-racialism?**

The ANC’s ‘non-racial’ vision in Freedom Charter (in 1955) insisted that ‘SA belongs to all who lived in it’ but it also held that various ‘national groups’. It is unclear if these reified ‘groups’ of African, coloured, Indian and white were meant to dissolve. There has been much debate about characterising the ANC’s non-racialism, its populism (appeals to the unity of the people that diminish class politics in the interest of national liberation) and its conceptual ambivalences about the race and nation(s) over the decades (Alexander, 1986; Anciano, 2016; Ntsebeza, 2011). The contrast between the ANC and DA is often overdrawn. Anciano shows that within both leading parties in South Africa, many thinkers ‘equate non-racialism to multiracialism, on the one hand, and an (interim) racialisation of politics on the other’ (2016: 195). Racial categories, however, have no objective basis and were essentialised through colonial conquest and political projects such as apartheid. Many agree that since its founding and until the mid-1980s, the ANC embraced multi-racialism rather than consistent non-racialism (Anciano, 2016). For example, only after 1985 could ‘non-Africans’ (people of colour and Indians, who were also defined as Black) sit on its National Executive Committee. Soske (2015) emphasised variations in non-racialism, saying the term became popular in the ANC in the 1950s as an adjective for describing a future ‘non-racial *democracy*’ not specifically a non-racial *society* because, according to the Freedom Charter, South Africa had several established ‘national groups’ and ‘races’.

After 1994, the ANC guided by the ‘national democratic revolution’ negotiated a compromise with the apartheid regime for a constitutional liberal democracy based on ‘civic patriotism,’ non-racialism, reconciliation and respect for the constitution as the common ground of nation building. The negotiated deal according to President Mandela (1994) granted all ‘political emancipation’. The ANC’s anti-apartheid struggle did not include an anti-capitalist struggle, in fact, it made no bones about wanting to develop an African bourgeoisie. Affirmative action and Black economic empowerment became the centrepieces of the ANC’s legislated strategy to reduce to promote a black elite. Black Economic Empowerment (BEE), as Mbeki put it, would forge a patriotic black capitalist class (Saul and Bond, 2014).

In the 1992–1993 negotiations, the ANC’s compromises allowed old order capital and elite interests ample space to be reconstituted as privatised, non-racial ‘civil society’. The legal order internalises the logic of capital and this is evident in numerous spheres (such as land redistribution, ‘squatter’ control, bifurcated unequal health and education systems and affirmative action). As persuasively argued by Soudien and Sayed (2004), in education, decentralised governance enabled a class elitism within schooling. Although the government’s stated hopes were that decentralising power to school boards would allow increased levels of flexibility and thus responsiveness, this has largely ‘served to take the struggle (for equity and redress in education) *out of* the public domain’ leading to ‘new forms of exclusion’ through ‘the levying of school fees, developing a school language policy, access policy and code of conduct for learners’ that have acted to keep poor Black children out of former white schools, thereby preserving the unequal status quo in the education system. They show that education has become ‘a prime site through which the re-articulated racial state can be observed’. The constitution (Section 29(3)) says that anyone can ‘establish and maintain private schools at their own expense’. Fragmented, parallel public services such as private schools, private security and hospitals and even private roads in gated estates became a norm. The constitution has especially in the Zuma period ‘become an abstraction in the face of the power of bloated political patronage and illegal dispossession and repression’ (Gibson, 2017: 581). Urban geographer, Pieterse (2009: 2) also highlights the persistence of racial geographies, blaming ‘the immunity of private investment to governmental spatial priorities’.

In 1997, a White Paper on Land Policy validated market principle of ‘willing seller, willing buyer’. According to Kepe and Hall (2016: 16), ‘even while there have been changes to policy, the underlying willing buyer, willing seller approach has remained’. The initial target proposed by the ‘World Bank was that 30 per cent of ***agricultural*** land was to be transferred from white farmers to Blacks within the first five years of South Africa’s democracy’, although by 2010, 16 years later, only 6% had been redistributed (Ntsebeza, 2011: 296).

Of course, given the different strands within the ANC, there have been disagreements and splits within the ANC about a more strident redistribution programme with ‘radical restructuring’ and ‘anti-racist racism to destroy the material basis of white racist power’ (Cachalia, 2012: 60). The left-thinkers within the ANC including the South African Communist Party (SACP), however, did not produce a coherent programme to show how the class basis of racism could be ‘destroyed’ from below. As Shivji (2003) and others show, solving the national question *from above* became the hallmark of bourgeois nationalism. In 2014, the former Premier of Limpopo Ngoako Ramatlhodi, a leading ANC member, argued the ANC was ‘managing a white-man economy on behalf of white men who ran the economy under apartheid’ (quoted in Saul and Bond, 2014: 223).

However, in the post-1994 period, successive ANC Presidents have added their slant to non-racialism. After 1993, under Mandela, theological non-racialism and reconciliation prioritised calming ‘investor’ fears (Saul and Bond, 2014). Mandela shifted rapidly to a position of ‘getting over race’.

On becoming President in 1999, Mbeki proclaimed an African Renaissance, whereby South Africans would have no option but to ‘develop in the framework of the world economy’. Under Mbeki, neoliberal economics (the infamous GEAR) became common sense amongst the ANC elite and neoliberal logic and its results were consciously embraced (Saul and Bond, 2014). For Mbeki, fighting for racial justice was about ‘growing the economy’ while getting the ‘poor’ into ‘*normal* participation in the economy’ that would stop their ‘dependency on grants’ (President Mbeki, State of the Nation address 14 February 2003).3 In 2007, in his State of the Nation address,4 Mbeki reminded South Africans they must ‘continuously focus on the task to ensure that as many of our people as possible graduate out of dependence on social grants and enter the labour market’ ([*https://www.iol.co.za/news/politics/full-text-of-mbekis-state-of-nation-speech-314525*](https://www.iol.co.za/news/politics/full-text-of-mbekis-state-of-nation-speech-314525)). Mbeki, the mainly Black civil servants and local government leaders have embraced their own ‘market-civilizing mission’ as the structure and language of the commodity and the logic of capital became deeply embedded in policy statements (Ruiters, 2018). As Clarke (2004: 31) argues, neo-liberalism ‘has disintegrated conceptions of the *public* as a collective identity, attempting to substitute individualised and *economised identities* as taxpayers and consumers’.

Mbeki’s world view and policy thinking flowed from the foundational compromises that constituted the neo-racial state as a deeply anti-working class form of power (where private market interests trumped public ones, mass unemployment, labour brokers and casualisation became the norm) and where state sovereignty, democracy and national self-determination were mediated by rating agencies such as Moody’s (Soudien and Sayed, 2014). Consequently, the neoliberal state form in South Africa crystallised as more *intensively* and extensively commodified form of state than was possible under apartheid (which had politicised everything). Its governance mechanisms include techniques such as cost-recovery, privatisation, decentralisation and blaming the victim (McDonald and Ruiters, 2005; Sayeed and Soudien, 2004). Power was decentralised to quasi-private bodies such as school governing boards and Community Policing Fora as well as private security firms. ANC reforms have tended entrenched *new forms of private apartheid* and commodification.

Zuma, who was often labelled a ‘populist’, assumed office in 2008 with Cosatu, ANC Youth and Women’s League support partly in reaction to Mbeki’s ultra-neoliberal agenda (Ruiters, 2014). After the ANC’s Polokwane conference, Zuma embraced a larger role for a developmental state, long-term planning, blaming apartheid rhetoric, extended social grants and antiretroviral drugs access (ANC, 2007). He continued Mbeki’s line of thinking when he crudely spoke of ‘lazy entitled South African Blacks’ (Zuma, 2015) while promoting a lumpen, openly kleptocratic bourgeois faction within the ANC.

In 2018, Cyril Ramaphosa (new President of South Africa and former trade unionist, who became a very wealthy ANC leader associated with Lonmin, the Marikana massacre) reversed the Zuma rhetoric by returning to the Mandela style, arguing, ‘The Constitution is an enduring symbol of our commitment to heal the rifts that once divided us and to put aside the bitterness of the past to build a common future’ (Ramaphosa, 2019). Favouring similar colour-blind thinking to the DA (not universally accepted in the ANC), he denounced ‘populist’ references to ‘whites’ in parliament: ‘There should never be a time or an opportunity where we see each other as Black, white and so forth and insult one another. We are South Africans, and this is what defines us’ (Ramaphosa, 2018a).

The attempt to disconnect whiteness from history, culpability or moral blame is a key move of the ANC and DA non-racialists. Opinion pieces in a leading corporate daily by Tony Leon (former DA leader), declared the racism debate a ‘diversion’ from the real issues of ‘growing the economy’ (see his regular columns in *Business Day* from 2014 to 2016). Zille (2019) has argued that the DA’s non-racialism is about ‘uniting the middle, protecting property rights, and promoting individual freedoms’ ([*https://ewn.co.za/2019/07/29/zille-aims-to-unite-the-middle-protect-individual-freedom-in-new-irr-role*](https://ewn.co.za/2019/07/29/zille-aims-to-unite-the-middle-protect-individual-freedom-in-new-irr-role)).

As did the DA, Ramaphosa urged citizens to ‘get over race’ and become responsible entrepreneurs and consumer-citizens (customers) so the ‘market’ can be free to ‘unleash’ jobs (Ramaphosa SONA, 2019). In 2018, he pleaded that: We should treat our entrepreneurs as heroes, and move away from what we had been fed with and [grown] accustomed to here, where we treated our entrepreneurs and businesspeople [badly]. . . and called them all sorts of names. . . We treated them like enemies and. . . white monopoly capital, and all that. . . that must end today. (Ramaphosa, 2018a)

Neo-racial capitalism incorporates the Black elite into racial capitalism while the state increasingly substitutes economic categories for race, providing an economic language for shaping and targeting certain populations (Ruiters, 2018; Su Rasmussen, 2011). The neo-racial state and major parties, despite some divergences, however, are fundamentally united in the myth of equality before the law, equal citizens, trickle-down economics, the National Development Plan, non-racialism and the supremacy of the Constitution. The DA, too, has framed its policy around non-racialism, defending the constitution, meritocratic appointments, clean government and economic growth, and more radically, how people *think* about themselves as honest, entrepreneurial South Africans.

**EFF challenge**

The EFF emerged in 2013 as a left-wing party splinter from the ANC attacking persistent white economic power and privilege. It claimed to fight for ‘economic freedom in our lifetime’ (a play on Mandela’s slogan ‘freedom in our lifetime’). It grew in the wake of the Marikana massacre, increasing repression of Black social movements and workers and significant splits within the trade unions (Ruiters, 2014).

Claiming to be a ‘radical’ political party, the EFF has significantly altered the shape of the political landscape in South Africa. It launched verbal attacks on figures such as Zille, whom it called a ‘white madam’, ‘racist girl’ and ‘sick woman’. Labelled as Marikana ‘murderers’ and the tools of ‘white monopoly capital’, the ANC became a target. Ideologically self-designated as Marxist-Leninist-Fanonian thought (EFF, 2013), getting ‘stolen land’ back became its clarion call (Gibson, 2017; Ruiters, 2014).

The EFF constitution says it is ‘anti-racist’ and wants the ‘complete eradication of racism. . . colonialism’. It, however, rejects non-racialism and human rights as ‘nonsense’, refusing to be drawn into abstract liberal universal statements, which it argues obfuscate the real history of what whites did as well as white current privileges (2019).5

There is nothing racist by stating the correct fact that white people drove a racist project of land dispossession called colonisation. Through colonisation, they also gained cultural, religious and educational superiority, whilst suppressing and demonising Africans.6

The EFF challenges neo-apartheid spatiality through openly advocating land ***invasions*** and land expropriation without compensation. In the National General elections in May 2014, the EFF managed to secure over 1.2 million votes (6.35% of the national vote) and increased this to 10.7% in the 2019 elections. It argues that: The post-1994 governments have reproduced and worsened apartheid economic inequalities, such that a prominent defining characteristic of all post-1994 governments is their perpetuation of economic apartheid defined along racial lines. Whilst political apartheid has been abolished, economic and social apartheid remain a stark reality, evidenced by the fact that poverty is associated with blackness and wealth with whiteness.7

There is a new dimension in the debates on whiteness and although the EFF does not use the term ‘racial state,’ the EFF’s emergence can be seen as a response to the neo-racial, neoliberal state. Despite its radical agenda, the EFF holds an instrumentalist view of the state.

**The bourgeois foundations of the South African non-racial state**

After years of apartheid isolation, the new South Africa state in 1994 not only legalised the spoils of apartheid appropriated by wealthy white (under a certain regime of primitive accumulation) but also helped to liberate white capital (and the Black elite) from the international sanctions imposed on the apartheid state. It allowed its biggest firms to list on the London Stock Exchange and more freely colonise the African continent (e.g., Shoprite). Afrikaner capital controls a global empire through Sanlam, Naspers, Billiton, Outsurance and Checkers (see Davies, 2012). The Naspers empire straddled 130 countries in 2015 (*Financial Mail*, 24 September 2015). Shoprite, the largest supermarket chain in Africa (with white Afrikaners Whitey Basson and Christo Wiese at the helm), opened stores across 14 countries aside from South Africa (*Independent Online*, 2020). In reality, with ANC rule, not only were wealthy whites allowed to keep the wealth accumulated under a criminal apartheid system and pass it on to their children but their money was also more mobile than under apartheid because sanctions were lifted and white companies could invest in the rest of Africa with Mandela’s blessing and under the guise of Mbeki’s African Renaissance (Ashman, 2011).

As a study of the wine industry by Du Toit et al. (2008) shows: BEE has allowed the mostly white Afrikaner industry to form alliances with key Black members of the South African urban elite to appropriate aspects of ostensibly transformative discourses to contain and capture the transformation agenda, and to marginalize issues that would address the fundamental structural relations of power that are at the root of black farm workers’ poverty and marginalization.

The wealthiest 1% in South Africa owns 67% of all the country’s wealth. The top 10% owns 93%; the remaining 90% owns a paltry 7% of the country’s wealth (Orthofer, 2016). Whereas in 1980 the unemployment rate was 9% (the narrow definition), in 2017 it was three times higher at 27% and 29% in 2019. The *Economist* noted, ‘Black income has virtually flat-lined. Sadly, the nation Mandela leaves behind today remains one of the least equal in the world’ (*The Economist*, 6 December 2013). *The Economist* showed that average white per-capita income in fact rapidly *grew* after 1994. This seems paradoxical, if not perverse. The real wages of the bottom 10% of earners have plummeted, shrinking by a quarter between 2011 and 2015 (Stats South Africa, 2019).

**The local racial state and marketised inequality**

National Treasury (2018: 3) initiated a publication series on townships, which defines a township as: . . . a dense urban settlement usually built at a distance from centres of commercial and industrial activity. In the apartheid era, this was by design: with townships established as dormitory towns for black workers in mines and factories, with no internal economic logic and limited social services. In the post-apartheid period, this pattern has *tended to be reproduced* because large-scale projects on cheap but poorly located land offer lower unit costs, despite being far from economic opportunities in the core economy.

More than half of South Africa’s urban population resides in such townships and informal settlements accounting for 38% of working-age citizens, but home to nearly 60% of its unemployed (World Bank, 2014). Once in the racially homogenous township, residents are in effect in an internal racial colony that develops its own situated place-based identity and spatial imaginary (Evans, 1997; Ruiters, 2018).

In the township, the poor Black resident (and the lower middle class) faces the cold logic of capital—higher interest rates by banks, higher insurance costs, higher transport costs, more crime, a truncated life and poorer, intermittent or non-existent services and facilities compared to almost all former white areas and elite Blacks in these suburbs. Distance also imposes enormous extra costs. The old township is combined with the new hyper-marketised township with debt, homeownership, and malls.

In 2009, a veteran SACP/ANC leader apologetically noted: We’ve abolished pass laws, influx control and group areas, but a grossly inequitable property market continues to separate poor from rich with as much severity as any apartheid-era pass-office functionary. Throwing more ‘deliverables’ at townships will not, by itself, transform these spatial realities. ([*http://www.news24.com/Opinions/QAndA/Cronin-vs-Leon-Service-delivery-protests-20090806*](http://www.news24.com/Opinions/QAndA/Cronin-vs-Leon-Service-delivery-protests-20090806))

The ‘grossly unequal’ property market and its racial consequences are no accident. Indeed, they are underpinned by Section 25(1) of the Constitution, which states; ‘no one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property’. But there is more to township residential inertia than the property market. Many residents are locked into townships because they offer informal jobs, opportunities for informal trade and use values through survivalist networks. Moreover, the new local government administrators reproduce uneven capitalist commodity relations painting township residents as problematic, criminal and even pathological (Ruiters, 2018) while protecting former white areas (loyal ratepayers) from land ***invasion***, protests and encroachment by the poor (homeless people).

The local state is thoroughly commodified at its roots because the rate base for revenue is critical in the way the local state is set up. This, as Pieterse (2009: 2) argues, ‘reinforces a conservative mindset because any intervention that can be seen as a threat to property values can be recast as a threat to the tax base’. This occurs in the context of more or less self-financing cities and state-funded provinces forced to compete for investment and punitively recover costs (Ruiters, 2011). Governance itself has been marketised and deeply commodified (McDonald and Ruiters, 2005).

The City of Cape Town (CoCT, South Africa’s tourist gem and ‘little Europe’) helps maintain the property regime through a special Anti-Land ***Invasion*** Unit. ANC municipalities mainly employ private security firms to do this. Patricia de Lille, then-mayor (and former PAC member), asserted that the CoCT had: . . . been vindicated by the Supreme Court of Appeal and the Constitutional Court that its actions in protecting private property from land invaders is compliant with its constitutional obligations. (CoCT, 2014)

This impersonal ‘rule of law’ is the general form whereby particular interests are represented as the general interests. Ramaphosa (2018b) warned, ‘We should not tolerate disorder and lawlessness. Nobody has any right to invade land (and) to violate other people’s rights’.

Based on neoliberal principles, the local state is a cost-recovery, private property-oriented machine rather than a space for deepening participatory democracy as envisaged by former Minister, Yunus Carrim, and the Local Government White Paper. Whiteness, however, is also constructed from below by legal ‘civic action’ of conservative Nimby-style property owners’ associations (Pieterse, 2009) and the organised white working class (see Afri-forum and Solidarity). Reclaim the City Movement activists argue that avowedly non-racial ratepayer’s associations are ‘sophisticated racists’; ‘I think there is a lot of subtle but quite devastating racism in the city that doesn’t get taken seriously because it is not communicated in crude language. But it is a lot more destructive. The most dangerous forms of racism in this country was the failure to share wealth’ (Zackie Achmat, former Treatment Action Campaign leader, [*http://www.iol.co.za/news/south-africa/western-cape/activists-cry-racism-over-toxic-housing-quote-2027442*](http://www.iol.co.za/news/south-africa/western-cape/activists-cry-racism-over-toxic-housing-quote-2027442)). But the township, although by no means homogenous, is also a major site for the emergence of different social movements and collective resistance as residents fight for safety, services, decent jobs and dignity (Gibson, 2006).8

Unsurprisingly, public life and South African cities, Pieterse (2009: 137) argues, ‘remain beacons of racialised inequality and, perversely. . . patterns of. . . development reproduce the apartheid spatial economy’. Moreover, the much-vaunted ‘basic’ services for poor Black people in townships, now called ‘indigents’, have devalued Black lives and naturalised inferiority (Gibson, 2017; Ruiters, 2018). These services – social grants for 15 million people, RDP houses and free basic water – might keep people alive, albeit barely, but have done little to change structured geographies of colonial racism. In fact, free basic water and electricity are designed to *restrict* consumption through prepaid meters, diminish illegal connections and keep down the costs of reproduction of labour power while instilling a market approach to services (Bond, 2016; Ruiters, 2018). In 2011, the NDP (2011, chapter 8) admitted, ‘little progress has been made in reversing apartheid geography, and in some cases, the divides have been exacerbated’. Interestingly, the ANC and DA, who endorsed the National Development Plan, have agreed that the bounded spaces of townships need to be upgraded (NDP, 2011). And, as Todes and Turok (2018) note, ‘there has been no sustained effort to rectify or reengineer the spatial legacy of systematic exclusion’.

Today townships are seen by capital as a highly exploitable labour reserve (competing with foreign black labour) and a major market for majority-white-owned businesses (Shoprite, Capitec, a new bank that provides unsecured loans and third-grade township malls for example). These companies want to get their annual slice of the more than R120 billion in social grants that flow through townships. Moreover, old order capital has been able to flow freely into the former townships (e.g., banks, malls, and chain stores), a new variant internal colonialism that deepens commodification of township social reproduction (Ligthelm, 2008).

The property value gap (10 times) between Black townships and former white suburbs has increased, making it harder for geographical upward mobility (Turok, 2013). Turok (2013) argues there is a vicious circle because poor households cannot afford to buy or rent property in well-located areas and low-income areas do not attract investment. As the gap between townships and the advantaged suburbs widens, so the essential spatial-racial institutions are reinforced.

The ‘whitened’ ANC elite and the local state have quietly acclimatised to this de facto reality (where race, class and space are conjoined). By sharing the same class habits, lifestyles and systems of segregation (gated estates, swimming pools, gyms, private school, very expensive whiskey, fancy cars, accents etc,) as their white peers, very wealthy Blacks to some extent accepted the racial bribe to become ‘white’ (Nyamnjoh, 2016). But the Black elite living in white areas find themselves subsidising their embattled relatives trapped in townships. In the meanwhile, the *upper* echelons of the Black political elite have, however, seen ***unprecedented*** advantages accumulated through political connections, bending the rules and looting state resources.9

The new neo-racial state in managing the poor operates with a panoply of racially coded policy terms for stigmatising and ‘banishing’ ‘disruptive populations’ such as ‘squatters, izinyoka (snakes), land invaders, indigents, unemployed, emerging farmers’ etc. Goldberg (1993: 189) suggested: The racially marginalised are cast most usually in *economic* terms: lack of employment opportunities and income. . . It is only necessary to the ***process*** of marginalization that some (large) fraction of the racially constituted group be so marginalised. . . the alienation effect for the group at large tends to be almost universal.

**Conclusions and implications for Black lives and democracy**

What emerges, on the one hand, is a sustained trajectory towards a system of ‘born-again’ racial oppression, where Black people have tried to catch up with white people. Goldberg (2002: 82) calls this a progressivist modern view of race that ‘inferior’ others may become ‘civilized’ through assimilation. The racial state in the South African context can be defined by its articulation with a previous period of ‘original coercive accumulation’, its neoliberal structural class biases, its organisational legal abstract form as colour-blind and its social outcomes and racialised inequality. Equal treatment is inherently paradoxical when people are significantly unequal.

On the other hand, the South African neo-racial/non-racial state has taken on a paradigmatic neoliberal form. The ***processes*** of the specifically *neoliberal* racial state form are summarised below. The neoliberal non-*racial* state and constitution are blind to the previously accumulated social power—equality before the law subverts the primacy of historical racial subornation and current subordination and the long period of illegal leg-up for white capital. By legalising the past, the constitution effectively liberated this ‘old-order’ capital. It has cleaned dirty capital, which is re-incarnated as rational colour-blind self-interest. Because the state is constituted primarily around market relations (commodity-form and freedom of contract, colour blindness and equality), there is a silencing of racial oppression. Whereas non-racialism before 1994 was about exposing racial inequality, since 1994 it has transmuted into a project of ‘getting over’ race. This complicity is not removed by social redress, which, as I have argued, is highly circumscribed and largely secondary to the dominant legal form.

The commodity state is structured around devolving power to new privatised institutions of exclusive consumption, semi-privatised violence and private social reproduction for the elite: ubiquitous private hospitals, private security and private schools that were also opened to a few wealthy Black people under late apartheid. This immunity from state regulation became foundational for the new apartheid and segregations of the neo-racial state (Ruiters and Van Niekerk, 2012; Soudien and Sayed, 2004). This in effect became a private right to make choices, in other words, to discriminate, which has produced one of the world’s most unequal societies.

Although many argue that non-racialism as a normative project needs to be advanced and deepened, the non-racial form of the equality state, paradoxically, is also the best shell for preserving racial inequality and oppressing the Black majority. Non-racialism is the necessary form of appearance of post-1994 capitalism in South Africa. It is a partial view that reverses the real order of things (Hartsock, 1990). Tragically, racialised inequality (Black landlessness, unemployment, geographical stigma and a truncated life for example) are unlikely to be reduced in the future given the current state form and limited policy trajectory (RSA Stats, 2016). Not seeing race is a form of indifference that does violence to the past and present of Black suffering, for instance, in the conservative slogan ‘all lives matter’. But as Lentin (2008) argues the perpetrators of oppression cannot define the nature of injustices and solutions. It is also entirely obvious that the emancipated predominant Black majority of the population will stamp its character on the state. A new kind of majoritarian state will have a clear mandate to impose social equality on the country even if a wealthy minority do not accept this.

The alternative to abstract non-racialism is Black self-emancipation while de-commodifying social life at all levels that goes beyond Black empowerment for a few (Gibson, 2017; Makhubu, 2017). But as Green et al. (2007: 399) insist, citing Biko, ‘freedom from whiteness would not be achieved unless Black people exercised the power to construct who they were and produced their own knowledge’.

The nation needs to be reconstructed from the roots up for a politics of justice, putting Black working-class hegemony and the impoverished first, rather than the false universalism of formal equality for all and basic needs for the poor. Radical inequality is needed so that oppressor and oppressed are not political-juridical equals. We need an intersectional politics of difference whereby Black, working and female persons and the unemployed masses (the oppressed) can assert their *particular* interests and emancipatory goals to raise these as *the* new universal. The particularity of the Black Lives Matter movement and the massive active support in demonstrations from whites provides a good example of practical anti-racism and solidarity. Respect for difference, however, cannot mean respect for the conditions that produce South Africa’s difference – writ large as the world’s worse inequality (Harvey, 1996).

Finally, an all-round change in state form, power relations, beliefs, relations of representation and socio-material-geographical class practices will be required to tackle the conjoined forces that produce a racial state and a racialised society. Black resistance has embraced a return to Black consciousness, situated knowledges, particularity and a deep critique of post-apartheid neo-colonial class relations and reconciliationism (Gibson, 2017; Makhubu, 2017; Ruiters, 2014). Because the majority Black population still experiences oppression by a joint Black-white elite, new foundations are required for a new society based on equity and social justice.

**Notes**

FundingThe author received no financial support for the research, authorship, and/or publication of this article.; ORCID iDGreg Ruiters [*https://orcid.org/0000-0003-4355-3759*](https://orcid.org/0000-0003-4355-3759); 1.Primitive accumulation ‘depends in part on brute force, e.g., the colonial system but persists in the underdevelopment of and epistemic violence against colonial subjects. It deploys the power of the state, the concentrated and organized force of society, to hasten, hot-house fashion, the ***process*** of transformation of the feudal mode of production into the capitalist mode, and to shorten the transition’ (Marx, 1977).; 2.It is unclear what causes diversity, historically, if it is voluntary, what forms of diversity are at stake and what kinds of diversity are being celebrated. Diversity does not simply appear and is not innocent and non-hierarchical.; 3.There are interesting parallels here with 20th century liberals who saw the ‘native mentality’ and habits as a barrier to success.; 4.The State of the Nation address sets the tone and direction for policy in the country.; 5.[*https://www.timeslive.co.za/politics/2019-03-21-malema-attacks-nonsense-non-racialism-at-sharpeville-commemorations/*](https://www.timeslive.co.za/politics/2019-03-21-malema-attacks-nonsense-non-racialism-at-sharpeville-commemorations/); 6.[*https://effonline.org/wp-content/uploads/2019/07/EFF-STATEMENT-IN-DEFENSE-OF-ZINDZI-MANDELA.pdf*](https://effonline.org/wp-content/uploads/2019/07/EFF-STATEMENT-IN-DEFENSE-OF-ZINDZI-MANDELA.pdf); 7.[*https://effonline.org/wp-content/uploads/2019/07/2019-EFF-MANIFESTO-FINAL-1.pdf*](https://effonline.org/wp-content/uploads/2019/07/2019-EFF-MANIFESTO-FINAL-1.pdf); 8.Described as ‘the major mass revolutionary base in South Africa, the township was characterised by the SACP as the essence of ‘colonialism of a special type by ANC and SACP’ (Cronin, 1989).; 9.[*https://mg.co.za/article/2019-11-28-how-the-auditor-general-plans-to-get-some-billions-lost-to-corruption/*](https://mg.co.za/article/2019-11-28-how-the-auditor-general-plans-to-get-some-billions-lost-to-corruption/)

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[***PROVIDING FOR CONSIDERATION OF H.R 3617, MARIJUANA OPPORTUNITY REINVESTMENT AND EXPUNGEMENT ACT; PROVIDING FOR CONSIDERATION OF H.R ; Congressional Record Vol. 168, No. 57 (House of Representatives - March 31, 2022)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6556-D3N1-F0YC-N4KF-00000-00&context=1516831)

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**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1017 and ask for its immediate consideration. The Clerk read the resolution, as follows: H. Res. 1017 Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R 3617) to decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-37, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; (2) the further amendments described in section 2 of this resolution; and (3) one motion to recommit. Sec. 2. After debate pursuant to the first section of this resolution, each further amendment printed in part B of the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the further amendments printed in part B of the report of the Committee on Rules are waived. Sec. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R 6833) to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-38, modified by the amendment printed in part C of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means, or their respective designees; and (2) one motion to recommit. Sec. 4. House Resolution 188, agreed to March 8, 2021 (as most recently amended by House Resolution 900, agreed to February 2, 2022), is amended by striking ``April 1, 2022'' each place it appears and inserting (in each instance) ``April 29, 2022''. The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour. Mr. PERLMUTTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. Fischbach), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only. General Leave Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado? There was no objection. Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the Rules Committee met and reported a rule, HouseResolution 1017, providing for consideration of two bills. The rule provides for consideration of H.R 3617, the MORE Act, under a structured rule. The rule self-executes a manager's amendment from Chairman Nadler, provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, makes three amendments in order, and provides one motion to recommit. The rule also provides for consideration of H.R 6833, the Affordable Insulin Now Act, under a closed rule. The rule self-executes a manager's amendment from Chairwoman DeLauro, provides 1 hour of debate equally divided among and controlled by the chairs and ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means, and provides one motion to recommit. Finally, the rule extends recess instructions, suspension authority, and same-day authority through April 29, 2022. Mr. Speaker, I am pleased we are here today to provide for consideration of Chairman Nadler's MORE Act, which would end decades of failed and unjust marijuana policy. Today, 18 States, two territories, and the District of Columbia have laws legalizing and regulating commercial cannabis, and a total of 37 States, three territories, and the District of Columbia have laws allowing cannabis for medical purposes. An additional 11 States have low-THC medical cannabis laws. This means a total of 47 States, four territories, and the District of Columbia have laws allowing some use of cannabis; 97.7 percent of the U.S population live in these States and territories. It is clear Prohibition is over. Today we have an opportunity to chart a new path forward on Federal cannabis policy that actually makes sense. The MORE Act is about justice, safety, equity, and States' rights. The bill would decriminalize cannabis at the Federal level by removing the substance from the Controlled Substances Act, but the bill does not force a State to legalize any form of cannabis. It is still up to the States to set their own policy. The bill also contains provisions on resentencing and the expungement of criminal records. There is no reason why people should still be in prison for low-level, nonviolent cannabis convictions, or have their future predetermined by a cannabis conviction. The war on drugs has torn many families and communities apart and has had a disproportionate impact on people of color. The MORE Act would allow communities to start the healing ***process***. By removing cannabis from the Controlled Substances Act, the bill also addresses the cannabis banking problem that I have been working on for nearly [[Page H4024]] 10 years in the form of the SAFE Banking Act. Under current law, banks and credit unions providing services to State-licensed cannabis businesses are subject to criminal prosecution and regulatory penalties under Federal law. Therefore, businesses which legally grow, market, or sell cannabis in States where it is legal are generally locked out of the banking system, making it difficult for them to maintain a checking account, access credit, accept credit and debit cards, meet payroll, or pay tax revenue. This has created a significant public safety risk, as these businesses are forced to operate as cash-only businesses in an industry with billions and billions of dollars in transactions. These high- volume cash businesses are being targeted by violent criminals and putting our communities at risk. I want to share a few examples of how bad the public safety issue has become. In November 2021, over the course of one week in Oakland, California, more than 25 cannabis businesses had their stores vandalized and robbed and lost upwards of $5 million. A Colorado dispensary chain saw 15 burglaries during a 90-day period in mid-2021, with criminals driving vehicles into their buildings, cutting holes through rooftops and walls, and attacking the stores with pry bars and sledgehammers. Washington State is averaging more than a robbery per day at dispensaries. In fact, recently in The Seattle Times, it was reported that there were three deaths related to robberies of dispensaries--the robber, a policeman, and owner of a store. This is just last week. This is an untenable situation for these businesses, their employees, and their customers. If Congress fails to align Federal and State law, crimes targeting dispensaries will only get worse. The cannabis industry remains one of the fastest-growing industries and now supports more than 428,000 jobs, with nearly $25 billion in State-legal cannabis sales per year. The time to pass the MORE Act and right the injustices in our community is now. This rule also provides for consideration of H.R 6833, the Affordable Insulin Now Act, to address skyrocketing insulin costs. Over 37 million Americans have been diagnosed with diabetes, and in Colorado there are over 300,000. The Affordable Insulin Now Act will require Medicare Part D and health insurance plans to cover insulin and cap out-of-pocket cost-sharing at $35 per month. Prescription drugs like insulin force Coloradans to make difficult financial decisions. In a 2020 report from the Colorado Attorney General, approximately 40 percent of all survey respondents reportedly using insulin are forced to ration their use of this lifesaving product at least once a year. {time} 1230 I am proud of the steps Colorado has taken to ensure individuals have greater access to insulin. In 2021, Colorado became the second State in the country to limit insulin prices by enacting an insulin affordability program. No one should have to pay more than $35 a month for insulin. The passage of this legislation will lower costs for insulin users and save money for hardworking Americans. I commend Representative Angie Craig and all of my colleagues for their work on this bill. I urge all of my colleagues to support the rule and the underlying bills, and I reserve the balance of my time. Mrs. FISCHBACH. Mr. Speaker, I thank the Representative from Colorado for yielding me the customary 30 minutes, and I yield myself such time as I may consume. Today, we are here to consider House Resolution 1017, a rule providing for consideration of H.R 6833 and H.R 3617. This rule makes in order no Republican amendments, completely ignoring the flaws of each underlying bill and the thoughtful concerns raised by my colleagues. Not only do my colleagues not want to debate these issues, but they also don't appear to even want to acknowledge them. First, I want to address H.R 6833, the Affordable Insulin Now Act, which would require health insurers to cover selected insulin products without applying any deductible or imposing any cost-sharing in excess of $35. This bill is just a partisan exercise that will only reshuffle the decks for how patients pay for insulin. It is not a serious attempt to address rising prices. The price controls in this legislation would be an expansive intervention into the free market and will most likely lead to an increase in premiums for everyone. Let's not forget, one of the reasons drug prices are rising is because of Washington and the majority's runaway spending leading to the greatest deficits in American history. Instead of admitting that their wildly expensive spending bills have caused inflation, my colleagues claim that companies have suddenly decided now is the time to raise prices arbitrarily. Congress cannot keep dumping money into the economy and then blaming American companies for the problems it creates. We need to be focusing on getting our debt under control and stop the war on American industry so that we can reduce prices not just on drugs but on everything. Furthermore, addressing only insulin establishes a problematic precedent and fails to take into account the high prices associated with countless other necessary drugs, like those for cancer, heart disease, and a slew of other conditions. A sincere attempt by Congress to solve this problem would be to focus on ways to reduce pricing through market-based forces. For example, Republicans on the Energy and Commerce Committee have offered several proposals which would improve price transparency so that Americans could see the real cost of their drugs and make choices accordingly. Instead of working with Republicans to advance these solutions, the majority has yet again elected a go-it-alone approach that has yet to achieve any results for the American people. Next is H.R 3617, the Marijuana Opportunity Reinvestment and Expungement Act, a broad bill that would remove pot from the list of scheduled substances under the Controlled Substances Act and eliminate criminal penalties for individuals who manufacture, distribute, or possess marijuana. This rule makes no Republican amendments in order, which is proof that the Democrats just want to push this bill as a messaging bill. That said, there are several concerns with this bill. First, it fails to set any standards to prevent marijuana use by those most vulnerable to abuse: minors. In fact, back in September, when Mr. Fitzgerald offered an amendment to alter the definition of the term ``minor'' to align with other provisions of U.S Code, the majority voted against it. Without this amendment, crucial protections for our youth are left out of this bill. In committee, I even offered a motion to consider an amendment that would maintain existing penalties for selling pot to minors. It was defeated along party lines, a stunning position for Democrats to take. But not only does this bill legalize pot; it creates a new government program to assist people in opening pot stores. Let me repeat that: This bill creates a government program to help people open pot stores. This bill also ignores the issue of driving under the influence, even though driving under the influence of marijuana can have deadly consequences, something law enforcement officers across America have warned about. Additionally, what happens if an illegal immigrant is arrested for driving under the influence of marijuana? This is not addressed. Republicans on the committee sought to ensure that this bill would not impede the deportation of illegal immigrants who have been arrested for driving under the influence. That was also rejected along party lines. There are so many issues our constituents are facing today. Yet, we are here, spending time considering legislation to legalize pot that is not only flawed, but it is also dangerous. We could be working on lowering gas prices, tackling the snowballing Federal debt, or addressing the inflation affecting every American today. But instead, I guess the majority wants us to get as high as today's gas prices and spend tax dollars on pot stores. Mr. Speaker, I oppose the rule and the underlying bill. I ask Members to do the same, and I reserve the balance of my time. Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume. [[Page H4025]] I remind my friend from Minnesota who was talking about party-line votes, we want to bring down the cost of prescription drugs, whether it is insulin or across the board, which we have done in the Build Back Better bill that is sitting in the Senate, and I can say I think virtually every single Republican voted against negotiating prescription drug prices. If you want to talk about a free market, then you ought to be able to negotiate prescription drug prices so that Americans across the board get the best possible prices for their drugs. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Morelle), a prominent and distinguished member of the Rules Committee. Mr. MORELLE. Mr. Speaker, I thank the distinguished and, by his own admission, highly caffeinated gentleman from Colorado (Mr. Perlmutter), my Rules Committee colleague and great friend, for yielding me time. I rise today in support of the rule and the underlying legislation. In particular, I would like to say a few words about the Affordable Insulin Now Act. Over the past two decades, the costs of prescription diabetes drugs like insulin have artificially skyrocketed by more than tenfold. A few years ago, I was proud to commission a report by the House Committee on Oversight and Reform to determine the extent of this price gouging and how it is affecting communities across the country, including my own in Rochester, New York, and the impact it is having on patients, especially older adults, and our uninsured population. The results of that review were staggering. In communities across the country, out-of-pocket costs have risen by 400 percent for the Medicare program and beneficiaries over the last decade. The average price for a standard unit of insulin in the United States was more than 10 times the average price in a sampling of 32 other countries. These excessively inflated prices have real consequences on how patients manage this chronic disease. I have talked with many patients and families in my own district that have had to ration their dose or stop taking this lifesaving and life-sustaining medication altogether. For the richest and most powerful nation in the world to allow this to continue is nothing less than shameful. In passing this bill, we are taking the first step of many to rein in these inflated costs and protecting patients to ensure the best possible health outcomes. I am so proud to deliver for my constituents back home, and I look forward to voting for this rule and getting one step closer toward seeing the bill passed into law. Mrs. FISCHBACH. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide for consideration of Congresswoman McMorris Rodgers and Congressman Westerman's American Energy Independence from Russia Act. Mr. Speaker, I ask unanimous consent to include the text of my amendment in the Record, along with extraneous material, immediately prior to the vote on the previous question. The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota? There was no objection. Mrs. FISCHBACH. Mr. Speaker, while the majority is continuing to prioritize things like legalizing marijuana, constituents in my district continue to send me photos of their energy bills and the prices they are paying at the gas pumps. Since President Biden took office, gasoline prices are up by more than 50 percent, natural gas is up more than 25 percent, and diesel fuel is up more than 47 percent. These price increases are on top of crippling, record-high inflation that is a tax on the American people of every stripe, class, and creed. When adjusted for these factors, wages and salaries are below prepandemic levels. My constituents are pleading with Congress to focus on this issue and are being ignored by the out-of-touch majority. Mr. Speaker, to speak further on the previous question, I yield 3 minutes to the gentleman from Oklahoma (Mr. Hern). Mr. HERN. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider H.R 6858. This administration has sent desperate requests for oil from oppressive regimes like Iran and Venezuela. It is past time the Biden administration start making those frantic calls to Oklahoma instead of OPEC or even my friends in Texas instead of Tehran. Until that happens, gas prices will continue to soar, and hardworking Americans will suffer. While Putin continues to wage war on Ukraine, exposing our dependence on Russian energy, Biden continues to wage war on our domestic oil and gas industry that provides sustainable, reliable energy to the American people. This week, Biden doubled down his attack by releasing a budget that includes an astonishing $45 billion in tax hikes on American energy producers. Seventy percent of goods in America are moved by trucks. An increase in gas prices will continue to be passed down on the food and products that all Americans buy. Let me be clear: Biden's energy policy is hurting all Americans and not just at the pump. Whether you like it or not, traditional energy powers our country. Oil and gas are essential to power our homes and, yes, provide the energy to power electric vehicles. Biden's war on energy poses a threat to all of us. It is imperative that the Federal Government stop villainizing the industry that powers our world. Global energy markets are complicated, but one thing is certain: If policymakers continue to impose barriers on domestic energy production, prices will continue to rise. Therefore, we need to instill confidence in the industry that plays such a crucial role in our economy by restoring stability and consistency with policies that prioritize American energy production. Investors and business leaders make their decisions based not only on the policies debated and voted on in D.C but also on the rhetoric from public officials. What happens in this Chamber impacts businesses, but also what we go out and say on cable TV. Trust me, I was a business leader for 35 years. Today's political climate will directly influence future investment decisions, especially in heavily regulated industries like energy. The Biden administration has been sending mixed messages. My colleagues on the other side of the aisle say they are concerned about the high prices reflected by the weak oil and gas supply, but their actions tell a different story. They aggressively push a plan to crush oil and gas production entirely. Their video simply doesn't match their audio, which is why the American people have lost faith in Democratic leadership. We must restore sanity and pursue energy dominance once again on the world stage. Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, just a couple points in response. One, we are trying to bring down the price of insulin--that is one of the bills here that we are talking about--from the outrageous amounts that are required for this lifesaving drug down to $35. Yet, my Republican colleagues oppose reducing that. They worry about inflation at the pump, which we all do, but it is Putin's price hike. We know where this came from, this increase, and the President is working to release millions of barrels of oil from our underground storage, and he wants to place a price on leases that aren't being used. We have 12 million acres that are under lease and are not being used. That will bring down the price at the pump. But we have to defeat Putin. It is his price hike. Mr. Speaker, I yield 5\1/2\ minutes to the gentleman from Massachusetts (Mr. McGovern), the chairman of the Rules Committee. {time} 1245 Mr. McGOVERN. Mr. Speaker, I rise today to recognize someone who has made a truly ***exceptional*** contribution to this institution and to the work that goes on here, the amazing Peggy Fields. Peggy has served in the Clerk's Office since 2008, first as assistant bill clerk and now as bill clerk, where she oversees an amazing team that works late [[Page H4026]] nights and long hours to literally keep the House of Representatives running. I can spend hours talking about how incredible everyone in the Clerk's Office is: How they have an incredible eye for detail and never drop the ball; How they seamlessly ***process*** the hundreds of daily submissions into the hopper; How they rose to the challenge of keeping this body running during a pandemic--implementing proxy voting and the e-hopper so our work could go on, even when it wasn't safe for all of us to be here; And, of course, how much they believe in this institution and all that it represents. But I only have a few minutes, so let me just say to everyone in the Clerk's Office that your work does not go unnoticed. It is recognized by so many of us here in the congressional community and beyond. Mr. Speaker, Peggy Fields started her journey to Capitol Hill 33 years ago when she went to work for former Congressman ``Bud'' Cramer, who was then the district attorney of Madison County, Alabama. Congressman Cramer told me that when he was sworn into Congress in January 1991, the first employee in his Washington office was Peggy Fields. Peggy helped run that office for 18 years, and unsurprisingly, she was beloved by everyone. In the Congressman's office, Peggy proudly represented her hometown of Huntsville, Alabama. He told me that Peggy and her family are renowned in Huntsville, and that she is and always has been devoted to the people of Huntsville, as well as her friends and family back home. In 2008, she joined the Office of the Clerk as an assistant bill clerk. And her dedication and ***exceptional*** work ethic earned her the promotion to bill clerk in July of 2021. As if all this were not enough, Peggy will soon graduate from Wesley Theological Seminary with a doctorate of ministry degree in church leadership. And I want to congratulate her on that incredible achievement. Peggy and her team have the daunting task of ***processing*** every single bill and cosponsor form for the House. Mr. Speaker, as you know, the bill clerks work especially closely with the Parliamentarian's office, because the Parliamentarian is responsible for referring all bills on the day that they are introduced. And the bill clerks ***process*** those referrals on the same day as well. Now, sometimes that means that the bill clerks and Parliamentarians share late nights together and they get to know each other quite well. I want to read a note sent over to me by the Parliamentarian's office about Peggy. ``Peggy is always such a welcoming presence to us, both on the floor and in our offices. However, Peggy is so welcoming and kind that there is always a noticeable uptick in bill introduction whenever she is stationed on the floor. That is why we came to know her by the nickname `The Bill Magnet,' we know that our workload increases whenever she is on the floor. ``However, always thinking of others, Peggy would make up for this increased bill count by singing a cappella renditions of popular songs in our office while we finished up our referrals. She is one of a kind, the consummate public servant, and truly irreplaceable to this institution.'' Mr. Speaker, at a time when there are a lot of challenges and uncertainties in the world, here is someone who is doing everything she can to make everyone's day a little bit brighter and to give back to her community and to her country; someone who, through her dogged willpower, incredible knowledge, and decades of experience, tackles every challenge she faces with poise, talent, and a great sense of humor. Even on her team's busiest days, during their longest hours, and on their latest nights, and during the historic and often ***unprecedented*** times that we are living through, Peggy is a beacon of light, bringing camaraderie and positivity to everything she does. She has served this institution, and the people it represents, with integrity, with honor, and with skill for the past 33 years. Mr. Speaker, Peggy Fields is an inspiration, and her career in public service has been nothing short of remarkable. She set out to make a difference, and what a difference she has made. On behalf of all of my colleagues and staff on both sides of the aisle, past and present, and the countless people in whose lives Peggy has made an immeasurable difference, I would like to extend this institution's deepest and most sincere thanks to Peggy and wish her all the best as she begins this new chapter. Thank you, Peggy. Mr. PERLMUTTER. Mr. Speaker, I reserve the balance of my time. Mrs. FISCHBACH. Mr. Speaker, I join the gentleman from Massachusetts and the entire body in congratulating Ms. Fields on her retirement and thank her for her service. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Joyce). Mr. JOYCE of Pennsylvania. Mr. Speaker, I rise in opposition to the previous question so that we can immediately consider H.R 6858, the American Energy Independence from Russia Act. As Congress debates legalizing marijuana, Americans in the real world are facing an energy crisis that we in Congress cannot afford to continue to ignore. In my hometown of Altoona, Pennsylvania, the cost of gasoline is now $4.28 a gallon; over 50 percent higher than it was just one year ago. In rural communities, these skyrocketing prices are forcing families to make hard choices about what they can afford and what they cannot afford. Instead of working to support the needs of these Pennsylvanian families, President Biden and his administration have continued to work against American energy producers. On day one of his Presidency, President Biden made good on a longtime liberal wish list item. He canceled the Keystone XL pipeline. Now, in his budget, President Biden has chosen to put solar panels ahead of natural gas. He has chosen to put windmills ahead of coal. He has chosen the Green New Deal ahead of Pennsylvanians. Now, the President has decided to recklessly release oil from our strategic reserves without a concrete plan to refill them. This stopgap ***measure*** does not support our national security and it will do little to help lower the cost of fuel for American families. It is time to invest in American energy. It is time to return to American energy dominance. Mr. Speaker, I urge my colleagues to vote ``no'' on the previous question. Mr. PERLMUTTER. Mr. Speaker, we are here about reducing prices on insulin, something that so many Americans need. Yet, my colleagues want to talk about a bill that is not even before the House of Representatives today. We ought to be talking about reducing the price of prescription drugs, like insulin, for Americans who need it. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. Scanlon), my friend, and another prominent member of the Committee on Rules. Ms. SCANLON. Mr. Speaker, I thank Representative Perlmutter for yielding. Mr. Speaker, I rise in strong support of today's rule. The two bills in the rule provide for important, long overdue reforms that most Americans are in favor of. The MORE Act will reform our Federal drug laws to bring Federal laws in line with the majority of States which are now legally and responsibly regulating cannabis. Mr. Speaker, 37 States, including the Commonwealth of Pennsylvania, have successfully legalized medicinal cannabis, creating a thriving, safe, and legal market for cannabis, creating thousands of jobs and billions in new tax revenue. This is a rare win-win scenario for everyone--government, businesses, patients, and consumers. However, the ongoing conflict between our State and Federal laws creates daily legal issues for businesses, banks, doctors, and consumers. The MORE Act will address these problems by removing cannabis from the Controlled Substances Act. This will allow veterans to use medicinal cannabis without losing their VA benefits. It will allow legal businesses to access financial services. It will allow scientists and government agencies to research cannabis, and it will not prevent States from regulating or even criminalizing misuse of cannabis. [[Page H4027]] More importantly, the MORE Act includes a comprehensive package of criminal justice reforms to give a second chance to those whose lives have been upended by the excesses of the war on drugs. Mr. Speaker, today's rule also includes the Affordable Insulin Now Act, which will cap insulin costs at $35. This is a much-needed reform that will provide financial relief to the millions of Americans who rely on insulin to manage their diabetes. While I am glad that we are able to find compromise on capping insulin costs, Americans are demanding that we pass comprehensive legislation to lower prescription drug costs for all Americans. And we continue to invite our Republican colleagues to help us to do that. Prescription drug prices are way too high. Insulin is ten times more expensive in the U.S than in other countries. Across the board, Americans pay more for their drugs than people in other countries pay for the exact same drugs. There is no justification for this difference. The SPEAKER pro tempore. The time of the gentlewoman has expired. Mr. PERLMUTTER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman. Ms. SCANLON. Mr. Speaker, the prescription drug market is broken, and insulin is just one example of how bad the problem is. We urgently need prescription drug price reform so all Americans can afford the medications they need to manage their health. Mr. Speaker, I urge all of my colleagues to vote for today's rule and the underlying bills when they are considered on the floor. Mrs. FISCHBACH. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Mrs. Boebert). Mrs. BOEBERT. Mr. Speaker, I thank the gentlewoman from Minnesota for yielding. Mr. Speaker, I rise today to urge my colleagues to defeat the previous question so that we can immediately consider the American Energy Independence from Russia Act. Gas prices are at $5 and even $6 a gallon. The average household is now spending $2,000 more a year because of increased gas costs on Biden's watch. Biden and the Democrats think that now is the time to add $45 billion in new taxes on the oil and gas industry. Many Americans have been and are being regulated into poverty in an unnecessary sacrifice at the altar of climate change. Instead of unleashing our domestic oil and gas industry, Biden is ``simp'' to radical environmentalists and not-in-my-backyard extremists, and literally begged OPEC to drill more oil instead of relying on the hardworking American roughneck. On day one, he canceled the Keystone XL pipeline, killing 11,000 good-paying American energy jobs. But that didn't stop the big guy from approving the Nord Stream 2 pipeline and benefitting our enemies. Because of Biden's fake ban on Russian oil and gas, that won't even go into effect for 22 more days and is littered with waivers to keep Russian energy flowing, the U.S continues to import 100,000 barrels of Russian oil and send them roughly $10 million each day. We folks are funding the Kremlin. Why does Biden favor foreign energy over domestic energy? We know that American natural gas is 42 percent cleaner than Russian gas, so it is not for environmental reasons. But maybe there is another reason we don't know about. Perhaps there is 10 percent in this tucked away for the big guy. How about this: Instead of funding both sides of the war and playing Biden and Pelosi's con games, we should restart construction of the Keystone XL pipeline, overturn Biden's energy leasing moratorium, and expedite permits for pipelines and natural gas exports. We need the American Energy Independence from Russia Act and stop playing Biden's energy-from-anywhere-but-America game. Mr. Speaker, America should not only have affordable energy for our own use, but we should be exporting it abroad. We can literally export strength and freedom to our allies. In short, the solution is very simple. Drill, baby, drill. The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President. Mr. PERLMUTTER. Mr. Speaker, I yield 90 seconds to the gentleman from Texas (Mr. Green). Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, and still I rise. In the richest country in the world, we cannot allow healthcare to become wealth care; available to those who can afford it. Mr. Speaker, this is why I support H.R 6833, the Affordable Insulin Now Act, because diabetes can kill, and insulin can save lives, if you can get it. Some things bear repeating. Insulin saves lives if you can get it. Mr. Speaker, this bill will ensure that millions who need it will be able to get it. In the richest country in the world, Mr. Speaker, we cannot allow healthcare to be wealth care. {time} 1300 Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Bucshon). Mr. BUCSHON. Mr. Speaker, I rise in opposition to the previous question so that we can immediately consider H.R 6858, the American Energy Independence from Russia Act. Just 1 year ago, our country was comfortably meeting our energy needs, and we were a net exporter of energy for the first time in 50 years. However, under the Biden administration, we have seen a continued assault on American energy that has killed jobs, increased our dependency on foreign energy sources, and most recently jeopardized our national security. The administration continues to block new oil and gas lease sales from moving forward, all while placing undue regulatory burdens on American energy development. Just this week, President Biden proposed $45 billion worth of tax increases on fossil fuels in his budget to further weaken America's ability to power our country. These proposed tax increases are just another example of the administration doubling down on the anti-American-produced energy policies that have sent prices skyrocketing here at home. The administration's energy agenda has not only undermined our country's energy security, but has also forced our European allies to become even more dependent on Russia to meet their energy needs. Instead of turning to America's own energy sector to meet our energy needs, this administration is asking countries like Iran and Venezuela to compensate for the ban on Russian imports and ignoring American energy producers. In doing so, they are prioritizing oil produced by dictators over American energy producers who support jobs and businesses here at home. The administration must reverse course and stop depending on foreign dictators to ship oil to the United States. Mr. Speaker, now is the time to flip the switch and reduce our dependence on foreign energy by unleashing American energy. I urge a ``no'' vote on the previous question. Mr. PERLMUTTER. Mr. Speaker, could I inquire how much time each side has remaining? The SPEAKER pro tempore. The gentleman from Colorado has 10 minutes remaining and the gentlewoman from Minnesota has 13\1/2\ minutes remaining. Mr. PERLMUTTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. Tlaib). Ms. TLAIB. Mr. Speaker, I rise in support of the Affordable Insulin Now Act and the underlying rule. It is unconscionable that in the richest country the planet has ever seen, millions of Americans, our neighbors, are forced to choose between buying medicine and paying their gas bill. Americans pay more than 10 times the price of insulin compared to other similar countries; 10 times. In fact, one in four of our neighbors who rely on insulin have rationed or skipped doses due to costs. I want folks to think about that. A quarter of the people prescribed insulin for their medical condition have risked their life to be able to afford another month's worth of insulin. This is shameful. Mr. Speaker, H.R 6833 caps out-of-pocket costs for insulin at no more than $35 per month in Medicare and commercial health insurance. This cap will be a lifesaver for millions of our neighbors who currently pay 10 times more the price of insulin compared to similar wealthy nations. How can these companies sell the exact same drug here for 10 times the [[Page H4028]] price of other nations? Because corporate greed and price gouging are not just permitted in our country, but encouraged. The bill is not the complete fix, Mr. Speaker, and we must do more to help our uninsured. So many are hurt and getting sicker and even dying because of corporate greed and monopolies of Big Pharma. This bill is the beginning in reining in corporate greed and putting people over profits. I urge my colleagues to support this bill. Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. Moore). Mr. MOORE of Utah. Mr. Speaker, I rise to oppose the previous question so we can immediately consider H.R 6858, the American Energy Independence from Russia Act. I am a proud cosponsor of this bill that will strengthen our energy security, bolster our economy, and position ourselves to counter Russian aggression in Ukraine. This morning, gas near my district office in Ogden, Utah, is $4.30 For the average family driving the average vehicle in Utah, this means that each fill-up will cost over $110. For Utah's hardworking ***agricultural*** industry, this means thousands of dollars more will be spent on fuel so they can feed the rest of America. These skyrocketing prices are unacceptable. I share my constituents' outrage over how the Biden administration's policies have contributed to this painful situation. This is a self-imposed tax on all Americans. For those of us who come from energy producing States, we know we can do better. It is past time we get back to what we were doing in 2019 when the United States was a net exporter of energy. It is better for our economy and our environment when we produce domestically. In Utah, we understand this because we do this. Instead of allowing Americans to do their jobs, the Biden administration has shut down new oil and gas leasing. Instead of helping our communities grow, he has asked the oil cartels in the Middle East to pump more oil. Instead of investing in America, he has made us more dependent on energy imports from Russia and other foreign adversaries. We can do better. Passing the America Energy Independence from Russia Act today will put us on a path toward energy independence. I encourage my colleagues to join me in rejecting the previous question so we can lower prices for all. Mr. PERLMUTTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Doggett). Mr. DOGGETT. Mr. Speaker, I support this bill's relief for Mary in Austin whose grandson, like so many others, will be able to get some relief. They are paying up to $300 per month for insulin, and now they would pay $35 per month. But 5\1/2\ million Texans and 28 million Americans are uninsured. This bill offers them no help whatsoever. In our upside-down healthcare system, those who have the least continually get asked to pay the most for essential pharmaceuticals. Sixty-eight percent of those without health insurance are forced to pay full monopoly prices for their essential insulin. They are being denied any relief today, despite the fact that I and 12 of my colleagues offered a simple amendment that could have provided that assistance. Nor does this bill represent the slightest progress toward preventing prescription price gouging. It is so true, as many have said, that many Americans are paying 10 times the price for insulin as do consumers in other countries. This bill does not do anything, however, to lower it to nine times. Indeed, this bill does not lower the price of insulin by one penny, it just shifts the burden of paying for the insulin off the shoulders of insured insulin users, and shifts it on to the rest of us who are paying insurance premiums, and will pay higher premiums because of this, and $11 billion more in costs to the taxpayers. Mr. Speaker, I assume Big Pharma supports this bill because it is not facing any additional duty to lower its prices for this lifesaving product. Some day this Congress will break free of the shackles of Big Pharma, which fills these halls with more lobbyists than there are Members of Congress. Some day we will provide genuine relief to all Americans burdened by soaring drug prices, but that day, sadly, is not today. Mrs. FISCHBACH. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Texas (Mr. Arrington). Mr. ARRINGTON. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider H.R 6858, the America Energy Independence from Russia Act. That would not only strengthen our security and independence, it would lower gas prices by approving the Keystone pipeline, removing restrictions on LNG exports, restarting production on Federal lands and waters, and overall encouraging more American energy development. In the midst of skyrocketing inflation and surging prices at the pump, along with the geopolitical context where Europe is dependent on Russian oil and gas, you would think the Biden administration would abandon their whole-of-government approach to targeting American energy production. Since Biden took office, he has used every tool at his disposal to undermine the oil and gas industry and our energy independence along with it. In addition to the onslaught of his unilateral attacks, his first Presidential budget was released and called for $35 billion in punitive tax increases on the oil and gas industry. His administration has weaponized and abused their regulatory authority to attack the industry at every turn; SEC reports for permitting on the directives, and EPA radical regulations. What is more astonishing is Biden's latest budget, which is $4 trillion in taxes, and includes $45 billion in taxes on oil and gas. These are the same provisions that his own party rejected and had to abandon their build back broke proposal. Just like he has done with the regulatory regime, it appears our President is weaponizing the tax code to cancel an entire sector of our economy, one that is paramount to our prosperity and security. As events around the world constrain supply, he seems hellbent to ensure that anyone but American energy producers, the most efficient, the cleanest producers in the world, are positioned to supply the United States and our people and our allies around the world. Mr. PERLMUTTER. Mr. Speaker, I remind my friend, Mr. Arrington, that there are 12 million acres of nonproducing Federal land with 9,000 unused but already approved permits for production. Mr. Speaker, I would also like to wish Mr. Arrington a happy birthday. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee). Ms. JACKSON LEE. Mr. Speaker, I rise to support H.R 6833, and I acknowledge Ms. Craig and Mrs. McBath. I tell my friends on the other side of the aisle that we can walk and chew gum at the same time, but right now people are dying because they are apportioning or putting in proportion their insulin that they need--not taking the full amount, but doing it proportionately. That is a death sentence. Let me indicate: Native Americans, 14.7 percent diabetic; Hispanic, 12.5 percent; Black Americans, 11.7 percent. Many of them are on Medicare and many of them are on Medicaid. We can do both. I do rise to support this legislation--$35 in 2023, regardless of whether a beneficiary has reached the annual out-of-pocket spending; $35 beginning in 2024. It is well-known that those who had diabetes suffered more with COVID-19. This is an important step. In the 18th Congressional District uninsured residents paid 23 times more for the brand of insulin, and we must begin to work on that. I join with my colleagues in making that the next step. I rise for this. Mr. Speaker, I also rise to support the new response to marijuana, and to insist that we pass the MORE Act that came out of my subcommittee on the Judiciary Committee. Public support for legalization of marijuana has surged in the past two decades. A total of 47 States have reformed their laws. We must reform the banking aspect of it. We need to open the door to research, therapeutic treatment for veterans, better banking and tax laws, and we need to help fuel the economic growth within the industry. We need to do this by sending dollars out to help our respective communities bring down the cost of crime, be able to [[Page H4029]] help those who are in business. We must do this and spend Federal resources to end criminalization, build the economic engine, and to ensure that we are in step with 47 of our States. Thousands of men and women have suffered needlessly from the Federal criminalization of marijuana with mandatory minimums, particularly Black and Brown. All these persons incarcerated need to be able to be constructive, but they are in there on the false war on drugs. Mr. Speaker, I support both the insulin bill and the MORE Act, and I ask my colleagues to support the underlying rule. Mr. Speaker, I rise to speak in support of the Rule governing House consideration of H.R 3617, the ``Marijuana Opportunity Reinvestment and Expungement Act of 2021,'' or the ``MORE Act of 2021.'' The Rule that is being considered is carefully crafted and provides Members of the House an opportunity to address the existing conflict between federal and state laws regarding marijuana, or cannabis, and to provide reasonable solutions to resolve this conflict. The bill is straightforward and responds to the need to leave the question of the legality of cannabis to the individual states while attempting to restore and reinvest in communities that have been ravaged by the War on Drugs. Specifically, the bill decriminalizes cannabis on the federal level, provides a taxation structure for the sale of cannabis that will support a community reinvestment trust fund, and provides for expungement of convictions and arrests for federal cannabis offenses. The Rule provides for debate and full consideration of the solutions and opportunities for cannabis reform offered by H.R 3617 by the Congress. The subject of the bill is public knowledge and well known by members of this body. I have worked to provide sensible reforms to our criminal justice system. Our outdated federal laws and policies unwisely require the expenditure of scarce law enforcement resources on cannabis offenses while conflicting with many states' laws regarding cannabis. Cannabis does not fit the definition of a Schedule One drug and federal law must be updated to reflect this reality--just as most states have already begun to do. Thirty-seven states, the District of Columbia, Puerto Rico, and Guam have adopted laws allowing medical use of cannabis. Eighteen states, the District of Columbia, and the Northern Mariana Islands have adopted laws for legalizing cannabis for adult recreational use. As public support for the legalization of marijuana has surged in the past two decades, a total of 47 States have reformed their laws in one form or another pertaining to cannabis, despite its federal criminalization. We need to open the door to research, therapeutic treatment for veterans, better banking and tax laws, and we need to help fuel economic growth within the industry. We need to do this without continuing to spend federal resources on criminalization and unjust incarceration for marijuana offenses. Thousands of men and women have suffered needlessly from the federal criminalization of marijuana, particularly in black and brown communities. These individuals have borne the burden of collateral consequences that have damaged our society across generations--such as the denial of affordable housing, educational opportunities, employment, and the right to vote. Meanwhile, the laws enacted for the purpose of perpetuating the ``War on Drugs'' have led America to imprison more people than any other country. The Rule allows the House to address these historical wrongs by voting on H.R 3617. I thank the Committee on the Judiciary, on which I serve, for the work it has done to bring H.R 3617 to the floor for a vote. I encourage my colleagues on both sides of the aisle to vote in support of the Rule and the underlying bill H.R 3617. Mr. Speaker, I rise also to speak in strong support of the Rule governing House consideration of H.R 6833, the Affordable Insulin Now Act. The Rule that is being considered is well crafted and provides Members of the House an opportunity to address an urgent need of constituents who require life saving insulin. The bill is simple and gets to the urgent need to limit cost-sharing for insulin under private health insurance and the Medicare prescription drug benefit. Specifically, the bill caps cost-sharing under private health insurance for a month's supply of selected insulin products at $35 or 25 percent of a plan's negotiated price (after any price concessions), whichever is less, beginning in 2023. The bill caps cost-sharing under the Medicare prescription drug benefit for insulin products at: $35 in 2023 regardless of whether a beneficiary has reached the annual out-of-pocket spending threshold, and $35 beginning in 2024 for those who have not yet reached this threshold. The Rule provides for debate and full consideration of the benefits offered by H.R 6833 by the Congress. The subject of the bill is public knowledge and well known by members of this body. I have worked closely with the healthcare community that serve Houstonians to ensure that programs are receiving the appropriate level of federal support. One of the most difficult challenges are the hurdles to healthcare created by lack of health insurance such as a lack of access to necessary medications due to the high costs of many prescription drugs. Diabetes is a life-threatening disease that disproportionately affects communities of color. Diabetes is associated with serious health problems, including heart disease and stroke, kidney failure, and blindness. There are 15,000 Medicare beneficiaries in the Eighteenth Congressional District who have been diagnosed with diabetes. These individuals are my constituents and I know that on average, each of them pays 4.8 times the cost of similar medication in Australia, 3.6 times the cost in the United Kingdom, and 2.6 times the cost in Canada. Additionally, in the Eighteenth Congressional District, 26.7 percent of residents are uninsured. For example, an uninsured resident of this congressional district pays 23 times more for this brand of insulin than their counterparts in Australia, 15 times more than they would in the United Kingdom, and 13 times more than they would in Canada. The consequences of these staggering costs are not benign. Many patients often speak of having to make heart-wrenching decisions about what to buy with the commonly fixed incomes attendant to seniors. Many medical professionals indicate that the high prices for prescription drugs are a function of a lack of competition, and authorizing Medicare to create a program to negotiate drug prices may be an estimable way to lower the cost of prescription drugs. All told this reflects a disturbing trend: in our country, the cost of branded drugs tends to go up, whereas in other countries, the costs tend to go down. Before insulin the prognosis for diabetics was bleak. Over the past two decades, manufacturers have systematically and dramatically raised the prices of their insulin products by more than tenfold--often in lockstep. In 2017, diabetes contributed to the death of 277,000 Americans--and was the primary death for 85,000 of those individuals. That same year diagnosed diabetes cost the United States an estimated $327 billion--including $237 billion in direct medical costs and $90 billion in productivity losses. Diabetes drugs, including insulin and oral medications that regulate blood sugar levels, play a critical role in helping people with diabetes manage their condition and reduce the risk of diabetes-related health complications. Although insulin is the most well-known diabetes medication, diabetes patients are often prescribed other oral drugs to use in place of or alongside insulin. Many of these non-insulin products used to regulate blood sugar levels are brand drugs that lack generic alternatives. In recent years, the high prices of diabetes drugs have placed a tremendous strain on diabetes patients as well as the federal government, which provides diabetes medications to more than 43 million Medicare beneficiaries. Because Medicare lacks the authority to negotiate directly with drug manufacturers, Medicare beneficiaries pay significantly more for their drugs than patients abroad. Patients who are uninsured or underinsured and must pay for their drugs out of pocket bear an even greater cost burden. The Rule allows the House to address this urgent need by voting on H.R 6833. I thank the committees on Energy and Commerce, Ways and Means, and Education and Labor for the work they have done to bring H.R 6833, the Affordable Insulin Now Act to the floor for a vote. I encourage my colleagues on both sides of the aisle to vote in support of the Rule and the underlying bill H.R 6833. Thank you. {time} 1315 Mrs. FISCHBACH. Mr. Speaker, the American people should be asking-- no, they should be demanding--that this body address energy independence. But the majority refuses to hear or even discuss the Republican solution that we have been talking about. Instead, we do have before us today a bill to legalize pot. [[Page H4030]] Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Tiffany). Mr. TIFFANY. Mr. Speaker, I rise in opposition to the MORE legislation both for what it does and what it does not do. For starters, the bill authorizes the collection of detailed demographic information on marijuana-sector employees, including their race and ethnicity, for a massive, publicly accessible government database. This is another attempt by Democrats to promote their destructive identity politics agenda and lay the groundwork for a rigid quota system that picks winners and losers based on skin color. The database will also put more sensitive personal data at risk and open the door to mischief by Federal bureaucrats who have repeatedly weaponized access to Americans' private information to promote a partisan political agenda. Hello IRS. I am also disappointed that the majority refused to allow votes on two commonsense amendments I proposed. The first would have required child-resistant packaging and a Surgeon General's warning label detailing the dangers these products pose to pregnant women and their unborn babies. Investigative reports have revealed multiple instances of pot shop clerks recommending marijuana to expectant mothers as safe, despite well-documented risks. Few, if any, of these retail clerks have any medical training and should stick to dispensing pot, not prenatal advice. The second would have banned the use of ingredients or flavor additives in marijuana-infused products such as fruit, chocolate, vanilla, or candy. For years, we have been told by many on the other side that such flavors appeal to children and should be banned from tobacco products. If this standard is good enough for JUUL and Puff Bar, shouldn't it also apply to Cheech and Chong? Mr. Speaker, this legislation will make an already complicated situation worse. I ask for a ``no'' vote on the rule and a ``no'' vote on the bill. Mr. PERLMUTTER. Mr. Speaker, I just remind my friend from Wisconsin that 47 States, every territory, and the District of Columbia now allow for some level of marijuana use, and this Congress is going to have to catch up to what the States are doing. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. Pelosi). Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his leadership in bringing this important legislation to the floor. Mr. Speaker, in his outstanding State of the Union Address earlier this month, President Joe Biden presented Democrats' visionary agenda to build a better America with lower healthcare costs for American families, and with justice in all that we do. House Democrats have long led the charge to lower the costs of prescription drugs. So it is with great pride that the Democratic House today will advance one of the pillars of this vision: capping the cost of insulin at $35 a month. In doing so, we take another important step in the fight to bring down drug prices across the board for every American family. I thank the lead sponsors of this legislation who have been relentless, dissatisfied, and persistent in this fight: Congresswoman Angie Craig, Congressman Dan Kildee, and Congresswoman Lucy McBath of Georgia. I salute the chairs of the committees of jurisdiction for helping steer this vital legislation to the floor: Chairman Frank Pallone of the Committee on Energy and Commerce, Chairman Richie Neal of the Committee on Ways and Means, and Chairman Bobby Scott of the Committee on Education and Labor. Everyone knows that the cost of insulin--a lifesaving drug that has been around for a century--is outrageous and out of control. That cost is outrageous and out of control. On average, Americans pay more than 10 times for insulin compared to what consumers around the world pay. Here in the United States the price of insulin skyrocketed by 54 percent from 2014 to 2019. Meanwhile, Big Pharma is reaping record- breaking profits; producing insulin at about $10 a vial, while charging families up to 30 times that amount. This affordability crisis is taking a severe human toll. One in four Americans who rely on insulin have been forced to ration or skip their dose--a practice that can be dangerous and even deadly. And working parents with a family member on insulin are reporting higher levels of stress and anxiety and are often forced to choose between paying their bills and protecting the health of a loved one. Indeed, across the country, as I have said on this floor before, I have seen grown men cry about how they cannot meet their family's needs when it comes to prescription drugs. This crisis is a kitchen-table issue for millions of families, and it is a medical, economic, and moral imperative that Congress take action. The Affordable Insulin Now Act not only requires Medicare and commercial users to cover lifesaving insulin on their plans, but also caps the out-of-pocket costs for families at $35 per month. In doing so, we put more money back in the pockets of hardworking families and vulnerable seniors. This is crucial right now, as so many Americans struggle to keep up with the burdensome, everyday costs. Of course, this has even been exacerbated with COVID which has, in many instances, spread diabetes more. House Democrats proudly passed a cap on insulin's cost in the Build Back Better legislation last year. We already did this last year. Today, we, again, take this strong step toward lower health costs for the people. To be clear, comprehensive reform is urgently needed to lift the crushing burden of prescription drug prices weighing on our families. Democrats will never ever relent, Mr. Speaker, until we realize our longstanding goal of lowering drug prices across the board. And we are continuing our fight to empower Medicare to negotiate lower drug prices--we have been working on that for decades--and make these lower prices available to Americans with private insurance, too. We do so in honor of the late Chairman Elijah Cummings, the North Star in Congress and a relentless warrior for lower drug prices, with the Lower Drug Costs Now Act. Mr. Speaker, as you know, this rule applies not just to lowering the cost of insulin but also to the very important MORE Act. I also rise today in support of this urgent legislation that will help pave the path toward racial and economic justice. I thank Chairman Jerry Nadler for his steadfast voice for equity and opportunity for all at the helm of the Judiciary Committee. I salute Congressman Ed Perlmutter for his tireless and longstanding leadership on this issue, a relentless persistence to satisfy, as the gentleman says. Thank heaven, we are passing it today. I also want to commend Congresswoman Barbara Lee and Congressman Earl Blumenauer for their persistence as well. For far too long, Mr. Speaker, failed Federal drug policies have torn apart families and devastated communities of color. People of color are four times more likely to be arrested on cannabis charges and are often targeted for longer prison terms than others. Tragically, the communities most harmed by criminalization are benefiting the least from the legal cannabis marketplace as prior cannabis convictions are barring too many of them from entering the industry. As a result, only one-fifth of cannabis businesses are minority owned, and only 4 percent of owners are Black. Meanwhile, more than 600,000 Americans are still arrested each year on cannabis charges, threatening to perpetuate this vicious cycle. With the MORE Act, which the Democratic House proudly passed last Congress, we take strong actions to correct these injustices. This landmark legislation is one of the most important criminal justice reform bills in recent history: delivering justice for those harmed by the brutal and unfair consequences of criminalization; opening the doors of opportunity for all to participate in this rapidly growing industry; and decriminalizing cannabis at the Federal level so we do not repeat the grave mistakes of our past. Those of us from California take pride in our State's long leadership in this justice effort, and in recent years, [[Page H4031]] 46 more States have reformed cannabis laws. As the distinguished gentleman from Colorado mentioned in his remarks, 47 States have taken this act. Now it is time for the Federal Government to follow suit. Both of the bills that the House will pass today that are covered by this rule, the insulin bill and the MORE Act, are overwhelmingly popular with the American people, and they represent strong steps toward building a brighter and fairer future for our children. Mr. Speaker, I urge strong, bipartisan ``yes'' votes on both bills and on the rule. Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Stauber). Mr. STAUBER. Mr. Speaker, as a law enforcement officer for over 23 years, I have had to make the devastating visit to unsuspecting family members to tell them that their loved one has died because a driver was driving under the influence. We can all sit here and pretend that marijuana is a harmless drug, but it is not. It clouds your judgment and inhibits your reaction time. The unfortunate reality is if we take steps to legalize marijuana, we will, without question, increase the number of people who will drive under the influence of marijuana on our roads. As we know all too well, there are many angel families in this country who have lost their sons and daughters to people who are unlawfully in this country and drove under the influence. My amendment would have ensured the MORE Act does not prohibit the deportation of illegal immigrants who are convicted of driving under the influence of marijuana. Unfortunately, Democrats blocked my commonsense and potentially lifesaving amendment. Mr. Speaker, shouldn't we, at a minimum, ensure this legislation is not weaponized and used as a tool to get criminals who are in this country illegally out of trouble and out of deportation proceedings? It seems to me that the safety of the American people continues to be a low priority for this Democrat majority. Mr. Speaker, I ask my colleagues to vote ``no'' on the rule. Mr. PERLMUTTER. Mr. Speaker, I ask my friend from Minnesota if she has any other speakers. Mrs. FISCHBACH. No, I do not, and I am prepared to close. Mr. PERLMUTTER. Mr. Speaker, I reserve the balance of my time. Mrs. FISCHBACH. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I continue to be disappointed in the priorities of my colleagues. They have chosen to spend precious time that could be spent addressing the national debt, inflation, gas prices, or any number of serious issues facing Americans today. Instead, they chose to talk about legalizing marijuana and spending tax dollars on pot stores-- which does not take into consideration important elements like how to protect minors or how to address laws surrounding driving under the influence--and an insincere attempt to address the rising cost of insulin. Mr. Speaker, I oppose the rule and the underlying bills, I ask Members to do the same, and I yield back the balance of my time. Mr. PERLMUTTER. Mr. Speaker, how much time do I have remaining? The SPEAKER pro tempore. The gentleman from Colorado has 3 minutes remaining. Mr. PERLMUTTER. Mr. Speaker, I yield myself the remainder of my time. Mr. Speaker, I want to thank my colleagues for joining me here today to speak on the rule, the MORE Act, and the Affordable Insulin Now Act. I especially want to thank Mr. Nadler, Ms. Lee, and Mr. Blumenauer with respect to the MORE Act. Data is clear that patients in the United States pay more than 10 times for their insulin than what patients in other countries pay for this lifesaving drug. There are reports of people paying up to $1,000 a month just to keep themselves alive. Nobody should face these kinds of difficult decisions about affording their medication and keeping themselves healthy or putting food on the table. The Affordable Insulin Now Act puts a reasonable cap of $35 a month on this important drug, and I hope we can advance this bipartisan idea this week. {time} 1330 On marijuana, we are long past due for the reforms in the MORE Act. The MORE Act is about justice, safety, equity, and States' rights. We must decriminalize marijuana at the Federal level and take meaningful steps to address the effects the war on drugs has had, particularly in minority and disadvantaged communities. To my friends on the other side of the aisle who claim this isn't an important issue to American families, I encourage them to talk to individuals who can't pass a background check to get a job, visit with people who spent time in prison for a low-level marijuana conviction whose lives have been changed forever, talk to a State-legal business owner or employee who faces armed robberies or threats of violence due to all the cash they have since the business can't access the banking system. The House is acting again this week to urge the Senate to finally pass meaningful cannabis reform legislation. As this body knows, my SAFE Banking Act has passed the House six times now without any Senate action, with big bipartisan numbers. The House will pass the MORE Act this week. It is clear Congress needs to reform our broken cannabis laws to better respond to the 37 States across the country that have some level of legal marijuana use. The material previously referred to by Mrs. Fischbach is as follows: Amendment to House Resolution 1017 At the end of the resolution, add the following: Sec. 5. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R 6858) to strengthen United States energy security, encourage domestic production of crude oil, petroleum products, and natural gas, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit. Sec. 6. Clause 1(c) of rule XIX shall not apply to the consideration of H.R 6858. Mr. PERLMUTTER. Mr. Speaker, I encourage a ``yes'' vote on the rule and the previous question. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution. The SPEAKER pro tempore. The question is on ordering the previous question. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. The vote was taken by electronic device, and there were--yeas 219, nays 202, not voting 10, as follows: [Roll No. 98] YEAS--219 Adams Aguilar Allred Auchincloss Axne Barragan Bass Beatty Bera Beyer Bishop (GA) Blumenauer Blunt Rochester Bonamici Bourdeaux Bowman Boyle, Brendan F. Brown (MD) Brown (OH) Brownley Bush Butterfield Carbajal Cardenas Carson Carter (LA) Cartwright Case Casten Castor (FL) Castro (TX) Cherfilus-McCormick Chu Cicilline Clark (MA) Clarke (NY) Cleaver Clyburn Cohen Connolly Cooper Correa Costa Courtney Craig Crist Crow Cuellar Davids (KS) Davis, Danny K. Dean DeFazio DeGette DeLauro DelBene Delgado Demings DeSaulnier Deutch Dingell Doggett Doyle, Michael F. Escobar Eshoo Espaillat Evans Fletcher Foster Frankel, Lois Gaetz Gallego Garamendi Garcia (IL) Garcia (TX) Golden Gomez Gonzalez, Vicente Gottheimer Green, Al (TX) Grijalva Harder (CA) Hayes Higgins (NY) Himes Horsford Houlahan Hoyer Huffman Jackson Lee Jacobs (CA) Jayapal Jeffries Johnson (GA) Johnson (TX) Jones Kahele Kaptur Keating Kelly (IL) Khanna Kildee Kilmer Kim (NJ) Kind Kirkpatrick Krishnamoorthi Kuster Lamb Langevin Larsen (WA) Larson (CT) Lawrence Lawson (FL) Lee (CA) Lee (NV) Leger Fernandez Levin (CA) Levin (MI) Lieu Lofgren Lowenthal Luria Lynch Malinowski [[Page H4032]] Maloney, Carolyn B. Maloney, Sean Manning Matsui McBath McCollum McEachin McGovern McNerney Meeks Meng Mfume Morelle Moulton Mrvan Murphy (FL) Nadler Napolitano Neal Neguse Newman Norcross O'Halleran Ocasio-Cortez Omar Pallone Panetta Pappas Pascrell Payne Perlmutter Peters Phillips Pingree Pocan Porter Pressley Price (NC) Quigley Raskin Rice (NY) Ross Roybal-Allard Ruiz Ruppersberger Rush Ryan Sanchez Sarbanes Scanlon Schakowsky Schiff Schneider Schrader Schrier Scott (VA) Scott, David Sewell Sherman Sherrill Sires Slotkin Smith (WA) Soto Spanberger Speier Stansbury Stanton Stevens Strickland Suozzi Swalwell Takano Thompson (CA) Thompson (MS) Titus Tlaib Torres (CA) Torres (NY) Trahan Trone Underwood Vargas Veasey Vela Velazquez Wasserman Schultz Waters Watson Coleman Welch Wexton Wild Williams (GA) Wilson (FL) Yarmuth NAYS--202 Aderholt Allen Amodei Arrington Babin Bacon Baird Balderson Banks Barr Bentz Bergman Bice (OK) Biggs Bilirakis Bishop (NC) Boebert Bost Brooks Buchanan Buck Bucshon Budd Burchett Burgess Calvert Cammack Carey Carl Carter (GA) Carter (TX) Cawthorn Chabot Cline Cloud Clyde Cole Comer Crawford Crenshaw Curtis Davidson DesJarlais Diaz-Balart Donalds Duncan Dunn Ellzey Emmer Estes Fallon Feenstra Ferguson Fischbach Fitzgerald Fitzpatrick Fleischmann Foxx Franklin, C. Scott Fulcher Gallagher Garbarino Garcia (CA) Gibbs Gimenez Gohmert Gonzales, Tony Gonzalez (OH) Good (VA) Gooden (TX) Gosar Granger Graves (LA) Graves (MO) Green (TN) Greene (GA) Griffith Grothman Guest Guthrie Harris Harshbarger Hern Herrell Herrera Beutler Hice (GA) Higgins (LA) Hill Hinson Hollingsworth Hudson Huizenga Issa Jackson Jacobs (NY) Johnson (LA) Johnson (OH) Johnson (SD) Jordan Joyce (OH) Joyce (PA) Katko Keller Kelly (MS) Kelly (PA) Kim (CA) Kustoff LaHood LaMalfa Lamborn Latta LaTurner Lesko Letlow Long Loudermilk Lucas Luetkemeyer Mace Malliotakis Mann Massie Mast McCarthy McCaul McClain McClintock McHenry McKinley Meijer Meuser Miller (IL) Miller (WV) Miller-Meeks Moolenaar Mooney Moore (AL) Moore (UT) Mullin Murphy (NC) Nehls Newhouse Norman Obernolte Owens Palazzo Palmer Pence Perry Pfluger Posey Reed Reschenthaler Rice (SC) Rodgers (WA) Rogers (AL) Rogers (KY) Rose Rosendale Rouzer Roy Rutherford Salazar Scalise Schweikert Scott, Austin Sessions Simpson Smith (MO) Smith (NE) Smith (NJ) Smucker Spartz Stauber Steel Stefanik Steil Steube Stewart Taylor Tenney Thompson (PA) Tiffany Timmons Turner Upton Valadao Van Drew Van Duyne Wagner Walberg Walorski Waltz Weber (TX) Webster (FL) Wenstrup Westerman Williams (TX) Wilson (SC) Wittman Womack Zeldin NOT VOTING--10 Armstrong Brady Bustos Cheney Davis, Rodney Fortenberry Hartzler Kinzinger Moore (WI) Tonko {time} 1406 Messrs. JACOBS of New York, STEWART, COLE, NEWHOUSE, LAMBORN, WILSON of South Carolina, and SMITH of Missouri changed their vote from ``yea'' to ``nay.'' Mr. McEACHIN changed his vote from ``nay'' to ``yea.'' So the previous question was ordered. The result of the vote was announced as above recorded. Stated against: Mr. RODNEY DAVIS of Illinois. I was unavoidably detained. Had I been present, I would have voted ``nay'' on rollcall No. 98. Members Recorded Pursuant to House Resolution 8, 117th Congress Baird (Walorski) Bilirakis (Fleischmann) Bowman (Meng) Cawthorn (Nehls) Comer (Fleischmann) Crist (Wasserman Schultz) Cuellar (Pappas) Curtis (Stewart) DeGette (Blunt Rochester) Espaillat (Correa) Harder (CA) (Gomez) Jayapal (Gomez) Johnson (TX) (Jeffries) Joyce (OH) (Garbarino) Kahele (Mrvan) Krishnamoorthi (Beyer) Lawson (FL) (Wasserman Schultz) Mace (Rice (SC)) Manning (Beyer) McClain (Fitzgerald) Newman (Beyer) Owens (Stewart) Roybal-Allard (Wasserman Schultz) Salazar (Gimenez) Sanchez (Gomez) Scott, David (Jeffries) Sessions (Babin) Sires (Pallone) Soto (Wasserman Schultz) Steel (Obernolte) Strickland (Takano) Suozzi (Beyer) Taylor (Carter (TX)) Thompson (MS) (Evans) Trone (Beyer) Waltz (Mast) Wilson (FL) (Jeffries) The SPEAKER pro tempore. The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution8, the yeas and nays are ordered. The vote was taken by electronic device, and there were--yeas 219, nays 202, not voting 10, as follows: [Roll No. 99] YEAS--219 Adams Aguilar Allred Auchincloss Axne Barragan Bass Beatty Bera Beyer Bishop (GA) Blumenauer Blunt Rochester Bonamici Bourdeaux Bowman Boyle, Brendan F. Brown (MD) Brown (OH) Brownley Bush Butterfield Carbajal Cardenas Carson Carter (LA) Cartwright Case Casten Castor (FL) Castro (TX) Cherfilus-McCormick Chu Cicilline Clark (MA) Clarke (NY) Cleaver Clyburn Cohen Connolly Cooper Correa Costa Courtney Craig Crist Crow Cuellar Davids (KS) Davis, Danny K. Dean DeFazio DeGette DeLauro DelBene Delgado Demings DeSaulnier Deutch Dingell Doggett Doyle, Michael F. 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Maloney, Sean Manning Matsui McBath McCollum McEachin McGovern McNerney Meeks Meng Mfume Moore (WI) Morelle Moulton Mrvan Murphy (FL) Nadler Napolitano Neal Neguse Newman Norcross O'Halleran Ocasio-Cortez Omar Pallone Panetta Pappas Pascrell Payne Perlmutter Peters Phillips Pingree Pocan Porter Pressley Price (NC) Quigley Raskin Rice (NY) Ross Roybal-Allard Ruiz Ruppersberger Rush Ryan Sanchez Sarbanes Scanlon Schakowsky Schiff Schneider Schrader Schrier Scott (VA) Scott, David Sewell Sherman Sherrill Sires Slotkin Smith (WA) Soto Spanberger Speier Stansbury Stanton Stevens Strickland Suozzi Swalwell Takano Thompson (CA) Thompson (MS) Titus Tlaib Torres (CA) Torres (NY) Trahan Trone Underwood Vargas Veasey Vela Velazquez Wasserman Schultz Waters Watson Coleman Welch Wexton Wild Williams (GA) Wilson (FL) Yarmuth NAYS--202 Aderholt Allen Amodei Arrington Babin Bacon Baird Balderson Banks Barr Bentz Bergman Bice (OK) Biggs Bilirakis Bishop (NC) Boebert Bost Brooks Buchanan Buck Bucshon Budd Burchett Burgess Calvert Cammack Carey Carl Carter (GA) Carter (TX) Cawthorn Chabot Cline Cloud Clyde Cole Comer Crawford Crenshaw Curtis Davidson Davis, Rodney DesJarlais Diaz-Balart Donalds Duncan Dunn Ellzey Emmer Estes Fallon Feenstra Ferguson Fischbach Fitzgerald Fitzpatrick Fleischmann Foxx Franklin, C. 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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table. PERSONAL EXPLANATION Mr. TONKO. Madam Speaker, I was detained by legislative business. Had I been present, I would have voted ``yea'' on rollcall No. 98 and ``yea'' on rollcall No. 99. Members Recorded Pursuant to House Resolution 8, 117th Congress Baird (Walorski) Bilirakis (Fleischmann) Bowman (Meng) Cawthorn (Nehls) Comer (Fleischmann) Crist (Wasserman Schultz) Cuellar (Pappas) Curtis (Stewart) DeGette (Blunt Rochester) Espaillat (Correa) Harder (CA) (Gomez) Jayapal (Gomez) Johnson (TX) (Jeffries) Joyce (OH) (Garbarino) Kahele (Mrvan) Krishnamoorthi (Beyer) Lawson (FL) (Wasserman Schultz) Mace (Rice (SC)) Manning (Beyer) McClain (Fitzgerald) Newman (Beyer) Owens (Stewart) Roybal-Allard (Wasserman Schultz) Salazar (Gimenez) Sanchez (Gomez) Scott, David (Jeffries) Sessions (Babin) Sires (Pallone) Soto (Wasserman Schultz) Steel (Obernolte) Strickland (Takano) Suozzi (Beyer) Taylor (Carter (TX)) Thompson (MS) (Evans) Trone (Beyer) Waltz (Mast) Wilson (FL) (Jeffries)

**Load-Date:** April 5, 2022

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[***Inflation 'may mean UK interest rates rise next year'; China's exports jump; bitcoin slides - as it happened***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:63JD-FB81-JBNF-W128-00000-00&context=1516831)

The Guardian (London)

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**Section:** BUSINESS; Version:20

**Length:** 18072 words

**Byline:** Graeme Wearden

**Highlight:** Rolling coverage of the latest economic and financial newsAfternoon SummaryLatest: Bitcoin tumbles in crypto selloffUK rates could rise if recovery continues and inflation looks persistentCleaning company McBride hit by raw material cost surgeTakeovers of UK companies by foreign buyers jumped in Q2Pound dips as employers warn national insurance hike will cost jobsChina's exports beat forecasts in August, up 25.6%German investor confidence hit by supply chain shortages

**Body**

block-time published-time 5.09pm BST

European markets close lower

And finally (I think), European stock markets have ended lower, as growth worries weigh on stocks.

The FTSE 100 shed almost 38 points, or 0.5%, to end at 7149, away from yesterday's three-week highs.

Housebuilder Berkeley Group (-3%), online grocer Ocado (-2.5%) and engineering company Weir Group (-2.5%) led the fallers.

European stocks fell back too, with the Stoxx 600 losing 0.5%, having approached record highs yesterday.

David Madden, market analyst at Equiti Capital, says:

It has been a relatively subdued day in the markets even though we saw some interesting economic announcements. US traders returned to work following their long weekend, and it seemed as if their European counterparts were content sit on their hands this morning as they waited for the Americans get involved. European indices are a little lower as stocks handed back some of the solid gains that were posted yesterday. Sentiment in the US is a little weak too as the S&P 500 is 0.3% lower.

[*China posted strong trade data last night*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6136fbc98f08ae40875aafed#block-6136fbc98f08ae40875aafed) as imports and exports grew by 33.1% and 25.6% respectively. Both reports showed increases on the previous readings so that suggests that domestic and international demand is on the increase. Two months ago, the Chinese central bank lowered the reserve requirement ratio in a bid to encourage business activity, and now that imports are growing at a faster rate, it could be a sign the policy has worked. Typically, when China reveals robust reports it often lifts sentiment in western markets, but that has not been the case today.

[*The German ZEW economic sentiment reading for September fell to 26.5, the lowest mark since April*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613732e68f0860fbf776542f#block-613732e68f0860fbf776542f). In the past few months, there have been mixed updates from Germany, so the ZEW announcement contributes to the view the largest economy in Europe might be moving down a gear.

That's all for today, we'll be back tomorrow... GW

block-time published-time 4.54pm BST

[*Crypto currencies took a big plunge today*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6137813c8f0834f88f1eeb0b#block-6137813c8f0834f88f1eeb0b) , before dip buyers stepped in to cause prices to stage an impressive bounce from the lows, writes Fawad Razaqzada, market analyst at Think Markets.

At one point, Bitcoin was down over 18%, Ether was some 20% lower, Doge had shed 30% and Cardano's ADA had lost a quarter of its value.

However, at the time of writing, crypto prices had started to rebound. Bitcoin was around 10% off its lows, but still remained well in the negative territory.

Bitcoin's recovery started when Nayib Bukele, President of El Salvador, tweeted that [*he's buying the dip!*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613788ae8f0894f4f48b37f0#block-613788ae8f0894f4f48b37f0) Apparently 150 new coins were added. Whether this will ignite fresh momentum buying remains to be seen. Bitcoin repeated failure to hold above $50K must be concerning some bullish investors.

It looks like the rebound in bond yields and US dollar is what has hurt cryptos - and precious metals for that matter.

Gold dropped sharply today, before the sell-off came off a bit of a pause around $1795, which is a pivotal level.

Bitcoin, meanwhile, was near the upper end of $46K handle after it had fallen to below $43K handle.

block-time published-time 4.49pm BST

Bitcoin Crashes as El Salvador Adoption Price Pump Falters

And here's [*Bloomberg's take*](https://www.bloomberg.com/news/articles/2021-09-07/bitcoin-crashes-as-el-salvador-adoption-price-pump-falters?cmpid=socialflow-twitter-business&utm_source=twitter&utm_campaign=socialflow-organic&utm_medium=social&utm_content=business) :

Bitcoin plunged as much as 17% to its lowest level in a month amid news El Salvador's crypto rollout was faltering.

The largest cryptocurrency fell as low as $43,050 in New York Tuesday, tumbling more than 10% in the course of an hour after it had broken above the the closely watched $50,000 level. The Bloomberg Galaxy Crypto Index, which tracks some of the largest cryptos, lost as much as 19%, while other smaller digital assets also sold off. Dash and Ethereum Classic plunged roughly 20% each.

The retreat Tuesday comes as Bitcoin faces one of its biggest test in its 12-year history as El Salvador [*became*](https://www.bloomberg.com/news/articles/2021-09-07/bitcoin-faces-biggest-test-as-el-salvador-makes-it-legal-tender) the first country to adopt it as legal tender Tuesday.

enltrNEW: Bitcoin plunged as much as 17% on news that El Salvador's crypto rollout is faltering [*https://t.co/RPx6Nstvhj*](https://t.co/RPx6Nstvhj) [*pic.twitter.com/mTuOAHJKXK*](https://t.co/mTuOAHJKXK)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435267235870826498?ref_src=twsrc%5Etfw)

block-time published-time 4.47pm BST

On today's [*bitcoin gyrations*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6137813c8f0834f88f1eeb0b#block-6137813c8f0834f88f1eeb0b) , Nayib Bukele, President of El Salvador, tweets that they bought the dip......

enltrBuying the dip ?? 150 new coins added. [*#BitcoinDay*](https://twitter.com/hashtag/BitcoinDay?src=hash&ref_src=twsrc%5Etfw) [*#BTC*](https://twitter.com/hashtag/BTC?src=hash&ref_src=twsrc%5Etfw) ????

- Nayib Bukele ???? (@nayibbukele) [*September 7, 2021*](https://twitter.com/nayibbukele/status/1435260422110732300?ref_src=twsrc%5Etfw)

enltrIt appears the discount is ending ?? Thanks for the dip [*@IMFNews*](https://twitter.com/IMFNews?ref_src=twsrc%5Etfw). We saved a million in printed paper. El Salvador now holds 550 bitcoin. [*#BitcoinDay*](https://twitter.com/hashtag/BitcoinDay?src=hash&ref_src=twsrc%5Etfw) [*#BTC*](https://twitter.com/hashtag/BTC?src=hash&ref_src=twsrc%5Etfw)  ????

- Nayib Bukele ???? (@nayibbukele) [*September 7, 2021*](https://twitter.com/nayibbukele/status/1435263064933285898?ref_src=twsrc%5Etfw)

block-time published-time 4.30pm BST

enltr [*#Bitcoin*](https://twitter.com/hashtag/Bitcoin?src=hash&ref_src=twsrc%5Etfw) crashes ~10% as El Salvador's debut signals sell. [*pic.twitter.com/aJOKZUKzVu*](https://t.co/aJOKZUKzVu)

- Holger Zschaepitz (@Schuldensuehner) [*September 7, 2021*](https://twitter.com/Schuldensuehner/status/1435263715981529088?ref_src=twsrc%5Etfw)

block-time published-time 4.27pm BST

Bitcoin tumbles in crypto selloff

Cryptocurrency asset prices have taken a tumble.

Bitcoin crumbled up to 17% at one stage before a minor rebound. It's currently down around 9% at $47067, a fall of around $5000.

enltrBitcoin plunged as much as 17% before a slight rebound [*https://t.co/LBegL3x1b8*](https://t.co/LBegL3x1b8) [*pic.twitter.com/2mgSapnZi1*](https://t.co/2mgSapnZi1)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435259355360862215?ref_src=twsrc%5Etfw)

enltrIt's not a currency, it's a lifestyle. \*BITCOIN PLUNGES 10% IN PAST HOUR

- Brian Chappatta (@BChappatta) [*September 7, 2021*](https://twitter.com/BChappatta/status/1435260010456616963?ref_src=twsrc%5Etfw)

The tumble comes as El Salvador's become the first country in the world to make Bitcoin legal tender. But the debut was marred on launch day when the government's digital wallet system crashed.

Sky News has the details:

President Nayib Bukele confirmed that the Chivo Wallet had been taken offline following complaints about installation problems. No time has been given for when it will be online again.

He said that server capacity was being increased - a "relatively straightforward problem to fix", but one that needs the system to be disconnected.

"Mejor despacio y con buena letra," he tweeted, an idiom that translates as "slowly and with good handwriting" - meaning that it's better not to rush.

"Un poquito de paciencia," he added, meaning "a little bit of patience".

enltrEl Salvador's national Bitcoin system crashes as cryptocurrency becomes legal tender [*https://t.co/VR1tVl8HFR*](https://t.co/VR1tVl8HFR)

- Sky News (@SkyNews) [*September 7, 2021*](https://twitter.com/SkyNews/status/1435228577306484743?ref_src=twsrc%5Etfw)

Ether has also been pummelled, down around 13% this session at $3422.

And some smaller coins are facing steeper losses.

enltrLive Market Update from the CMC dealing desk - Crypto: [*#Bitcoin*](https://twitter.com/hashtag/Bitcoin?src=hash&ref_src=twsrc%5Etfw) 46749.15 -9.98% [*#Ethereum*](https://twitter.com/hashtag/Ethereum?src=hash&ref_src=twsrc%5Etfw) 3379.84 -14.49% [*#BitcoinCash*](https://twitter.com/hashtag/BitcoinCash?src=hash&ref_src=twsrc%5Etfw) 639.59 -18.76% [*#Litecoin*](https://twitter.com/hashtag/Litecoin?src=hash&ref_src=twsrc%5Etfw) 177.74 -20.05% [*#Ripple*](https://twitter.com/hashtag/Ripple?src=hash&ref_src=twsrc%5Etfw) 1.1 -20.86% Prices are indicative only. [*$BTC*](https://twitter.com/search?q=%24BTC&src=ctag&ref_src=twsrc%5Etfw) [*$ETH*](https://twitter.com/search?q=%24ETH&src=ctag&ref_src=twsrc%5Etfw) [*$LTC*](https://twitter.com/search?q=%24LTC&src=ctag&ref_src=twsrc%5Etfw) [*$XRP*](https://twitter.com/search?q=%24XRP&src=ctag&ref_src=twsrc%5Etfw)

- CMC Markets (@CMCMarkets) [*September 7, 2021*](https://twitter.com/CMCMarkets/status/1435261669022834702?ref_src=twsrc%5Etfw)

enltrBitcoin drops by 11% Altcoins drop twice as heavy. Some are close to -30% Manage your risks, don't go all-in alts. [*#crypto*](https://twitter.com/hashtag/crypto?src=hash&ref_src=twsrc%5Etfw) [*#bitcoin*](https://twitter.com/hashtag/Bitcoin?src=hash&ref_src=twsrc%5Etfw) [*#ethereum*](https://twitter.com/hashtag/Ethereum?src=hash&ref_src=twsrc%5Etfw) [*#cryptotrading*](https://twitter.com/hashtag/cryptotrading?src=hash&ref_src=twsrc%5Etfw) [*#sol*](https://twitter.com/hashtag/sol?src=hash&ref_src=twsrc%5Etfw) [*#ada*](https://twitter.com/hashtag/ada?src=hash&ref_src=twsrc%5Etfw) [*#dot*](https://twitter.com/hashtag/dot?src=hash&ref_src=twsrc%5Etfw) [*#xrp*](https://twitter.com/hashtag/xrp?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/nefliviapo*](https://t.co/nefliviapo)

- Crypto-Corner.com (@busyjordy) [*September 7, 2021*](https://twitter.com/busyjordy/status/1435261680951468038?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 4.27pm BST

block-time published-time 4.07pm BST

Afternoon summary: UK rate rise hint, China's exports surprise

Time for a recap:

[*A Bank of England policymaker has said that interest rates may need to rise in the next year, if the recovery remains on track and inflation looks more persistent*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61371f418f08ae40875ab165#block-61371f418f08ae40875ab165).

Michael Saunders forecast that:

If the economy continues to recover, and inflation shows signs of being more persistent, then it might be right to think of interest rates going up in the next year or so.

Saunders also argued that the Bank should end its QE programme, before inflationary pressures become entrenched. He explained:

I also worry that continuing with asset purchases when CPI inflation is 4% and the output gap is closed - that's the likely situation later this year - might well cause medium-term inflation expectations to drift higher.

Such an outcome could require a more substantial tightening of monetary policy later and might limit the committee's scope to respond promptly the next time the economy needs more stimulus.

Related: [*Bank of England's Saunders: inflation could force interest rate rise next year*](https://www.theguardian.com/business/2021/sep/07/bank-of-england-saunders-inflation-interest-rate-rise)

[*His warning comes as the supply chain crisis continues to push up raw materials costs,*](https://www.theguardian.com/business/2021/sep/03/worker-shortage-will-lead-to-uk-food-price-rises-industry-warns) with businesses warning that they will be passed onto consumers this autumn.

[*Cleaning company McBride added its voice*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613715098f08a5c7bfd2157b#block-613715098f08a5c7bfd2157b) , saying that it has seen raw material costs surge -- with cardboard up 50% and some solvents costing 300% more.

[*Businesses have criticised the government's plan*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613754c68f0894f4f48b3451#block-613754c68f0894f4f48b3451) to increase National Insurance rates to fund social care and the NHS, warning it will hit growth and cost jobs. The pound dipped against the US dollar and euro.

[*The disruption to work patterns has also hit trading*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61374ae08f0894f4f48b3396#block-61374ae08f0894f4f48b3396) at TP ICAP Group, the world's largest inter-dealer broker. It blamed cautious traders working from home, who weren't able to take as many risks as when in the office.

[*On the economic front, China reported a surprise surge in exports last month.*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6136fbc98f08ae40875aafed#block-6136fbc98f08ae40875aafed) They rallied over 25%, as manufacturers overcame disruption caused by the surge in Delta variant, and problems at ports.

Analysts suggested that some overseas customers had placed Christmas orders early, in an attempt to avoid supply chain disruption.

enltrJUST IN: China's trade unexpectedly surged in August despite virus outbreaks and disrupted global supply chains [*https://t.co/pn0agGPhl*](https://t.co/pn0agGPhl) [*pic.twitter.com/NTFMw3iCXL*](https://t.co/NTFMw3iCXL)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435091378384613379?ref_src=twsrc%5Etfw)

Germany painted a mixed picture. [*Investor confidence fell,*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613732e68f0860fbf776542f#block-613732e68f0860fbf776542f) on concerns that the supply chain crisis in the car sector and the construction industry will hurt growth.

The ZEW economic research institute said its survey of investors' economic sentiment fell to 26.5 from 40.4 points in August.

ZEW presiden t Achim Wambach said in a statement:

"Market experts expect the economic situation to improve. Yet the scope and dynamics of the recovery have been significantly reduced,"

"Chip shortages in the automotive sector and scarcity of resources in construction have significantly impacted expectations in those sectors."

[*But German factory production returned to growth*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613708da8f08ae40875ab07d#block-613708da8f08ae40875ab07d) , indicating that manufacturers are gettting to grips with supply chain bottlenecks.

[*UK house prices hit a record high*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613712418f08ae40875ab0e7#block-613712418f08ae40875ab0e7) , according to the Halifax, as the market keeps rising despite the easing of the stamp duty holiday.

The average cost of a property increased by 0.7%, or £1,789, in August to £262,954, topping the previous peak of £261,642 recorded in May.

Demand for more space amid greater home working, and a shortage of homes for sale, both kept prices high, along with low borrowing costs and [*consumer confidence rising to pre-pandemic levels*](https://www.ft.com/content/09f94315-a7cd-4d32-a95e-6154f3578bb3).

Related: [*UK house prices hit record high despite cut in stamp duty break*](https://www.theguardian.com/money/2021/sep/07/uk-house-prices-stamp-duty-august-halifax)

Takeovers of UK companies by foreign firms have surged to the highest point since the end of 2018, with more major deals under negotiation, including the £7bn sale of [*Morrisons*](https://www.theguardian.com/business/morrisons) to a US private equity house.

Mergers and acquisitions conducted by foreign companies of UK firms were worth £27.7bn between April and June, up from £8.3bn in the first quarter, according to the [*latest figures from the Office for National Statistics (ONS)*](https://www.ons.gov.uk/businessindustryandtrade/changestobusiness/mergersandacquisitions/bulletins/mergersandacquisitionsinvolvingukcompanies/apriltojune2021). That was the highest level since the last three months of 2018, when [*US cable giant Comcast's £30bn takeover of Sky*](https://www.theguardian.com/business/2018/sep/22/comcast-outbids-rupert-murdochs-fox-to-win-control-of-sky) pushed the quarter's total to £33.3bn.

Related: [*Foreign takeovers of UK firms hit highest level since 2018*](https://www.theguardian.com/business/2021/sep/07/foreign-takeovers-of-uk-firms-hit-highest-level-since-2018)

One takeover battle moved closer to completion. British aerospace manufacturer [*Meggitt*](https://www.theguardian.com/business/meggitt) is a step closer to a takeover by US company Parker-Hannifin after [*rival suitor TransDigm said it would not make an offer*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6137555b8f0834f88f1ee7d9#block-6137555b8f0834f88f1ee7d9).

Ohio-based TransDigm said on Tuesday that it was pulling out of the race because it was unclear that it would be able to secure a high enough return on its investment.

Related: [*US firm nears takeover of UK aerospace supplier Meggitt after rival pulls out*](https://www.theguardian.com/business/2021/sep/07/us-firm-nears-takeover-of-uk-aerospace-supplier-meggit-after-rival-pulls-out)

Business secretary [*Kwasi Kwarteng*](https://www.theguardian.com/politics/kwasi-kwarteng) has ordered a national security review of a takeover by a Chinese academic of a small Welsh manufacturer of graphene - the thinnest and lightest "supermaterial" known.

Related: [*UK orders national security review of graphene firm's takeover by Chinese scientist*](https://www.theguardian.com/business/2021/sep/07/uk-government-orders-national-security-review-of-graphene-firms-takeover)

[*Eurozone growth has been revised up*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61372f8a8f08ae40875ab22a#block-61372f8a8f08ae40875ab22a) - to show the single currency region expanded by 2.2% in April-June, up from 2% previously.

This comes just as the US recovery seems to falter, with the Delta variant hitting job creation last month.

enltrWith the latest upside revision to GDP numbers and the downgrade to the US forecast, the eurozone could grow more than the US in 2021. Probably won´t and who cares anyway given it comes from a deeper hole, but some people really like this kind of cute narratives.

- Ángel Talavera (@atalaveraEcon) [*September 7, 2021*](https://twitter.com/atalaveraEcon/status/1435248599806402560?ref_src=twsrc%5Etfw)

But there's gloomy news for wine lovers. French wine makers are expected to produce nearly a third less wine this year than usual, after their vineyards were struck by frosts, poor weather and disease during the spring and summer.

The country's wine output is predicted to tumble by 29% this year compared with 2020, to the lowest level in decades, according to [*France*](https://www.theguardian.com/world/france) 's ***agriculture*** ministry.

Related: [*French wine suffers worst hit in decades amid damage from frost and disease*](https://www.theguardian.com/business/2021/sep/07/french-wine-output-frosts-weather)

And Britain's competition watchdog has raised concerns over [*Sony*](https://www.theguardian.com/technology/sony) Music Entertainment's $430m (£312m) deal to buy AWAL, the artist services company that has released music by artists including Little Simz, Nick Cave and the Bad Seeds and Billie Eilish's brother and collaborator Finneas.

Related: [*UK watchdog concerned over Sony's takeover of Little Simz stable AWAL*](https://www.theguardian.com/business/2021/sep/07/sony-music-awal-cma-little-simz-nick-cave-finneas)

block-time published-time 3.54pm BST

South Africa's economy grew 1.2% in the second quarter compared to the previous three months, statistics agency data showed on Tuesday.

That's a better-than-expected outcome, driven by sectors like communications, ***agriculture*** and mining.

Reuters has the details:

In unadjusted year-on-year terms, GDP jumped 19.3% in the second quarter, reflecting a low base last year when the government shuttered much of the economy during a harsh lockdown to contain the spread of the coronavirus.

Statistics South Africa's sectoral breakdown showed the country's economic recovery from the pandemic remained uneven.

Transport and communication activity grew 6.9% quarter on quarter, ***agriculture*** 6.2%, trade 2.2% and mining 1.9%. But finance contracted 0.4%, manufacturing 0.8% and construction 1.4%.

enltr [*#SouthAfrica*](https://twitter.com/hashtag/SouthAfrica?src=hash&ref_src=twsrc%5Etfw) - Real GDP rises 1.2% q/q in non-annualised terms in Q2 GDP growth sustains and is marginally higher than in Q1 [*https://t.co/8qMedAe7HM*](https://t.co/8qMedAe7HM) [*#EmergingMarkets*](https://twitter.com/hashtag/EmergingMarkets?src=hash&ref_src=twsrc%5Etfw) [*pic.twitter.com/YHQ5whWB1u*](https://t.co/YHQ5whWB1u)

- EmergingMarketWatch (@EmergingMWatch) [*September 7, 2021*](https://twitter.com/EmergingMWatch/status/1435218807946203142?ref_src=twsrc%5Etfw)

enltrSouth Africa's economy grew 1.2% in the second quarter compared to the previous three months, statistics agency data showed on Tuesday, a better-than-expected outcome driven by sectors like communications, ***agriculture*** and mining. [*https://t.co/mdbrGdRaYd*](https://t.co/mdbrGdRaYd) [*pic.twitter.com/lKIoD1cOvq*](https://t.co/lKIoD1cOvq)

- Reuters Africa (@ReutersAfrica) [*September 7, 2021*](https://twitter.com/ReutersAfrica/status/1435249398963920897?ref_src=twsrc%5Etfw)

block-time published-time 3.17pm BST

Sony Music's £312m takeover of AWAL raises competition concerns, says CMA

Britain's competition watchdog has raised concerns over [*Sony*](https://www.theguardian.com/technology/sony) Music Entertainment's $430m (£312m) deal to buy AWAL, the artist services company that has released music by artists including Little Simz, Nick Cave and the Bad Seeds and Billie Eilish's brother and collaborator Finneas.

The [*Competition and Markets Authority*](https://www.theguardian.com/business/competition-commission) (CMA) said the distribution of recorded music in the UK was dominated by three big groups - Universal Music, Sony Music and Warner Music - and the deal could lead to worse deals for musicians. Had the deal not gone ahead, AWAL could have continued to grow into a significant alternative competitor, the CMA said.

Independent providers of artist and label services, such as AWAL, offer streamlined support and a "DIY platform" for musicians that allows artists to retain ownership of their music and a greater percentage of royalties.

"We're concerned that this deal could reduce competition in the industry, potentially worsening the deals on the table for many artists in the UK, and leading to less innovation across the industry," said Colin Raftery, the senior director of mergers at the CMA.

"The music industry forms an important part of the UK's flourishing entertainment sector, and it is essential that distributors continue to compete to find new and creative ways of working with artists."

Related: [*Sony Music's £312m takeover of AWAL raises competition concerns, says CMA*](https://www.theguardian.com/business/2021/sep/07/sony-music-awal-cma-little-simz-nick-cave-finneas)

block-time published-time 3.14pm BST

Stocks have moved a little lower on Wall Street...

enltrBit jittery out there [*#DOW*](https://twitter.com/hashtag/DOW?src=hash&ref_src=twsrc%5Etfw) 35134.69 -0.66% [*#SPX*](https://twitter.com/hashtag/SPX?src=hash&ref_src=twsrc%5Etfw) 4517.27 -0.40% [*#NDX*](https://twitter.com/hashtag/NDX?src=hash&ref_src=twsrc%5Etfw) 15622.4 -0.19% [*#VIX*](https://twitter.com/hashtag/VIX?src=hash&ref_src=twsrc%5Etfw) 18.15 +1.74

- IGSquawk (@IGSquawk) [*September 7, 2021*](https://twitter.com/IGSquawk/status/1435243967751274500?ref_src=twsrc%5Etfw)

block-time published-time 3.13pm BST

Here's Professor Costas Milas of the University of Liverpool Management School on [*Michael Saunders' warning of UK interest rate rises*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61371f418f08ae40875ab165#block-61371f418f08ae40875ab165) :

There is a lot of talk on whether the Bank needs to reverse Quantitative Easing (QE) and or raise interest rates in light of rising inflation.

The talk by MPC member Saunders re-visits this issue. For what is worth, since the start of QE (in March 2009), UK inflation has been below 1% some 22% of all times and above 3% 'only' 18% of all times. I am focussing on the 1% and 3% thresholds that trigger an explanation letter by the BoE Governor to the Chancellor of the Exchequer.

So MPC members can reasonably argue that there has been a slight bias in favour of undershooting the target and, therefore, since they view inflation as only transitory, they can allow for some overshooting bias before tightening policy. I am surprised they are not using this very argument.

block-time published-time 2.58pm BST

The New York Stock Exchange (NYSE) on Wall Street this month. Photograph: Erik Pendzich/REX/Shutterstock

Wall Street has made a subdued start to the week, as trading begins after Monday's Labor Day break.

The Dow Jones industrial average has dipped by 201 points, or 0.55%, to 35,167 points.

The broader S&P 500 index is down 0.3%, while the tech-focused Nasdaq has crept to a new record high.

On the Dow, investment banks JP Morgan (+1%) and Goldman Sachs (+0.7%), credit card firm Visa (+0.7%) and tech giant Apple (+0.55%) are leading the risers.

Manufacturing conglomerate 3M (-2.1%), pharmaceuticals group Merck (-2%) and biotech company Amgen (-2%) are leading the Dow fallers.

enltrNasdaq registers all-time intraday high early Tuesday; Dow, S&P slip [*https://t.co/ZhdEvQrEY1*](https://t.co/ZhdEvQrEY1)

- MarketWatch (@MarketWatch) [*September 7, 2021*](https://twitter.com/MarketWatch/status/1435237016036315140?ref_src=twsrc%5Etfw)

Investors may be worrying that growth is slowing, after last week's disappointing US payrolls report, and the news that [*Goldman Sachs has trimmed its forecast for US GDP this year*](https://markets.businessinsider.com/news/stocks/economic-outlook-us-gdp-2021-goldman-sachs-forecast-delta-variant-2021-9).

block-time published-time 2.38pm BST

Pound dips as employers warn national insurance hike will cost jobs

The pound has fallen back against the US dollar and the euro after Boris Johnson outlined plans to lift national insurance contributions to pay for social care costs and the NHS.

Under the PM's controversial plan, national insurance will rise by 1.25 percentage points -- increasing the tax burden on both employers and employees.

Tax on share dividends will also be increased by 1.25 percentage points, in a move expected to raise £600m.

Much of the revenue initially will be devoted to cutting waiting lists in the [*NHS*](https://www.theguardian.com/society/nhs) , with social care receiving only £5.3bn of the £36bn expected to be raised over the next three years. Here's the full [*story*](https://www.theguardian.com/politics/2021/sep/07/boris-johnson-unveils-12bn-a-year-tax-rise-to-pay-for-nhs-and-social-care) :

Related: [*Boris Johnson unveils £12bn-a-year tax rise to pay for NHS and social care*](https://www.theguardian.com/politics/2021/sep/07/boris-johnson-unveils-12bn-a-year-tax-rise-to-pay-for-nhs-and-social-care)

Sterling has dropped by half a cent against a stronger US dollar, to $1.378. It's also slipped to a seven-week low against the euro, before recovering some losses.

enltrPound extends day's losses after UK announces tax hikes [*https://t.co/VT3jQa8MEa*](https://t.co/VT3jQa8MEa) [*pic.twitter.com/b1jbXx85zc*](https://t.co/b1jbXx85zc)

- Reuters UK (@ReutersUK) [*September 7, 2021*](https://twitter.com/ReutersUK/status/1435235160350498822?ref_src=twsrc%5Etfw)

Business groups have warned that the plan will hit the economy and cost jobs.

Stephen Phipson, Chief Executive of manufacturers group Make UK, said putting a tax on jobs and workers at a time when Government is pulling the furlough scheme is "ill-timed as well as illogical".

"Economic history tells us that job cuts are most likely when the economy starts to open again after a downturn because firms need the capital to reset. After witnessing large scale redundancies at the height of the pandemic and the plug being pulled on the furlough scheme, Government should be putting in place ***measures*** to protect jobs and incentivise recruitment.

An increase to NI would have the opposite effect. As such Government must examine others streams of raising revenue ; we need to nurture growth not put an anchor on recovery.

The Institute of Directors has also blasted the plan, with chief economist Kitty Ussher saying:

"This is an extraordinary time to be adding additional burden to business and the cost of employing staff, just as it looks to recover from the pandemic. It smacks of political opportunism, exploiting public sentiment at the expense of some of the most productive and entrepreneurial segments of the economy.

"The surprise new tax on dividends will yet again target small company directors. Incorporated sole traders and other owner-managers, who relied on dividend income, were the only group of workers that were not supported by government during the pandemic.

If the plan does weigh on the economy, it could make it harder for the Bank of England to raise interest rates as soon as some expect....

enltrMarkets' expectations that the MPC will raise Bank Rate in Q2 2022 look way off the mark, now that households are going to be hit by a tax increase in April that will reduce the average workers' tax-home pay by 1.2%.

- Samuel Tombs (@samueltombs) [*September 7, 2021*](https://twitter.com/samueltombs/status/1435210962534076418?ref_src=twsrc%5Etfw)

enltrExpect the tax rises just announced to raise about £12 billion a year, about 0.5% of GDP. Remember that's on top of £25 bn of tax rises announced in the Budget. This is a huge year for tax rises: a permanent increase of 1.5% of national income to highest in peacetime

- Paul Johnson (@PJTheEconomist) [*September 7, 2021*](https://twitter.com/PJTheEconomist/status/1435209276956553225?ref_src=twsrc%5Etfw)

enltrSomething like this was always going to happen, pandemic or no pandemic. The rises are permanent and reflect the long term costs of ageing through health and social care. This was known at the election, before the pandemic [*https://t.co/dYMYjnpF7F*](https://t.co/dYMYjnpF7F)

- Paul Johnson (@PJTheEconomist) [*September 7, 2021*](https://twitter.com/PJTheEconomist/status/1435209714321739779?ref_src=twsrc%5Etfw)

enltrLatest hikes, on top of those unveiled in March (corporation tax, freezing personal allowances) means gov will be taking an £36bn/ year out of household and company's earnings by 2025 to pay for pandemic fallout & social care. Typical household may face extra bill of near £500

- Dharshini David (@DharshiniDavid) [*September 7, 2021*](https://twitter.com/DharshiniDavid/status/1435212369668493312?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 3.21pm BST

block-time published-time 1.42pm BST

UK budget and spending review set for October 27

Heads-up: UK chancellor Rishi Sunak will deliver a three-year spending plan and a budget statement on Wednesday October 27, the Treasury has said.

Sunak, who has ramped up public spending to protect the economy against the hit from the coronavirus pandemic, had previously said he would announce the latest official economic forecasts on that date ( via Reuters ).

enltrAnother big Government announcement: the Chancellor will deliver a three year Whitehall-wide Spending Review AND the Budget on Wednesday October 27. Big day.

- Tom Newton Dunn (@tnewtondunn) [*September 7, 2021*](https://twitter.com/tnewtondunn/status/1435219365583101955?ref_src=twsrc%5Etfw)

enltr...NOTE: departments are being asked by the Treasury to find 5% "savings and efficiencies" from their day-to-day spending budgets [*pic.twitter.com/9Zew6DKq8d*](https://t.co/9Zew6DKq8d)

- Ben Chu (@BenChu\_) [*September 7, 2021*](https://twitter.com/BenChu_/status/1435233405927575561?ref_src=twsrc%5Etfw)

The news comes as Boris Johnson confirmed his government will impose a manifesto-busting £12bn-a-year package of tax increases from next April to tackle NHS Covid backlogs and overhaul social care.

Related: [*Boris Johnson unveils £12bn-a-year tax rise to pay for NHS and social care*](https://www.theguardian.com/politics/2021/sep/07/boris-johnson-unveils-12bn-a-year-tax-rise-to-pay-for-nhs-and-social-care)

block-time updated-timeUpdated at 2.28pm BST

block-time published-time 1.26pm BST

TransDigm pulls out of Meggitt takeover battle

Just in: US aerospace company TransDigm has dropped its attempt to take over UK defence rival Meggitt.

TransDigm says that "after careful consideration" it does not intent to make a firm offer for the historic UK firm, which was in a two-way takeover battle.

[*Last month, TransDigm announced*](https://www.theguardian.com/business/2021/aug/11/second-us-suitor-bids-for-uk-aerospace-manufacturer-meggitt) it was considering a 900p-a-share takeover bid for Meggitt, which would have trumped a 800p-a-share offer from [*US rival Parker Hannifin*](https://www.theguardian.com/business/2021/aug/02/uk-meggitt-takeover-us-rival-parker-hannifin).

Today, though, TransDigm Chairman W. Nicholas Howley says.

"We have long admired and studied the Meggitt business and believed that a combination between the two companies could provide value to investors of both companies. However, based on the quite limited due diligence information that was made available and the resulting uncertainties, TransDigm could not conclude that an offer of 900 pence per Meggitt share would meet our long-standing goals for value creation and investor returns.

TransDigm and our advisers put substantial time, effort, resources and expense into evaluating a potential transaction. We reached a memorandum of understanding with the Meggitt Pension Plan trustees, arranged the necessary financing for the acquisition which we anticipated would position us roughly in the range of leverage levels that we have used historically for larger acquisitions, and communicated our willingness to make commitments to HM Government comparable to those offered by the other bidder for Meggitt.

However, consistent with our disciplined approach to capital allocation, we make acquisitions only when we see a clear path to achieving our investment return goals with a reasonable degree of certainty."

Shares in Meggitt have tumbled 12% to 733p, from 839p last night.

enltrMeggitt tumbles as TransDigm says it won't make an offer [*https://t.co/RGow3t5dBt*](https://t.co/RGow3t5dBt)

- Sharecast.com (@Sharecastcom) [*September 7, 2021*](https://twitter.com/Sharecastcom/status/1435216280173297672?ref_src=twsrc%5Etfw)

Meggit makes wheels, brakes, sensors, valves, fuel tanks and other components for commercial and military aircraft, such as F-35 and Typhoon fighter jets, and big civilian planes made by Airbus, Boeing and Bombardier.

[*The UK government said last month it is taking an "active interest"*](https://www.ft.com/content/bdf75f09-8746-4e5c-9301-21f923fe2757) in Parker Hannifin's approach, amid concerns over its impact on British jobs and investment.

Parker has made a series of commitments to the UK government, including honouring contracts, ensuring the majority of the board are UK nationals, and increasing research and development spend in the country by 20 % the next five years.

But most of Parker's legal commitments are binding for only one year (apart from five-year R&D pledge), and there are fears jobs could be cut in areas of overlap between the two businesses, such as central corporate and support functions.

Related: [*Kwarteng mustn't fall asleep at the controls over Meggitt | Nils Pratley*](https://www.theguardian.com/business/nils-pratley-on-finance/2021/aug/11/kwarteng-mustnt-fall-asleep-at-the-controls-over-meggitt)

block-time updated-timeUpdated at 1.27pm BST

block-time published-time 12.37pm BST

TP ICAP: working from home dampens risk-taking

TP ICAP Group, the world's largest inter-dealer broker, has blamed the move to home working and Brexit for a drop in trading volumes that hit its profits in the first six months of 2021.

In its half-year results today, TP ICAP says the markets have continued to be "uncommonly quiet" in the first half of this year.

It pins some of the blame on the pandemic, which forced its clients to work remotely with "reduced risk limits". It also cites the government and central bank stimulus packages which have flattened yields, and efforts to comply with post-Brexit trading rules.

TP ICAP, which brings together buyers and sellers in the financial, energy and commodity markets, says:

The resurgence of COVID-19 that continued to impact our clients, with traders working from home and effectively having to limit their risk appetites; The disruption due to Brexit, which was especially notable at the EMEA region during the first few months of the year, as market participants sought to ensure full trading compliance with the prevalent rules in an ever-changing environment; and General government actions designed to support the wider economy, through low interest rates and large quantitative easing programmes.

The traders that generally would be taking more risk have not been really able to take as much risk, said Joanna Nader, TP ICAP's global head of strategy, via Bloomberg.

"They're working from home, it's not as easy to supervise them -- and so banks have generally taken the view that they want them to have lower risk limits."

"Hopefully, when people start returning to the office we start to have a more normal type of environment," she said.

"When asset managers come back to the office and start taking more views on the markets and on their funds, then that translates into more dealer activity."

enltrReal risk-taking happens in the office. That's the view of the world's largest interdealer broker, TP ICAP [*https://t.co/zu5QzDNuoS*](https://t.co/zu5QzDNuoS)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435186103296856067?ref_src=twsrc%5Etfw)

TP ICAP reported a pretax profit of £28m for the first half of the year, down from £78m in hl 2020.

Shares are down 9% so far today, the worst performer on the FTSE 250, to their lowest since last November.

block-time updated-timeUpdated at 3.41pm BST

block-time published-time 12.14pm BST

The City is taking [*Michael Saunders' comments about future rate rises*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61371f418f08ae40875ab165#block-61371f418f08ae40875ab165) in their stride - with little market reaction.

As Bloomberg points out, he is the Bank's most hawkish member - and he's only hinted at limited rate rises today:

The [*Bank of England*](https://www.bloomberg.com/quote/3710Z:LN) 's most hawkish policy maker says even if interest rates rise in the next year, it'll be a limited shift.

Michael Saunders, the Monetary Policy Committee's sole dissenter at the U.K. central bank's August meeting, said that if the economy evolves as forecast, it might be right to think rates will go up in the next year or so. The BOE's current policy stance risks "persistent inflation overshoot versus the 2% target" due to pressure from global costs and domestic capacity pressures, he said.

Still, if the key rate does rise, it won't be by much, given that the bout of above-target price growth this year is expected to be temporary, and that the neutral level of interest rates has fallen significantly over the past 20 years, he said.

"It's not clear we would even need to get back to neutral," he told an online briefing.

enltrBOE's Saunders says any rate rise in the next year will be limited [*https://t.co/9TkHj7XAfA*](https://t.co/9TkHj7XAfA) via [*@lizzzburden*](https://twitter.com/lizzzburden?ref_src=twsrc%5Etfw) [*pic.twitter.com/2jHG4cyHxQ*](https://t.co/2jHG4cyHxQ)

- Zoe Schneeweiss (@ZSchneeweiss) [*September 7, 2021*](https://twitter.com/ZSchneeweiss/status/1435179797970305029?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 12.16pm BST

block-time published-time 11.59am BST

Jesús Cabra Guisasola, associate at Validus Risk Management, says [*today's upgraded eurozone growth figures*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61372f8a8f08ae40875ab22a#block-61372f8a8f08ae40875ab22a) could encourage some hawkish policymakers at the European Central Bank to consider slowing their stimulus package.

"The eurozone economy continued showing signs of a strong recovery with growth of 2.2% Q/Q in Q2. Additionally, the employment rate rose 0.7% Q/Q for the same quarter vs -0.2% in Q1 and these numbers come one week after the Euro CPI raised to the highest level in nearly a decade (3.0%). While euro-area central bankers have been mostly united behind the ***measures*** taken to sustain the eurozone through the Covid-19 recession, the return towards normality is splitting the consensus with the hawkish central bankers starting to raise their voices for a scaling back of the stimulus.

"The Governing Council will need to assess on Thursday whether the spread of the Delta variant continues to be a threat or if a slower pace of the bond purchases is needed to get inflation under control. Nevertheless, risk continues to be on the table as the pandemic is leaving a legacy of high debt and weak balance sheets, and a scaling back of the stimulus could disrupt the funding market and the unveven recovery of the eurozone.

"EURUSD traded higher after the release of the data and is approaching to the 1.19 physiological resistance level."

block-time published-time 11.30am BST

More deal news... The Times are reporting that 888 Holdings has won the race to acquire William Hill's European operations after outbidding Apollo Global Management with an estimated bid of more than £2bn.

More [*here*](https://www.thetimes.co.uk/article/888-wins-william-hill-auction-sld6wcf5d).

enltrEXCLUSIVE: 888 Holdings wins William Hill auction with £2 billion-plus bid, beating Apollo to the line. Story to follow on [*@TimesBusiness*](https://twitter.com/TimesBusiness?ref_src=twsrc%5Etfw) shortly

- Dominic Walsh (@walshdominic) [*September 7, 2021*](https://twitter.com/walshdominic/status/1435174012322258945?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 11.30am BST

block-time published-time 11.24am BST

Speaking of takeovers....Business secretary [*Kwasi Kwarteng*](https://www.theguardian.com/politics/kwasi-kwarteng) has ordered a national security review of a takeover by a Chinese academic of a small Welsh manufacturer of graphene - the thinnest and lightest "supermaterial" known.

In a rare move, Kwarteng instructed the [*Competition and Markets Authority*](https://www.theguardian.com/business/competition-commission) (CMA) to review the planned takeover of Perpetuus Group by Taurus International or any companies associated with Dr Zhongfu Zhou.

Zhou, who is listed as "chief nanotechnology scientist" on Perpetuus's website, has business interests in [*China*](https://www.theguardian.com/world/china) and has spent years working on the wonder material.

Perpetuus, which has three sites in south Wales, makes graphene and carbon nanotubes, materials that are hoped to have useful applications in an array of industries ranging from electronics and defence to medicine and making [*super-strength condoms*](https://www.theguardian.com/artanddesign/2013/nov/21/bill-gates-graphene-super-condom-sex).

The materials are extraordinary electrical conductors and can be stronger than steel.

[*Here's the full story*](https://www.theguardian.com/business/2021/sep/07/uk-government-orders-national-security-review-of-graphene-firms-takeover) :

Related: [*UK orders national security review of graphene firm's takeover by Chinese scientist*](https://www.theguardian.com/business/2021/sep/07/uk-government-orders-national-security-review-of-graphene-firms-takeover)

block-time published-time 11.21am BST

Foreign takeovers of UK firms hits highest level since late 2018

Takeovers of UK companies by new foreign owners spiked between April and June, led by increased interest from North America, PA Media report.

Inward mergers and acquisitions (M&A) - which means foreign companies buying UK firms - increased from £8.3bn in the first quarter of 2021 to £27.7bn in the second.

Data from the Office for National Statistics (ONS) shows that inward M&A reached its highest point since the last three months of 2018 - when Comcast's £30bn takeover of Sky pushed the quarter's total to to £33.3bn.

By comparison, inward M&A reached just £35.3bn in the whole of 2017, which was higher than at any point between 2011 and 2015.

Value of UK takeovers by foreign companies Photograph: ONS

Between April and June this year there were two big deals, both run in part out of North America.

Intact Financial Corporation of Canada teamed up with Scandinavian insurer Tryg to [*buy London's RSA for £7.2bn*](https://www.theguardian.com/business/2020/nov/18/rsa-agrees-takeover-by-two-overseas-insurers-intact-tryg).

And in April, US company Allied Universal beat Canada's GardaWorld in [*the race to buy London-listed security company G4S for £3.8bn*](https://www.theguardian.com/business/2021/feb/22/g4s-set-for-38bn-takeover-by-allied-universal-security-services).

But a series of more recent deals, some of which have been agreed but have yet to complete, and others that are still in the bidding ***process***, are not included in this data.

This includes the potential £7bn sale of Morrisons to a US private equity company, and the controversial £1bn deal for cigarette giant Philip Morris to buy inhaler-maker Vectura.

Related: [*City veteran Simon Laffin on the challenges posed by controversial takeovers*](https://www.theguardian.com/business/2021/aug/30/city-veteran-simon-laffin-on-the-challenges-posed-by-controversial-takeovers-morrisons-meggitt)

Bids are also in for two defence contractors - Ultra Electronics has agreed to be bought for £2.6bn, while Meggitt has received a bid for around £7bn.

John Laing has accepted a £2bn from US private equity companies, while CVC has agreed a £767m takeover of Stock Spirits.

According to data from Refinitiv, buyout companies across the world have been heavily targeting UK firms, putting around 10% of their total spend here over the first six months of the year.

According to the ONS data, outward M&A - UK companies buying foreign firms - reached £6bn in the second quarter, up from £1.7bn the quarter before.

Domestic M&A - UK firms buying other UK firms - hit £10.6bn, up from £4.5bn.

block-time published-time 11.09am BST

enltr [*#Eurozone*](https://twitter.com/hashtag/Eurozone?src=hash&ref_src=twsrc%5Etfw) econ grew more than initially estimated in Q2 2021. GDP expanded by 2.2% from prev quarter, Eurostat said as it reported its third & final estimate for the period. According to 2nd estimate, econ had grown by 2.0%. This expansion follows a QoQ drop of 0.3% in Q1 2021. [*pic.twitter.com/sZaDOlA9Bj*](https://t.co/sZaDOlA9Bj)

- Holger Zschaepitz (@Schuldensuehner) [*September 7, 2021*](https://twitter.com/Schuldensuehner/status/1435175773867020291?ref_src=twsrc%5Etfw)

block-time published-time 10.58am BST

Eurozone recovery stronger than thought

The eurozone economy recovered more rapidly than thought from its winter lockdowns.

Updated GDP figures show that the eurozone expanded by 2.2% in April-June, up from a first estimate of 2%.

Consumer spending drove the recovery. Household final consumption expenditure increased by 3.7% in the quarter, as people returned to shops, hospitality venues and leisure sites.

Government spending also boosted growth, through stimulus packages and health ***measures*** to fight the pandemic.

enltrEuro area [*#GDP*](https://twitter.com/hashtag/GDP?src=hash&ref_src=twsrc%5Etfw) +2.2% in Q2 2021, +14.3% compared with Q2 2020 [*https://t.co/XMS64FzYky*](https://t.co/XMS64FzYky) [*pic.twitter.com/kArnuDNmnT*](https://t.co/kArnuDNmnT)

- EU\_Eurostat (@EU\_Eurostat) [*September 7, 2021*](https://twitter.com/EU_Eurostat/status/1435165953734717446?ref_src=twsrc%5Etfw)

Ireland (+6.3%) recorded the sharpest increase of GDP compared to the previous quarter, followed by Portugal (+4.9%), Latvia (+4.4%) and Estonia (+4.3%).

Small declines were observed in Malta (-0.5%) and Croatia (-0.2%).

In contrast, the UK expanded by 4.8% in Q2, while the US grew by 1.6% - recovering its pandemic losses.

enltrThe euro-area economy expanded faster than previously reported in the second quarter, bolstered by a surge in consumer spending [*https://t.co/37T8crxZuL*](https://t.co/37T8crxZuL)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435171587867746304?ref_src=twsrc%5Etfw)

block-time published-time 10.43am BST

German investor morale falls as shortages hold back recovery

Shortages of semiconductors and building materials have hurt investor confidence in Germany.

The ZEW economic research institute has reported that its gauge of economic expectations fell to 26.5 in September from 40.4 in August, a larger fall than expected.

ZEW President Achim Wambach said in a statement that markets experts still expect the economic situation to improve, but not as strongly as before.

"Global chip shortages in the automobile sector and the shortage of building materials in the construction sector have caused a significant reduction in profit expectations for these sectors, dampening economic expectations".

enltrThe German [*#ZEW*](https://twitter.com/hashtag/ZEW?src=hash&ref_src=twsrc%5Etfw) Indicator, reflecting expectations of future economic growth, fell to 26.5 in September. While this was lower than expected, the chart also shows that the level remains elevated compared to the long-term average. [*pic.twitter.com/vvhlb1gems*](https://t.co/vvhlb1gems)

- jeroen blokland (@jsblokland) [*September 7, 2021*](https://twitter.com/jsblokland/status/1435170063120732162?ref_src=twsrc%5Etfw)

enltrHistorically, the German [*#ZEW*](https://twitter.com/hashtag/ZEW?src=hash&ref_src=twsrc%5Etfw) Index has been closely correlated with the year-on-year change in the [*#DAX*](https://twitter.com/hashtag/DAX?src=hash&ref_src=twsrc%5Etfw) Index. [*pic.twitter.com/zTLk5OAJaA*](https://t.co/zTLk5OAJaA)

- jeroen blokland (@jsblokland) [*September 7, 2021*](https://twitter.com/jsblokland/status/1435174180434161666?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 10.44am BST

block-time published-time 10.32am BST

[*Michael Saunders' suggestion that interest rates could rise in the next year*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-61371f418f08ae40875ab165#block-61371f418f08ae40875ab165) are interesting, but it's worth remembering that he's on the hawkish end of the monetary policy committee.

So says analyst Neil Wilson of Markets.com :

Interesting comments from the Bank of England's Michael Saunders this morning, who said it might be right to think of rates going up in the next year or so. He indicated that the economy was already about the same size as it was before the pandemic, that inflation has been stronger than expected, and that the country does not need as much stimulus as previously.

However, it should be noted that Saunders is about the most hawkish on the nine-member MPC so does not speak for the central consensus. I don't think it tells us much we don't already know but it underscores the conundrum facing central banks today as to when to ease off the gas.

Saunders makes an important point in noting that continuing asset purchases when inflation is 4% might cause medium-term inflation expectations to drift higher, which could cause a more severe monetary policy response down the road. If central banks don't get a grip on it now, they could be faced with bigger problems later - but they are all deeply paranoid about choking off recovery too soon.

The pound tried to rally against the US dollar after Saunders comments hit the wires, but "quickly reversed to hit its weakest since 2nd September" at just over $1.38, Wilson adds.

block-time updated-timeUpdated at 10.32am BST

block-time published-time 10.10am BST

Bank of England's Saunders: interest rates could rise next year

A Bank of England policymaker has suggested that UK interest rates could rise in the next year, if the recovery continues and rising prices lead to 'more persistent' inflationary pressures.

Michael Saunders, a member of the Bank's Monetary Policy Committee which sets rates, [*told an online session*](https://www.youtube.com/watch?v=DZBKdwQCAPg&t=381s) this morning that the economic outlook would determine when interest rates will rise from their current record low of 0.1%.

Saunders explained:

If the economy continues to recover, and inflation shows signs of being more persistent, then it might be right to think of interest rates going up in the next year or so.

He added "that's not a promise", as any rise in borrowing costs will depend on economic conditions.

Saunders also predicted that any rise in interest rates in the next year or so should be "relatively limited", given that the neutral level of interest is much lower than it used to be [this is the point where rates are neither stimulating the economy nor restricting growth].

It's not clear that we would even need to get back to neutral in that period, Saunders added, in an online event hosted by accounting software package QuickBooks.

Inflation [*dropped back*](https://www.theguardian.com/business/live/2021/aug/18/uk-inflation-slows-more-than-expected-to-2-first-easing-since-february-business-live) to the Bank's 2% target in July, but is expected to surge to around 4% by the end of this year.

Raw material costs having risen sharply since the pandemic disrupted supply chains -- [*as cleaning firm McBride warned this morning*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613715098f08a5c7bfd2157b#block-613715098f08a5c7bfd2157b).

Business leaders have warned that households face a rise in living costs this autumn, with household energy bills and food prices both set to rise.

Related: [*Inflation set to surge this autumn as Brexit and Covid combine*](https://www.theguardian.com/business/2021/sep/03/inflation-set-to-surge-this-autumn-as-brexit-and-covid-combine)

Saunders also explained why he [*voted to cut short the Bank's QE bond-buying stimulus programme at last month's MPC meeting*](https://www.bankofengland.co.uk/monetary-policy-summary-and-minutes/2021/august-2021) (but was outvoted by the other committee members).

My own view at the August meeting was that with the recovery in the economy, and inflation back to target, we no longer need as much monetary stimulus as previously.

Saunders fears that with the current policy stance, the UK faces "a persistent inflation overshoot versus the 2% target".

He points to rising price pressures globally, greater domestic cost and capacity pressures, and a rapid drop in unemployment over the coming quarters.

He also fears that pressing on with the £895bn QE programme will push inflation expectations higher, forcing a more vigorous tightening of policy.

I also worry that continuing with asset purchases when CPI inflation is 4% and the output gap is closed - that's the likely situation later this year - might well cause medium-term inflation expectations to drift higher.

Such an outcome could require a more substantial tightening of monetary policy later and might limit the committee's scope to respond promptly the next time the economy needs more stimulus.

Saunders insists that ending the current asset purchase programme would still leave a "very supportive monetary stance in place", and probably not derail the welcome recovery in the economy.

He compares it to easing off the accelerator, rather than applying the brakes.

Reuters' Andy Bruce has more details:

enltrBoE's Saunders ?? \* May be right for rates to rise over next year \* More QE risks boshing price expectations \* Inflation drivers transitory \* UK economy probs at Q4 2019 level \* Brexit, via slower capital stock growth and labour supply, may have bigger long-term impact vs COVID

- Andy Bruce (@BruceReuters) [*September 7, 2021*](https://twitter.com/BruceReuters/status/1435157895407149057?ref_src=twsrc%5Etfw)

enltrHere you go Shaun - it's a YouTube live thing [*https://t.co/bylfTA9kaa*](https://t.co/bylfTA9kaa)

- Andy Bruce (@BruceReuters) [*September 7, 2021*](https://twitter.com/BruceReuters/status/1435149260673196032?ref_src=twsrc%5Etfw)

enltrBoE's Saunders - Inflation has risen fasted than expected - It might be right to think of rates going up in the next year or so, depending on economic conditions

- DailyFX Team Live (@DailyFXTeam) [*September 7, 2021*](https://twitter.com/DailyFXTeam/status/1435147322984439810?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 10.17am BST

block-time published-time 9.11am BST

Cleaning firm McBride looks to pass '***unprecedented*** cost increases' onto customers

Cleaning product maker McBride has warned that the prices of its products will rise, as it passes on a surge in raw material costs that have eaten into its profits.

McBride, which issued [*a profit warning last month*](https://www.thegrocer.co.uk/results/city-news-mcbride-issues-major-profit-warning-as-costs-mount/659136.article) , told investors this morning that it has faced "***exceptional*** input cost inflation", due to the severe challenges seen across industries from supply chain shortages caused by Covid-19.

This has led to a "rapid and ***exceptional***" surge in prices of key materials such as cardboard and solvents.

McBride, which makes domestic household and professional cleaning and hygiene products, says:

The size of cost increases in materials including plastics, cardboard and surfactants is ***unprecedented*** and is coupled with challenges with freight availability and costs adding further inflationary pressures.

Compared to one year ago, cardboard is priced more than 50% higher, Ethylene is 50% up impacting on plastics and surfactants and certain solvents over 300% higher. On average, the Group is predicted to see the peak of these raw materials in the autumn this year with the most impacted division, Liquids, seeing raw materials nearly 20% higher than one year ago.

These input cost rises have ultimately sealed the fate of two sizeable German competitors who have filed for insolvency, McBride warns.

McBride's range includes Surcare washing products, Oven Pride cleaners, Clean N Fresh bleach, Actiff disinfectant and healthcare cleaning range Hospec.

Chris Smith, chief executive officer, says McBride is continuing to try to implement price increases in response to its surging costs:

"This year has been one of two halves, with a strong first half followed by a more difficult second. In our recent trading update we highlighted the supply side cost inflation being felt due to rapidly increasing raw material costs and freight capacity.

The £10m of savings expected in the current financial year leave us well placed to meet these challenges and our efforts to recoup input cost rises from customers continue.

enltrCost of cleaning products set to rocket, warns manufacturer [*https://t.co/0fDUUt13GG*](https://t.co/0fDUUt13GG)

- Premier Radio Wrexham (@RadioWrexham) [*September 7, 2021*](https://twitter.com/RadioWrexham/status/1435148695142555648?ref_src=twsrc%5Etfw)

block-time published-time 8.51am BST

European markets have opened lower, though.

The FTSE 100 index is 18 points lower at 7168, down 0.25%. Healthcare and financials are the worst-performing sectors, followed by industrials and consumer-focused stocks.

Packaging firm DS Smith are the top riser, up 2.1%, after an upbeat trading statement. It reported that trading has improved despite rising costs for paper, due to "notable increases in the cost of energy and transportation".

block-time published-time 8.45am BST

World markets at record high

Global stock markets have touched a fresh record high today.

Investors remain hopeful that the economic recovery will continue, and that the US Federal Reserve will resist slowing its asset purchase stimulus programme soon.

World shares, ***measured*** by MSCI's gauge of 50 markets, inched up by 0.1% to record their eighth consecutive day of record highs.

enltrWorld shares at record high as investors count on Fed largesse [*https://t.co/RlBlYIRXAP*](https://t.co/RlBlYIRXAP) [*pic.twitter.com/OYzUnYGpxt*](https://t.co/OYzUnYGpxt)

- Reuters (@Reuters) [*September 7, 2021*](https://twitter.com/Reuters/status/1435071584025391106?ref_src=twsrc%5Etfw)

[*China's unexpected surge in exports in August*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-6136fbc98f08ae40875aafed#block-6136fbc98f08ae40875aafed) has bolstered confidence in the recovery, pushing its CSI 300 index up by 1.5% today.

Japan's stocks continued their rally, with the Topix hitting a 30-year high on hopes that the ruling Liberal Democratic Party will launch fresh economic stimulus ***measures*** -- after PM Yoshihide Suga pledged to step down last week.

The benchmark Nikkei rallied by almost 1%, rising over the psychological barrier of 30,000 for the first time since April.

Plus, investors are betting that [*the sharp slowdown in US job creation in August*](https://www.theguardian.com/business/live/2021/sep/03/service-sector-china-uk-us-jobs-payroll-markets-business-live) means the Fed will resist tapering for a little longer.

Naeem Aslam, chief market analyst at Avatrade, says:

Financial markets are upbeat because investors interpreted Friday's disappointing jobs report as a reason for the Fed to postpone its tapering of bond purchases.

The Federal Reserve Chair, Jerome Powell, stated that the labor market's health remains a strong factor influencing their tapering decision, and that the central bank will closely monitor economic data in coming months to avoid making any impulsive decisions.

Related: [*US adds just 235,000 jobs in August as Delta variant spreads*](https://www.theguardian.com/business/2021/sep/03/us-jobs-report-august-2021-hiring-delta-variant-covid)

block-time published-time 8.28am BST

A shortage of houses on the market is helping to [*drive prices up.*](https://www.theguardian.com/business/live/2021/sep/07/chinas-exports-trade-delta-uk-house-prices-german-factories-supply-chain-crisis-ftse-pound-business-live?page=with:block-613712418f08ae40875ab0e7#block-613712418f08ae40875ab0e7)

Halifax's latest house price index shows how the stock of homes on the market has dropped steadily over recent years.

Halifax house price index Photograph: Halifax

Russell Galley, managing director at Halifax, says the supply of properties looks 'increasingly tight':

Much of the impact from the stamp duty holiday has now left the market, as highlighted by the drop in industry transaction numbers compared to a year ago. However, while such Government schemes have provided vital stimulus, there have also been other significant drivers of house price inflation.

"We believe structural factors have driven record levels of buyer activity - such as the demand for more space amid greater home working. These trends look set to persist and the price gains made since the start of the pandemic are unlikely to be reversed once the remaining tax break comes to an end later this month.

"Moreover, the macroeconomic environment is becoming increasingly positive, with job vacancies at a record high and consumer confidence returning to pre-pandemic levels. Coupled with a supply of properties for sale that looks increasingly tight, and barring any reimposition of lockdown ***measures*** or a significant increase in unemployment as job support schemes are unwound later this year, these factors should continue to support prices in the near-term."

block-time published-time 8.23am BST

UK house prices hit record high despite cut in stamp duty break

The average UK house price reached a fresh record high in August while annual inflation cooled to a five-month low, after the partial end of the stamp duty holiday in England and Northern Ireland.

Halifax, one of the country's biggest mortgage lenders, said the average cost of a property increased by 0.7%, or £1,789, to £262,954, topping the previous peak of £261,642 recorded in May.

The annual rate of house price inflation slowed to 7.1%, the lowest since March and down from 7.6% in July. However, compared with June 2020, when the housing market began to reopen after the first Covid-19 lockdown, prices remain more than £23,600, or 9.9%, higher.

Prices have jumped the most in Wales, up 11.6% year on year and the only double-digit rise recorded in the UK during August. The south-west also recorded strong growth at 9.6%, probably reflecting the ongoing demand for rural living within the region, Halifax said. Annual house price inflation in the north-east rose to 8% and Northern Ireland picked up to 9.3%, while price growth in Scotland slowed to 8.4%

More [*here*](https://www.theguardian.com/money/2021/sep/07/uk-house-prices-stamp-duty-august-halifax) :

Related: [*UK house prices hit record high despite cut in stamp duty break*](https://www.theguardian.com/money/2021/sep/07/uk-house-prices-stamp-duty-august-halifax)

block-time published-time 8.11am BST

ING: welcome signs of life in German industrial production

The 1% jump in industrial output in July has brought the long-awaited rebound of German industry, says Carsten Brzeski of ING.

But.... today's data shows sign of life rather than a performance explosion, he cautions, as supply chain frictions remain a bigger threat to the German industry than the pandemic.

Brzeski writes :

Remember that, despite a lifting of restrictions around the world, German industrial production disappointed in the second quarter, dropping every month between April and June. Supply chain frictions such as the blockage in the Suez Canal and semiconductor delivery problems affected key sectors of German industry and more than offset the positive impact from lifted restrictions. Supply chain frictions have not disappeared but at least in July, the pipeline pressure from filled order books and low inventories was simply too strong not to see industrial production surging.

And he rather deliciously compares supply chain disruption to a blocked ketchup bottle...

We have mentioned before that German industry is waiting for the "ketchup bottle effect". Remember the glass ketchup bottle that you shake and tap all you want with no result until suddenly it all comes flooding out and your food is smothered in ketchup? Given that supply chain frictions are likely to continue clogging industrial activity for some time yet, today's industrial production data might not have been the start of the ketchup bottle effect but rather a very welcome catching up.

enltrSign of life rather than a performance explosion in German industrial production in July | Snap | ING Think - Catching up a little bit. After a disappointing second quarter, industrial production has finally offered some long-expected signs of life. [*https://t.co/bhDFGvqpky*](https://t.co/bhDFGvqpky)

- Carsten Brzeski (@carstenbrzeski) [*September 7, 2021*](https://twitter.com/carstenbrzeski/status/1435126866755690497?ref_src=twsrc%5Etfw)

block-time published-time 8.06am BST

German factory output beats forecasts Workers assemble enclosures at the factory of German caravan and trailer maker Knaus-Tabbert AG at their headquarters in Jandelsbrunn near Passau, Germany Photograph: Andreas Gebert/Reuters

In another boost, German factories have overcome supply shortages and lifted their output in July.

Industrial production in Europe's largest economy beat forecasts, growing by 1.0% in July, despite the struggle to obtain raw materials and parts.

Manufacturing output grew by 1.3%, lifted by a 3.2% jump in production of heavy-duty capital goods (such as machinery and equipment).

That follows a 1.0% drop in industrial output (which includes energy and construction) in June.

The turnaround may show that factories are slowly overcoming the supply bottlenecks that have hurt the economy.

On an annual basis, factory output was 5.7% higher than in July 2020 -- although also around 5.5% lower in than before the pandemic.

enltr [*#Production*](https://twitter.com/hashtag/Production?src=hash&ref_src=twsrc%5Etfw) in July 2021: +1.0% on the previous month [*https://t.co/UUcbS4dMr5*](https://t.co/UUcbS4dMr5) [*pic.twitter.com/EXyGj6lkLB*](https://t.co/EXyGj6lkLB)

- Destatis news (@destatis\_news) [*September 7, 2021*](https://twitter.com/destatis_news/status/1435124181310623748?ref_src=twsrc%5Etfw)

[*Reuters has more details*](https://www.reuters.com/article/germany-economy-industrialoutput-idUSKBN2G30D0) :

"After the decline in industrial production in the second quarter, the third quarter got off to a friendly start," the economy ministry said.

The mighty automobile industry increased its output by 1.9% and the machinery and engineering sector hiked production by 6.9%, the ministry said.

"Even if the supply bottlenecks with semiconductors, which have slowed down production, are likely to persist for a while, the output figures suggest that industry could have overcome its low point," the ministry added.

block-time published-time 7.37am BST

More details and reaction to China's trade data:

enltrA whopping $58 billion is China's surplus on trade in products in August. It points to a yearly $550 billion, that would be a new all-time high achieved for two or three years in a row (I need to check it later. It is preliminary data, not uploaded yet at Bureau of Stats) [*pic.twitter.com/CugoniWhl*](https://t.co/CugoniWhl)

- Rafael Jimenez (@RafaJBuendia) [*September 7, 2021*](https://twitter.com/RafaJBuendia/status/1435118699963424769?ref_src=twsrc%5Etfw)

enltrChina's export and import both rose last month despite delta demand concerns and severe port congestions. [*#Crudeoil*](https://twitter.com/hashtag/Crudeoil?src=hash&ref_src=twsrc%5Etfw) imports reached a 5-mth high at 10.5m b/d and iron ore a 4-mth high at 97.5m tons. [*#Coal*](https://twitter.com/hashtag/Coal?src=hash&ref_src=twsrc%5Etfw) imports slowed while copper held steady [*pic.twitter.com/LzUvgaX0AE*](https://t.co/LzUvgaX0AE)

- Ole S Hansen (@Ole\_S\_Hansen) [*September 7, 2021*](https://twitter.com/Ole_S_Hansen/status/1435109695799402496?ref_src=twsrc%5Etfw)

enltrChina's [*#ironore*](https://twitter.com/hashtag/ironore?src=hash&ref_src=twsrc%5Etfw) imports in August picked up for first time in 5 months, rising 10.1% M/M, although demand remained lacklustre amid [*#Beijing*](https://twitter.com/hashtag/Beijing?src=hash&ref_src=twsrc%5Etfw) 's [*#steel*](https://twitter.com/hashtag/steel?src=hash&ref_src=twsrc%5Etfw) output controls. [*#China*](https://twitter.com/hashtag/China?src=hash&ref_src=twsrc%5Etfw) brought in 97.49 mn T of iron ore last month vs 88.51 mn T imported in July, but down 2.9% Y/Y

- Neha Anand (@Neha\_1007) [*September 7, 2021*](https://twitter.com/Neha_1007/status/1435128436540932096?ref_src=twsrc%5Etfw)

enltrChinese data today shows imports from Australia hitting another record - US$18.1 billion in August. Once again, likely mostly driven by iron ore, which also hit another record (by value). [*https://t.co/alMG9Gg4fh*](https://t.co/alMG9Gg4fh) [*pic.twitter.com/Cro0KkmkiY*](https://t.co/Cro0KkmkiY)

- James Mayger (@JDMayger) [*September 7, 2021*](https://twitter.com/JDMayger/status/1435121771275964418?ref_src=twsrc%5Etfw)

block-time published-time 7.33am BST

Introduction: China's export growth surges in boost to economy A crane loads a container onto a truck at Lianyungang Port in Lianyungang in China's eastern Jiangsu province today Photograph: AFP/Getty Images

Good morning, and welcome to our rolling coverage of the world economy, the financial markets, the eurozone and business.

China's exports have surged unexpectedly, as strong overseas demand helped the world's second-largest economy overcome the impact of fresh Delta variant outbreaks.

Exports jumped 25.6% in dollar terms in August, compared to a year before, to reach $294.3bn. That's an acceleration from July, when exports rose 19.3% year-on-year -- and rather faster than expected.

Imports were also strong, jumping over 33% year-on-year to $236bn, leading to a trade surplus of $58.3bn for August.

This better-than-expected trade data will calm some worries that China's economy was entering a sharp slowdown, as Beijing clamps down on technology giants and the education sector, and tightens restrictions on its real estate sector.

Some overseas customers may have brought forward their orders for products to sell in the Christmas and Thanksgiving season -- worried that supply chains will struggle to cope with demand. Export growth of machineries and hi-tech products were strong.

Bloomberg says:

"The hot season for Christmas came earlier than previous years," said Xing Zhaopeng, senior China strategist at Australia and New Zealand Banking Group Ltd. in Shanghai. New products from Apple Inc. created demand, while delta virus outbreaks in Southeast Asia probably caused orders to be diverted to China, he said.

"It will remain strong before November," he said.

The top three exports by value were electronics, high-tech products, and clothing and clothing accessories, while the top imports were electronics and high-tech products, the data showed.

enltrJUST IN: China's trade unexpectedly surged in August despite virus outbreaks and disrupted global supply chains [*https://t.co/pn0agGPhl*](https://t.co/pn0agGPhl) [*pic.twitter.com/NTFMw3iCXL*](https://t.co/NTFMw3iCXL)

- Bloomberg (@business) [*September 7, 2021*](https://twitter.com/business/status/1435091378384613379?ref_src=twsrc%5Etfw)

China's manufacturers had to overcome disruption at ports due to the pandemic.

Ningbo, the world's third-largest port, was partly closed for a time last month after an employee tested positive for coronavirus, leading to delays in getting good in and out of the country.

[*Reuters says*](https://www.reuters.com/article/china-economy-trade/chinas-aug-export-growth-unexpectedly-picks-up-speed-imports-solidly-up-idUSKBN2G305M) :

Zhang Yi, Beijing-based economist at Zhonghai Shengrong Capital Management, said China's exports may sustain its strong growth into the fourth quarter, with overseas demand for Chinese goods over the Christmas season possibly exceeding expectations.

"We believe the main constraint facing China's exports right now is the very stretched international shipping capacity."

enltrChina's total imports and exports expanded 23.7% YoY to 24.78 trillion yuan ($3.84 trillion) in the first eight months of the year, official data showed Tuesday. [*pic.twitter.com/KFNtX2sJLa*](https://t.co/KFNtX2sJLa)

- Modern China (@PDChinaBusiness) [*September 7, 2021*](https://twitter.com/PDChinaBusiness/status/1435119378958196740?ref_src=twsrc%5Etfw)

Data last week showed [*China's service sector contracted in August,*](https://www.theguardian.com/business/live/2021/sep/03/service-sector-china-uk-us-jobs-payroll-markets-business-live?page=with:block-6131c3ba8f08bf4765a442b6#block-6131c3ba8f08bf4765a442b6) due to pandemic restrictions, but exporter seem to have fared better.

Jeffrey Halley, senior market analyst for Asia Pacific at OANDA, says the trade data will alleviate slowdown fears:

Although the numbers are less rosy in Yuan terms and base effects slightly flatter, the data is still impressive, coming against a background of sporadic delta variant closures, port congestion, supply chain bottlenecks and higher commodity prices.

Asian equities are breathing a sigh of relief, and oil prices have moved higher post-data.

In the UK, meanwhile, the supply chain crisis continues to gather pace.

Yesterday, one of Britain's biggest builders' merchants warned of shortages of materials as the UK construction industry struggles under mounting pressure from the deepest supply chain crisis in decades.

[*Jewson*](https://www.jewson.co.uk/supplier-updates) has told customers that prices for a range of goods - including timber, wheelbarrows, insulation and adhesives - will rise by as much as a fifth this month amid growing evidence from across the construction sector of severe and sustained disruption linked to Covid and Brexit.

Related: [*Jewson warns of price rises amid shortage of building materials*](https://www.theguardian.com/business/2021/sep/06/uk-building-firms-materials-staff-construction-industry)

The warning came as building firms reported slower growth, and car sales dropped in the struggle to obtain semiconductors.

Related: [*UK construction growth and car sales hit by supply chain crisis - as it happened*](https://www.theguardian.com/business/live/2021/sep/06/uk-car-sales-supply-chain-problems-construction-pmi-builders-stock-markets-ftse-business-live)

European markets are expected to open slightly lower, as traders wait for Wall Street to return after Monday's Labor Day holiday.

enltrEuropean Opening Calls: [*#FTSE*](https://twitter.com/hashtag/FTSE?src=hash&ref_src=twsrc%5Etfw) 7168 -0.27% [*#DAX*](https://twitter.com/hashtag/DAX?src=hash&ref_src=twsrc%5Etfw) 15912 -0.13% [*#CAC*](https://twitter.com/hashtag/CAC?src=hash&ref_src=twsrc%5Etfw) 6738 -0.08% [*#AEX*](https://twitter.com/hashtag/AEX?src=hash&ref_src=twsrc%5Etfw) 798 -0.05% [*#MIB*](https://twitter.com/hashtag/MIB?src=hash&ref_src=twsrc%5Etfw) 26267 +0.01% [*#IBEX*](https://twitter.com/hashtag/IBEX?src=hash&ref_src=twsrc%5Etfw) 8871 -0.13% [*#OMX*](https://twitter.com/hashtag/OMX?src=hash&ref_src=twsrc%5Etfw) 2392 -0.10% [*#STOXX*](https://twitter.com/hashtag/STOXX?src=hash&ref_src=twsrc%5Etfw) 4240 -0.14% [*#IGOpeningCall*](https://twitter.com/hashtag/IGOpeningCall?src=hash&ref_src=twsrc%5Etfw)

- IGSquawk (@IGSquawk) [*September 7, 2021*](https://twitter.com/IGSquawk/status/1435111793643298822?ref_src=twsrc%5Etfw) The agenda 7am BST: Halifax index of UK house prices in August7am BST: German industrial production for July10am BST: Updated eurozone growth figures for Q210am BST: ZEW survey of German and EU economic morale in September10.30am BST: South Africa's Q2 GDP figures

block-time updated-timeUpdated at 3.42pm BST

7510 2021-09-07T16:15:00Z true 2021-09-07T06:33:32Z false false 2021-09-08T00:06:54Z false UK theguardian.com [*https://www.theguardian.com/p/tngkf*](https://www.theguardian.com/p/tngkf)

false true [*https://media.guim.co.uk/49dc803f18e4cc2ef5b9a684dcf828b99efcd127/0\_29\_3500\_2100/500.jpg*](https://media.guim.co.uk/49dc803f18e4cc2ef5b9a684dcf828b99efcd127/0_29_3500_2100/500.jpg) false en true And finally (I think), European stock markets have ended lower, as growth worries weigh on stocks. The FTSE 100 shed almost 38 points, or 0.5%, to end at 7149, away from yesterday's three-week highs. Housebuilder Berkeley Group (-3%), online grocer Ocado (-2.5%) and engineering company Weir Group (-2.5%) led the fallers. European stocks fell back too, with the Stoxx 600 losing 0.5%, having approached record highs yesterday. David Madden, market analyst at Equiti Capital, says: It has been a relatively subdued day in the markets even though we saw some interesting economic announcements. US traders returned to work following their long weekend, and it seemed as if their European counterparts were content sit on their hands this morning as they waited for the Americans get involved. European indices are a little lower as stocks handed back some of the solid gains that were posted yesterday. Sentiment in the US is a little weak too as the S&P 500 is 0.3% lower. China posted strong trade data last night as imports and exports grew by 33.1% and 25.6% respectively. Both reports showed increases on the previous readings so that suggests that domestic and international demand is on the increase. Two months ago, the Chinese central bank lowered the reserve requirement ratio in a bid to encourage business activity, and now that imports are growing at a faster rate, it could be a sign the policy has worked. Typically, when China reveals robust reports it often lifts sentiment in western markets, but that has not been the case today. The German ZEW economic sentiment reading for September fell to 26.5, the lowest mark since April. In the past few months, there have been mixed updates from Germany, so the ZEW announcement contributes to the view the largest economy in Europe might be moving down a gear. That's all for today, we'll be back tomorrow... GW Crypto currencies took a big plunge today, before dip buyers stepped in to cause prices to stage an impressive bounce from the lows, writes Fawad Razaqzada, market analyst at Think Markets. At one point, Bitcoin was down over 18%, Ether was some 20% lower, Doge had shed 30% and Cardano's ADA had lost a quarter of its value. However, at the time of writing, crypto prices had started to rebound. Bitcoin was around 10% off its lows, but still remained well in the negative territory. Bitcoin's recovery started when Nayib Bukele, President of El Salvador, tweeted that he's buying the dip! Apparently 150 new coins were added. Whether this will ignite fresh momentum buying remains to be seen. Bitcoin repeated failure to hold above $50K must be concerning some bullish investors. It looks like the rebound in bond yields and US dollar is what has hurt cryptos - and precious metals for that matter. Gold dropped sharply today, before the sell-off came off a bit of a pause around $1795, which is a pivotal level. Bitcoin, meanwhile, was near the upper end of $46K handle after it had fallen to below $43K handle. And here's Bloomberg's take: Bitcoin plunged as much as 17% to its lowest level in a month amid news El Salvador's crypto rollout was faltering. The largest cryptocurrency fell as low as $43,050 in New York Tuesday, tumbling more than 10% in the course of an hour after it had broken above the the closely watched $50,000 level. The Bloomberg Galaxy Crypto Index, which tracks some of the largest cryptos, lost as much as 19%, while other smaller digital assets also sold off. Dash and Ethereum Classic plunged roughly 20% each. The retreat Tuesday comes as Bitcoin faces one of its biggest test in its 12-year history as El Salvador became the first country to adopt it as legal tender Tuesday. On today's bitcoin gyrations, Nayib Bukele, President of El Salvador, tweets that they bought the dip...... Cryptocurrency asset prices have taken a tumble. Bitcoin crumbled up to 17% at one stage before a minor rebound. It's currently down around 9% at $47067, a fall of around $5000. The tumble comes as El Salvador's become the first country in the world to make Bitcoin legal tender. But the debut was marred on launch day when the government's digital wallet system crashed. Sky News has the details: President Nayib Bukele confirmed that the Chivo Wallet had been taken offline following complaints about installation problems. No time has been given for when it will be online again. He said that server capacity was being increased - a "relatively straightforward problem to fix", but one that needs the system to be disconnected. "Mejor despacio y con buena letra," he tweeted, an idiom that translates as "slowly and with good handwriting" - meaning that it's better not to rush. "Un poquito de paciencia," he added, meaning "a little bit of patience". Ether has also been pummelled, down around 13% this session at $3422. And some smaller coins are facing steeper losses. Time for a recap: A Bank of England policymaker has said that interest rates may need to rise in the next year, if the recovery remains on track and inflation looks more persistent. Michael Saunders forecast that: If the economy continues to recover, and inflation shows signs of being more persistent, then it might be right to think of interest rates going up in the next year or so. Saunders also argued that the Bank should end its QE programme, before inflationary pressures become entrenched. He explained: I also worry that continuing with asset purchases when CPI inflation is 4% and the output gap is closed - that's the likely situation later this year - might well cause medium-term inflation expectations to drift higher. Such an outcome could require a more substantial tightening of monetary policy later and might limit the committee's scope to respond promptly the next time the economy needs more stimulus. His warning comes as the supply chain crisis continues to push up raw materials costs, with businesses warning that they will be passed onto consumers this autumn. Cleaning company McBride added its voice, saying that it has seen raw material costs surge -- with cardboard up 50% and some solvents costing 300% more. Businesses have criticised the government's plan to increase National Insurance rates to fund social care and the NHS, warning it will hit growth and cost jobs. The pound dipped against the US dollar and euro. The disruption to work patterns has also hit trading at TP ICAP Group, the world's largest inter-dealer broker. It blamed cautious traders working from home, who weren't able to take as many risks as when in the office. On the economic front, China reported a surprise surge in exports last month. They rallied over 25%, as manufacturers overcame disruption caused by the surge in Delta variant, and problems at ports. Analysts suggested that some overseas customers had placed Christmas orders early, in an attempt to avoid supply chain disruption. Germany painted a mixed picture. Investor confidence fell, on concerns that the supply chain crisis in the car sector and the construction industry will hurt growth. The ZEW economic research institute said its survey of investors' economic sentiment fell to 26.5 from 40.4 points in August. ZEW president Achim Wambach said in a statement: "Market experts expect the economic situation to improve. Yet the scope and dynamics of the recovery have been significantly reduced," "Chip shortages in the automotive sector and scarcity of resources in construction have significantly impacted expectations in those sectors." But German factory production returned to growth, indicating that manufacturers are gettting to grips with supply chain bottlenecks. UK house prices hit a record high, according to the Halifax, as the market keeps rising despite the easing of the stamp duty holiday. The average cost of a property increased by 0.7%, or £1,789, in August to £262,954, topping the previous peak of £261,642 recorded in May. Demand for more space amid greater home working, and a shortage of homes for sale, both kept prices high, along with low borrowing costs and consumer confidence rising to pre-pandemic levels. Takeovers of UK companies by foreign firms have surged to the highest point since the end of 2018, with more major deals under negotiation, including the £7bn sale of Morrisons to a US private equity house. Mergers and acquisitions conducted by foreign companies of UK firms were worth £27.7bn between April and June, up from £8.3bn in the first quarter, according to the latest figures from the Office for National Statistics (ONS). That was the highest level since the last three months of 2018, when US cable giant Comcast's £30bn takeover of Sky pushed the quarter's total to £33.3bn. One takeover battle moved closer to completion. British aerospace manufacturer Meggitt is a step closer to a takeover by US company Parker-Hannifin after rival suitor TransDigm said it would not make an offer. Ohio-based TransDigm said on Tuesday that it was pulling out of the race because it was unclear that it would be able to secure a high enough return on its investment. Business secretary Kwasi Kwarteng has ordered a national security review of a takeover by a Chinese academic of a small Welsh manufacturer of graphene - the thinnest and lightest "supermaterial" known. Eurozone growth has been revised up - to show the single currency region expanded by 2.2% in April-June, up from 2% previously. This comes just as the US recovery seems to falter, with the Delta variant hitting job creation last month. But there's gloomy news for wine lovers. French wine makers are expected to produce nearly a third less wine this year than usual, after their vineyards were struck by frosts, poor weather and disease during the spring and summer. The country's wine output is predicted to tumble by 29% this year compared with 2020, to the lowest level in decades, according to France's ***agriculture*** ministry. And Britain's competition watchdog has raised concerns over Sony Music Entertainment's $430m (£312m) deal to buy AWAL, the artist services company that has released music by artists including Little Simz, Nick Cave and the Bad Seeds and Billie Eilish's brother and collaborator Finneas. South Africa's economy grew 1.2% in the second quarter compared to the previous three months, statistics agency data showed on Tuesday. That's a better-than-expected outcome, driven by sectors like communications, ***agriculture*** and mining. Reuters has the details: In unadjusted year-on-year terms, GDP jumped 19.3% in the second quarter, reflecting a low base last year when the government shuttered much of the economy during a harsh lockdown to contain the spread of the coronavirus. Statistics South Africa's sectoral breakdown showed the country's economic recovery from the pandemic remained uneven. Transport and communication activity grew 6.9% quarter on quarter, ***agriculture*** 6.2%, trade 2.2% and mining 1.9%. But finance contracted 0.4%, manufacturing 0.8% and construction 1.4%. Britain's competition watchdog has raised concerns over Sony Music Entertainment's $430m (£312m) deal to buy AWAL, the artist services company that has released music by artists including Little Simz, Nick Cave and the Bad Seeds and Billie Eilish's brother and collaborator Finneas. The Competition and Markets Authority (CMA) said the distribution of recorded music in the UK was dominated by three big groups - Universal Music, Sony Music and Warner Music - and the deal could lead to worse deals for musicians. Had the deal not gone ahead, AWAL could have continued to grow into a significant alternative competitor, the CMA said. Independent providers of artist and label services, such as AWAL, offer streamlined support and a "DIY platform" for musicians that allows artists to retain ownership of their music and a greater percentage of royalties. "We're concerned that this deal could reduce competition in the industry, potentially worsening the deals on the table for many artists in the UK, and leading to less innovation across the industry," said Colin Raftery, the senior director of mergers at the CMA. "The music industry forms an important part of the UK's flourishing entertainment sector, and it is essential that distributors continue to compete to find new and creative ways of working with artists." Stocks have moved a little lower on Wall Street... Here's Professor Costas Milas of the University of Liverpool Management School on Michael Saunders' warning of UK interest rate rises: There is a lot of talk on whether the Bank needs to reverse Quantitative Easing (QE) and or raise interest rates in light of rising inflation. The talk by MPC member Saunders re-visits this issue. For what is worth, since the start of QE (in March 2009), UK inflation has been below 1% some 22% of all times and above 3% 'only' 18% of all times. I am focussing on the 1% and 3% thresholds that trigger an explanation letter by the BoE Governor to the Chancellor of the Exchequer. So MPC members can reasonably argue that there has been a slight bias in favour of undershooting the target and, therefore, since they view inflation as only transitory, they can allow for some overshooting bias before tightening policy. I am surprised they are not using this very argument. Wall Street has made a subdued start to the week, as trading begins after Monday's Labor Day break. The Dow Jones industrial average has dipped by 201 points, or 0.55%, to 35,167 points. The broader S&P 500 index is down 0.3%, while the tech-focused Nasdaq has crept to a new record high. On the Dow, investment banks JP Morgan (+1%) and Goldman Sachs (+0.7%), credit card firm Visa (+0.7%) and tech giant Apple (+0.55%) are leading the risers. Manufacturing conglomerate 3M (-2.1%), pharmaceuticals group Merck (-2%) and biotech company Amgen (-2%) are leading the Dow fallers. Investors may be worrying that growth is slowing, after last week's disappointing US payrolls report, and the news that Goldman Sachs has trimmed its forecast for US GDP this year. The pound has fallen back against the US dollar and the euro after Boris Johnson outlined plans to lift national insurance contributions to pay for social care costs and the NHS. Under the PM's controversial plan, national insurance will rise by 1.25 percentage points -- increasing the tax burden on both employers and employees. Tax on share dividends will also be increased by 1.25 percentage points, in a move expected to raise £600m. Much of the revenue initially will be devoted to cutting waiting lists in the NHS, with social care receiving only £5.3bn of the £36bn expected to be raised over the next three years. Here's the full story: Sterling has dropped by half a cent against a stronger US dollar, to $1.378. It's also slipped to a seven-week low against the euro, before recovering some losses. Business groups have warned that the plan will hit the economy and cost jobs. Stephen Phipson, Chief Executive of manufacturers group Make UK, said putting a tax on jobs and workers at a time when Government is pulling the furlough scheme is "ill-timed as well as illogical". "Economic history tells us that job cuts are most likely when the economy starts to open again after a downturn because firms need the capital to reset. After witnessing large scale redundancies at the height of the pandemic and the plug being pulled on the furlough scheme, Government should be putting in place ***measures*** to protect jobs and incentivise recruitment. An increase to NI would have the opposite effect. As such Government must examine others streams of raising revenue ; we need to nurture growth not put an anchor on recovery. The Institute of Directors has also blasted the plan, with chief economist Kitty Ussher saying: "This is an extraordinary time to be adding additional burden to business and the cost of employing staff, just as it looks to recover from the pandemic. It smacks of political opportunism, exploiting public sentiment at the expense of some of the most productive and entrepreneurial segments of the economy. "The surprise new tax on dividends will yet again target small company directors. Incorporated sole traders and other owner-managers, who relied on dividend income, were the only group of workers that were not supported by government during the pandemic. If the plan does weigh on the economy, it could make it harder for the Bank of England to raise interest rates as soon as some expect.... Heads-up: UK chancellor Rishi Sunak will deliver a three-year spending plan and a budget statement on Wednesday October 27, the Treasury has said. Sunak, who has ramped up public spending to protect the economy against the hit from the coronavirus pandemic, had previously said he would announce the latest official economic forecasts on that date (via Reuters). The news comes as Boris Johnson confirmed his government will impose a manifesto-busting £12bn-a-year package of tax increases from next April to tackle NHS Covid backlogs and overhaul social care. Just in: US aerospace company TransDigm has dropped its attempt to take over UK defence rival Meggitt. TransDigm says that "after careful consideration" it does not intent to make a firm offer for the historic UK firm, which was in a two-way takeover battle. Last month, TransDigm announced it was considering a 900p-a-share takeover bid for Meggitt, which would have trumped a 800p-a-share offer from US rival Parker Hannifin. Today, though, TransDigm Chairman W. Nicholas Howley says. "We have long admired and studied the Meggitt business and believed that a combination between the two companies could provide value to investors of both companies. However, based on the quite limited due diligence information that was made available and the resulting uncertainties, TransDigm could not conclude that an offer of 900 pence per Meggitt share would meet our long-standing goals for value creation and investor returns. TransDigm and our advisers put substantial time, effort, resources and expense into evaluating a potential transaction. We reached a memorandum of understanding with the Meggitt Pension Plan trustees, arranged the necessary financing for the acquisition which we anticipated would position us roughly in the range of leverage levels that we have used historically for larger acquisitions, and communicated our willingness to make commitments to HM Government comparable to those offered by the other bidder for Meggitt. However, consistent with our disciplined approach to capital allocation, we make acquisitions only when we see a clear path to achieving our investment return goals with a reasonable degree of certainty." Shares in Meggitt have tumbled 12% to 733p, from 839p last night. Meggit makes wheels, brakes, sensors, valves, fuel tanks and other components for commercial and military aircraft, such as F-35 and Typhoon fighter jets, and big civilian planes made by Airbus, Boeing and Bombardier. The UK government said last month it is taking an "active interest" in Parker Hannifin's approach, amid concerns over its impact on British jobs and investment. Parker has made a series of commitments to the UK government, including honouring contracts, ensuring the majority of the board are UK nationals, and increasing research and development spend in the country by 20 % the next five years. But most of Parker's legal commitments are binding for only one year (apart from five-year R&D pledge), and there are fears jobs could be cut in areas of overlap between the two businesses, such as central corporate and support functions. TP ICAP Group, the world's largest inter-dealer broker, has blamed the move to home working and Brexit for a drop in trading volumes that hit its profits in the first six months of 2021. In its half-year results today, TP ICAP says the markets have continued to be "uncommonly quiet" in the first half of this year. It pins some of the blame on the pandemic, which forced its clients to work remotely with "reduced risk limits". It also cites the government and central bank stimulus packages which have flattened yields, and efforts to comply with post-Brexit trading rules. TP ICAP, which brings together buyers and sellers in the financial, energy and commodity markets, says: The resurgence of COVID-19 that continued to impact our clients, with traders working from home and effectively having to limit their risk appetites; The disruption due to Brexit, which was especially notable at the EMEA region during the first few months of the year, as market participants sought to ensure full trading compliance with the prevalent rules in an ever-changing environment; and General government actions designed to support the wider economy, through low interest rates and large quantitative easing programmes. The traders that generally would be taking more risk have not been really able to take as much risk, said Joanna Nader, TP ICAP's global head of strategy, via Bloomberg. "They're working from home, it's not as easy to supervise them -- and so banks have generally taken the view that they want them to have lower risk limits." "Hopefully, when people start returning to the office we start to have a more normal type of environment," she said. "When asset managers come back to the office and start taking more views on the markets and on their funds, then that translates into more dealer activity." TP ICAP reported a pretax profit of £28m for the first half of the year, down from £78m in hl 2020. Shares are down 9% so far today, the worst performer on the FTSE 250, to their lowest since last November. The City is taking Michael Saunders' comments about future rate rises in their stride - with little market reaction. As Bloomberg points out, he is the Bank's most hawkish member - and he's only hinted at limited rate rises today: The Bank of England's most hawkish policy maker says even if interest rates rise in the next year, it'll be a limited shift. Michael Saunders, the Monetary Policy Committee's sole dissenter at the U.K. central bank's August meeting, said that if the economy evolves as forecast, it might be right to think rates will go up in the next year or so. The BOE's current policy stance risks "persistent inflation overshoot versus the 2% target" due to pressure from global costs and domestic capacity pressures, he said. Still, if the key rate does rise, it won't be by much, given that the bout of above-target price growth this year is expected to be temporary, and that the neutral level of interest rates has fallen significantly over the past 20 years, he said. "It's not clear we would even need to get back to neutral," he told an online briefing. Jesús Cabra Guisasola, associate at Validus Risk Management, says today's upgraded eurozone growth figures could encourage some hawkish policymakers at the European Central Bank to consider slowing their stimulus package. "The eurozone economy continued showing signs of a strong recovery with growth of 2.2% Q/Q in Q2. Additionally, the employment rate rose 0.7% Q/Q for the same quarter vs -0.2% in Q1 and these numbers come one week after the Euro CPI raised to the highest level in nearly a decade (3.0%). While euro-area central bankers have been mostly united behind the ***measures*** taken to sustain the eurozone through the Covid-19 recession, the return towards normality is splitting the consensus with the hawkish central bankers starting to raise their voices for a scaling back of the stimulus. "The Governing Council will need to assess on Thursday whether the spread of the Delta variant continues to be a threat or if a slower pace of the bond purchases is needed to get inflation under control. Nevertheless, risk continues to be on the table as the pandemic is leaving a legacy of high debt and weak balance sheets, and a scaling back of the stimulus could disrupt the funding market and the unveven recovery of the eurozone. "EURUSD traded higher after the release of the data and is approaching to the 1.19 physiological resistance level." More deal news... The Times are reporting that 888 Holdings has won the race to acquire William Hill's European operations after outbidding Apollo Global Management with an estimated bid of more than £2bn. More here. Speaking of takeovers....Business secretary Kwasi Kwarteng has ordered a national security review of a takeover by a Chinese academic of a small Welsh manufacturer of graphene - the thinnest and lightest "supermaterial" known. In a rare move, Kwarteng instructed the Competition and Markets Authority (CMA) to review the planned takeover of Perpetuus Group by Taurus International or any companies associated with Dr Zhongfu Zhou. Zhou, who is listed as "chief nanotechnology scientist" on Perpetuus's website, has business interests in China and has spent years working on the wonder material. Perpetuus, which has three sites in south Wales, makes graphene and carbon nanotubes, materials that are hoped to have useful applications in an array of industries ranging from electronics and defence to medicine and making super-strength condoms. The materials are extraordinary electrical conductors and can be stronger than steel. Here's the full story: Takeovers of UK companies by new foreign owners spiked between April and June, led by increased interest from North America, PA Media report. Inward mergers and acquisitions (M&A) - which means foreign companies buying UK firms - increased from £8.3bn in the first quarter of 2021 to £27.7bn in the second. Data from the Office for National Statistics (ONS) shows that inward M&A reached its highest point since the last three months of 2018 - when Comcast's £30bn takeover of Sky pushed the quarter's total to to £33.3bn. By comparison, inward M&A reached just £35.3bn in the whole of 2017, which was higher than at any point between 2011 and 2015. Between April and June this year there were two big deals, both run in part out of North America. Intact Financial Corporation of Canada teamed up with Scandinavian insurer Tryg to buy London's RSA for £7.2bn. And in April, US company Allied Universal beat Canada's GardaWorld in the race to buy London-listed security company G4S for £3.8bn. But a series of more recent deals, some of which have been agreed but have yet to complete, and others that are still in the bidding ***process***, are not included in this data. This includes the potential £7bn sale of Morrisons to a US private equity company, and the controversial £1bn deal for cigarette giant Philip Morris to buy inhaler-maker Vectura. Bids are also in for two defence contractors - Ultra Electronics has agreed to be bought for £2.6bn, while Meggitt has received a bid for around £7bn. John Laing has accepted a £2bn from US private equity companies, while CVC has agreed a £767m takeover of Stock Spirits. According to data from Refinitiv, buyout companies across the world have been heavily targeting UK firms, putting around 10% of their total spend here over the first six months of the year. According to the ONS data, outward M&A - UK companies buying foreign firms - reached £6bn in the second quarter, up from £1.7bn the quarter before. Domestic M&A - UK firms buying other UK firms - hit £10.6bn, up from £4.5bn. The eurozone economy recovered more rapidly than thought from its winter lockdowns. Updated GDP figures show that the eurozone expanded by 2.2% in April-June, up from a first estimate of 2%. Consumer spending drove the recovery. Household final consumption expenditure increased by 3.7% in the quarter, as people returned to shops, hospitality venues and leisure sites. Government spending also boosted growth, through stimulus packages and health ***measures*** to fight the pandemic. Ireland (+6.3%) recorded the sharpest increase of GDP compared to the previous quarter, followed by Portugal (+4.9%), Latvia (+4.4%) and Estonia (+4.3%). Small declines were observed in Malta (-0.5%) and Croatia (-0.2%). In contrast, the UK expanded by 4.8% in Q2, while the US grew by 1.6% - recovering its pandemic losses. Shortages of semiconductors and building materials have hurt investor confidence in Germany. The ZEW economic research institute has reported that its gauge of economic expectations fell to 26.5 in September from 40.4 in August, a larger fall than expected. ZEW President Achim Wambach said in a statement that markets experts still expect the economic situation to improve, but not as strongly as before. "Global chip shortages in the automobile sector and the shortage of building materials in the construction sector have caused a significant reduction in profit expectations for these sectors, dampening economic expectations". Michael Saunders' suggestion that interest rates could rise in the next year are interesting, but it's worth remembering that he's on the hawkish end of the monetary policy committee. So says analyst Neil Wilson of Markets.com: Interesting comments from the Bank of England's Michael Saunders this morning, who said it might be right to think of rates going up in the next year or so. He indicated that the economy was already about the same size as it was before the pandemic, that inflation has been stronger than expected, and that the country does not need as much stimulus as previously. However, it should be noted that Saunders is about the most hawkish on the nine-member MPC so does not speak for the central consensus. I don't think it tells us much we don't already know but it underscores the conundrum facing central banks today as to when to ease off the gas. Saunders makes an important point in noting that continuing asset purchases when inflation is 4% might cause medium-term inflation expectations to drift higher, which could cause a more severe monetary policy response down the road. If central banks don't get a grip on it now, they could be faced with bigger problems later - but they are all deeply paranoid about choking off recovery too soon. The pound tried to rally against the US dollar after Saunders comments hit the wires, but "quickly reversed to hit its weakest since 2nd September" at just over $1.38, Wilson adds. A Bank of England policymaker has suggested that UK interest rates could rise in the next year, if the recovery continues and rising prices lead to 'more persistent' inflationary pressures. Michael Saunders, a member of the Bank's Monetary Policy Committee which sets rates, told an online session this morning that the economic outlook would determine when interest rates will rise from their current record low of 0.1%. Saunders explained: If the economy continues to recover, and inflation shows signs of being more persistent, then it might be right to think of interest rates going up in the next year or so. He added "that's not a promise", as any rise in borrowing costs will depend on economic conditions. Saunders also predicted that any rise in interest rates in the next year or so should be "relatively limited", given that the neutral level of interest is much lower than it used to be [this is the point where rates are neither stimulating the economy nor restricting growth]. It's not clear that we would even need to get back to neutral in that period, Saunders added, in an online event hosted by accounting software package QuickBooks. Inflation dropped back to the Bank's 2% target in July, but is expected to surge to around 4% by the end of this year. Raw material costs having risen sharply since the pandemic disrupted supply chains -- as cleaning firm McBride warned this morning. Business leaders have warned that households face a rise in living costs this autumn, with household energy bills and food prices both set to rise. Saunders also explained why he voted to cut short the Bank's QE bond-buying stimulus programme at last month's MPC meeting (but was outvoted by the other committee members). My own view at the August meeting was that with the recovery in the economy, and inflation back to target, we no longer need as much monetary stimulus as previously. Saunders fears that with the current policy stance, the UK faces "a persistent inflation overshoot versus the 2% target". He points to rising price pressures globally, greater domestic cost and capacity pressures, and a rapid drop in unemployment over the coming quarters. He also fears that pressing on with the £895bn QE programme will push inflation expectations higher, forcing a more vigorous tightening of policy. I also worry that continuing with asset purchases when CPI inflation is 4% and the output gap is closed - that's the likely situation later this year - might well cause medium-term inflation expectations to drift higher. Such an outcome could require a more substantial tightening of monetary policy later and might limit the committee's scope to respond promptly the next time the economy needs more stimulus. Saunders insists that ending the current asset purchase programme would still leave a "very supportive monetary stance in place", and probably not derail the welcome recovery in the economy. He compares it to easing off the accelerator, rather than applying the brakes. Reuters' Andy Bruce has more details: Cleaning product maker McBride has warned that the prices of its products will rise, as it passes on a surge in raw material costs that have eaten into its profits. McBride, which issued a profit warning last month, told investors this morning that it has faced "***exceptional*** input cost inflation", due to the severe challenges seen across industries from supply chain shortages caused by Covid-19. This has led to a "rapid and ***exceptional***" surge in prices of key materials such as cardboard and solvents. McBride, which makes domestic household and professional cleaning and hygiene products, says: The size of cost increases in materials including plastics, cardboard and surfactants is ***unprecedented*** and is coupled with challenges with freight availability and costs adding further inflationary pressures. Compared to one year ago, cardboard is priced more than 50% higher, Ethylene is 50% up impacting on plastics and surfactants and certain solvents over 300% higher. On average, the Group is predicted to see the peak of these raw materials in the autumn this year with the most impacted division, Liquids, seeing raw materials nearly 20% higher than one year ago. These input cost rises have ultimately sealed the fate of two sizeable German competitors who have filed for insolvency, McBride warns. McBride's range includes Surcare washing products, Oven Pride cleaners, Clean N Fresh bleach, Actiff disinfectant and healthcare cleaning range Hospec. Chris Smith, chief executive officer, says McBride is continuing to try to implement price increases in response to its surging costs: "This year has been one of two halves, with a strong first half followed by a more difficult second. In our recent trading update we highlighted the supply side cost inflation being felt due to rapidly increasing raw material costs and freight capacity. The £10m of savings expected in the current financial year leave us well placed to meet these challenges and our efforts to recoup input cost rises from customers continue. European markets have opened lower, though. The FTSE 100 index is 18 points lower at 7168, down 0.25%. Healthcare and financials are the worst-performing sectors, followed by industrials and consumer-focused stocks. Packaging firm DS Smith are the top riser, up 2.1%, after an upbeat trading statement. It reported that trading has improved despite rising costs for paper, due to "notable increases in the cost of energy and transportation". Global stock markets have touched a fresh record high today. Investors remain hopeful that the economic recovery will continue, and that the US Federal Reserve will resist slowing its asset purchase stimulus programme soon. World shares, ***measured*** by MSCI's gauge of 50 markets, inched up by 0.1% to record their eighth consecutive day of record highs. China's unexpected surge in exports in August has bolstered confidence in the recovery, pushing its CSI 300 index up by 1.5% today. Japan's stocks continued their rally, with the Topix hitting a 30-year high on hopes that the ruling Liberal Democratic Party will launch fresh economic stimulus ***measures*** -- after PM Yoshihide Suga pledged to step down last week. The benchmark Nikkei rallied by almost 1%, rising over the psychological barrier of 30,000 for the first time since April. Plus, investors are betting that the sharp slowdown in US job creation in August means the Fed will resist tapering for a little longer. Naeem Aslam, chief market analyst at Avatrade, says: Financial markets are upbeat because investors interpreted Friday's disappointing jobs report as a reason for the Fed to postpone its tapering of bond purchases. The Federal Reserve Chair, Jerome Powell, stated that the labor market's health remains a strong factor influencing their tapering decision, and that the central bank will closely monitor economic data in coming months to avoid making any impulsive decisions. A shortage of houses on the market is helping to drive prices up. Halifax's latest house price index shows how the stock of homes on the market has dropped steadily over recent years. Russell Galley, managing director at Halifax, says the supply of properties looks 'increasingly tight': Much of the impact from the stamp duty holiday has now left the market, as highlighted by the drop in industry transaction numbers compared to a year ago. However, while such Government schemes have provided vital stimulus, there have also been other significant drivers of house price inflation. "We believe structural factors have driven record levels of buyer activity - such as the demand for more space amid greater home working. These trends look set to persist and the price gains made since the start of the pandemic are unlikely to be reversed once the remaining tax break comes to an end later this month. "Moreover, the macroeconomic environment is becoming increasingly positive, with job vacancies at a record high and consumer confidence returning to pre-pandemic levels. Coupled with a supply of properties for sale that looks increasingly tight, and barring any reimposition of lockdown ***measures*** or a significant increase in unemployment as job support schemes are unwound later this year, these factors should continue to support prices in the near-term." The average UK house price reached a fresh record high in August while annual inflation cooled to a five-month low, after the partial end of the stamp duty holiday in England and Northern Ireland. Halifax, one of the country's biggest mortgage lenders, said the average cost of a property increased by 0.7%, or £1,789, to £262,954, topping the previous peak of £261,642 recorded in May. The annual rate of house price inflation slowed to 7.1%, the lowest since March and down from 7.6% in July. However, compared with June 2020, when the housing market began to reopen after the first Covid-19 lockdown, prices remain more than £23,600, or 9.9%, higher. Prices have jumped the most in Wales, up 11.6% year on year and the only double-digit rise recorded in the UK during August. The south-west also recorded strong growth at 9.6%, probably reflecting the ongoing demand for rural living within the region, Halifax said. Annual house price inflation in the north-east rose to 8% and Northern Ireland picked up to 9.3%, while price growth in Scotland slowed to 8.4% More here: The 1% jump in industrial output in July has brought the long-awaited rebound of German industry, says Carsten Brzeski of ING. But.... today's data shows sign of life rather than a performance explosion, he cautions, as supply chain frictions remain a bigger threat to the German industry than the pandemic. Brzeski writes: Remember that, despite a lifting of restrictions around the world, German industrial production disappointed in the second quarter, dropping every month between April and June. Supply chain frictions such as the blockage in the Suez Canal and semiconductor delivery problems affected key sectors of German industry and more than offset the positive impact from lifted restrictions. Supply chain frictions have not disappeared but at least in July, the pipeline pressure from filled order books and low inventories was simply too strong not to see industrial production surging. And he rather deliciously compares supply chain disruption to a blocked ketchup bottle... We have mentioned before that German industry is waiting for the "ketchup bottle effect". Remember the glass ketchup bottle that you shake and tap all you want with no result until suddenly it all comes flooding out and your food is smothered in ketchup? Given that supply chain frictions are likely to continue clogging industrial activity for some time yet, today's industrial production data might not have been the start of the ketchup bottle effect but rather a very welcome catching up. In another boost, German factories have overcome supply shortages and lifted their output in July. Industrial production in Europe's largest economy beat forecasts, growing by 1.0% in July, despite the struggle to obtain raw materials and parts. Manufacturing output grew by 1.3%, lifted by a 3.2% jump in production of heavy-duty capital goods (such as machinery and equipment). That follows a 1.0% drop in industrial output (which includes energy and construction) in June. The turnaround may show that factories are slowly overcoming the supply bottlenecks that have hurt the economy. On an annual basis, factory output was 5.7% higher than in July 2020 -- although also around 5.5% lower in than before the pandemic. Reuters has more details: "After the decline in industrial production in the second quarter, the third quarter got off to a friendly start," the economy ministry said. The mighty automobile industry increased its output by 1.9% and the machinery and engineering sector hiked production by 6.9%, the ministry said. "Even if the supply bottlenecks with semiconductors, which have slowed down production, are likely to persist for a while, the output figures suggest that industry could have overcome its low point," the ministry added. More details and reaction to China's trade data: Good morning, and welcome to our rolling coverage of the world economy, the financial markets, the eurozone and business. China's exports have surged unexpectedly, as strong overseas demand helped the world's second-largest economy overcome the impact of fresh Delta variant outbreaks. Exports jumped 25.6% in dollar terms in August, compared to a year before, to reach $294.3bn. That's an acceleration from July, when exports rose 19.3% year-on-year -- and rather faster than expected. Imports were also strong, jumping over 33% year-on-year to $236bn, leading to a trade surplus of $58.3bn for August. This better-than-expected trade data will calm some worries that China's economy was entering a sharp slowdown, as Beijing clamps down on technology giants and the education sector, and tightens restrictions on its real estate sector. Some overseas customers may have brought forward their orders for products to sell in the Christmas and Thanksgiving season -- worried that supply chains will struggle to cope with demand. Export growth of machineries and hi-tech products were strong. Bloomberg says: "The hot season for Christmas came earlier than previous years," said Xing Zhaopeng, senior China strategist at Australia and New Zealand Banking Group Ltd. in Shanghai. New products from Apple Inc. created demand, while delta virus outbreaks in Southeast Asia probably caused orders to be diverted to China, he said. "It will remain strong before November," he said. The top three exports by value were electronics, high-tech products, and clothing and clothing accessories, while the top imports were electronics and high-tech products, the data showed. China's manufacturers had to overcome disruption at ports due to the pandemic. Ningbo, the world's third-largest port, was partly closed for a time last month after an employee tested positive for coronavirus, leading to delays in getting good in and out of the country. Reuters says: Zhang Yi, Beijing-based economist at Zhonghai Shengrong Capital Management, said China's exports may sustain its strong growth into the fourth quarter, with overseas demand for Chinese goods over the Christmas season possibly exceeding expectations. "We believe the main constraint facing China's exports right now is the very stretched international shipping capacity." Data last week showed China's service sector contracted in August, due to pandemic restrictions, but exporter seem to have fared better. Jeffrey Halley, senior market analyst for Asia Pacific at OANDA, says the trade data will alleviate slowdown fears: Although the numbers are less rosy in Yuan terms and base effects slightly flatter, the data is still impressive, coming against a background of sporadic delta variant closures, port congestion, supply chain bottlenecks and higher commodity prices. Asian equities are breathing a sigh of relief, and oil prices have moved higher post-data. In the UK, meanwhile, the supply chain crisis continues to gather pace. Yesterday, one of Britain's biggest builders' merchants warned of shortages of materials as the UK construction industry struggles under mounting pressure from the deepest supply chain crisis in decades. Jewson has told customers that prices for a range of goods - including timber, wheelbarrows, insulation and adhesives - will rise by as much as a fifth this month amid growing evidence from across the construction sector of severe and sustained disruption linked to Covid and Brexit. The warning came as building firms reported slower growth, and car sales dropped in the struggle to obtain semiconductors. European markets are expected to open slightly lower, as traders wait for Wall Street to return after Monday's Labor Day holiday. The agenda 7am BST: Halifax index of UK house prices in August 7am BST: German industrial production for July 10am BST: Updated eurozone growth figures for Q2 10am BST: ZEW survey of German and EU economic morale in September 10.30am BST: South Africa's Q2 GDP figures 46289 false false Graeme Wearden The Bank of England in the City of London financial district, in London The New York Stock Exchange (NYSE) on Wall Street this month. Value of UK takeovers by foreign companies Halifax house price index Workers assemble enclosures at the factory of German caravan and trailer maker Knaus-Tabbert AG at their headquarters in Jandelsbrunn near Passau, Germany A crane loads a container onto a truck at Lianyungang Port in Lianyungang in China's eastern Jiangsu province today

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[***Antibiotic resistance modifying ability of phytoextracts in anthrax biological agent Bacillus anthracis and emerging superbugs: a review of synergistic mechanisms***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:693W-H841-F129-P3SS-00000-00&context=1516831)

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**Body**

Background

The emergence of multidrug-resistant bacteria has become a threat to global public health and invoked problems, resulting in inadequate treatment for infectious diseases. The chemotherapeutic management of bacterial infections has become more challenging in recent years due to the development of antimicrobial resistance in pathogenic bacteria and their certain populations evolving into formidable super drug-resistant strains known as superbugs that are capable of causing serious illnesses [, ]. The bacterium Bacillus anthracis was one of the organisms of interest in the recent past due to its ability to cause the life-threatening illness anthrax. It can be difficult to treat anthrax if progressed to advanced stages, due to the virulence nature of the pathogen and therefore, research has been undertaken to discover novel therapies to treat the disease more safely and effectively []. Antibiotics have the ability to restrict the growth and replication of bacteria by inhibiting bacterial cellular components associated with the synthesis of cell walls, proteins and nucleic acids, along with the suspension of folate metabolism and depolarization of the cell membrane [, ]. The successful management of bacterial infections has been achieved in the past due to the development of antibiotic agents. It seems, however, that the golden era of these synthetically produced antibiotics has come to a near end due to their irrational use. Although antibiotics have broad-spectrum activities, bacteria have evolved to combat the action of these agents through various resistance mechanisms, such as the production of antibiotic molecule inactivating enzymes, the modification and mutation of antibiotic binding sites, suspension of bacterial cell membrane porin activity associated and the expression of efflux pumps [, ]. Another ingenious strategy of overcoming antimicrobials is the deployment of autoinducer molecules by certain bacteria to mediate quorum sensing.

Quorum sensing (QS) is a bacterial cell-to-cell biochemical communication ***process*** that involves the activation of specific signals to coordinate pathogenic behaviors and assist bacteria to acclimatize against unfavorable conditions imposed by the proximal environment that they exist. Signal molecules responsible for mediating bacterial quorum sensing include autoinducing peptides, autoinducer-2 and acyl-homoserine lactone. Quorum sensing in bacteria can facilitate biofilm formation which agitates the penetration of antibiotic molecules and therefore, it is a major contributor towards antibiotic resistance []. Despite the complex nature of issues related to antibiotic resistance, no individual nation has independently succeeded in addressing this major public health problem up to date.

The rise of antimicrobial resistance has mediated interest in research focusing on the significance of medicinal plants and their phytochemical compositions. Long before the invention of modern antibiotics, folklore medicine was able to use the therapeutic efficacy of these medicinal herbs and integrate their potentials in the treatment of infectious diseases. So far, the World Health Organization (WHO) reports that about 80% of the populations residing in Asia and Africa rely on traditional medicine for their primary health care needs []. These traditional therapeutic methods have been considered as possibly the safest alternative sources of antimicrobial agents available, by which the involvement of medicinal herbs in treating infectious diseases has paved the way for the development of modern medicine []. Plants are reservoirs of chemical agents with therapeutic properties beneficial to mankind []. Bioactive compounds naturally extracted from whole plants or from different parts of plants, like leaves, bark, stem, roots, fruits, fruit rind, seeds and flowers, can serve as novel sources for the management of infectious diseases caused by pathogenic microorganisms as an alternative to synthetic drugs [, ].

Certain phytochemical compounds are capable to interact synergistically with antibiotics already available, which can be potentially an effective way to combat the phenomenon of resistance. There is evidence that combinations of natural compounds from plants can facilitate or improve the interaction of antibiotics with their target in the pathogen and thus reduce the emergence of resistance through mechanisms of resistance modification []. This combined therapeutic strategy can also reduce drug/dose-related side effects to the consumer since lower concentrations of both agents can be used. Therefore, the objectives of this review are to provide an update of the literature review on the synergism between antibiotics and plant extracts, presentation of experimental data on antibiotic-potentiating mechanisms of plant-derived compounds and scientific evidence that support the successive pre-clinical application of synergistic effects of combined plant compounds to serve as a starting point for the discovery of novel antibacterial agents that are capable of neutralizing infections and reversing antibiotic resistance in anthrax causative organism B. anthracis and the Centers for Disease Control and Prevention (CDC) classified emerging bacterial superbugs.

Antibacterial drug discovery and development

Long before the twentieth century, the management and treatment of infectious diseases were based mainly on folk medicine. There is evidence that complex mixtures with antibacterial properties have been applied among ancient populations for over two thousand years [–]. Post-mortem analysis has revealed the presence of traces of tetracycline like compound that has been incorporated into the dentals of early Sudanese populations that lived around A.D 350–500. The presence of this compound in their corpses has lead to the impression that these populations may have used it as a medicine or included in their diet [, ]. A similar finding was reported in ancient populations living in the Dakhleh Oasis, in Egypt, around the time of the late Roman Empire []. There is a popular anecdote that showed how to use the red soil in the Hashemite Kingdom of Jordan as a source of antimicrobials to treat skin infections. Interestingly, the bacterium known as Actinomycetes, which is generally found in such soils, produces modern antibiotics, such as actinomycin, streptomycin, erythromycin, nystatin, amphotericin and vancomycin [, ]. Traditional Chinese medicine consists of a large summary of medicinal herbs used for millennia in the treatment of many infections caused by bacteria [, ]. Their application of active compounds from ancient medicinal herbs has enriched the arsenal of many antibacterial agents used in modern medicine []. The modern era of antibacterial agents began with the discovery of penicillin extracted from a mould specimen known as Penicillium notatum by Sir Alexander Fleming in 1928. Penicillin caught the attention of many ancient scientists, as the compound was able to stop the growth of a wide range of bacteria [–]. During the time of its discovery, penicillin became the most popular therapeutic agent due to the wide application and the magnitude of its therapeutic outcomes. The technologies used and developed to produce penicillin became the basis for the production of all subsequent antibiotics currently in use [, ]. Most antibiotics currently in existence, such as cephalosporins, penicillins, macrolides, tetracyclines, vancomycin, teicoplanin, daptomycin and rifamycin have been synthetically derived from natural products [, ]. According to the World Health Organization, more than 11% of modern drugs are derivatives from plants []. Advanced technologies such as high throughput screening, combinational chemistry and genomic applications have been implemented to invent new antibacterial molecules to reverse antibiotic resistance []. An investigation conducted by Kim Lewis in 2001 lead to the key discovery of synergistic compounds of plant origin. His finding elucidated that a compound known as 5'-methoxyhydnocarpin-D isolated from the extracts of Berberis fremontii was able to potentiate the antibacterial action of berberine, inhibiting the activity of multidrug efflux pumps in Gram-positive and Gram-negative bacteria [–]. Novel approaches have been taken to combat antibiotic resistance such as the development of therapeutics based on anti-QS agents or bacterial quorum quenchers from natural products and bacterial vaccines. Unlike conventional treatments involving antibiotics, these novel therapies can be more potent and robust in combating advanced conditions of antibiotic resistance and bacterial virulence []. The implementation of bacterial vaccines is well evident in controlling diseases like tetanus, diphtheria, cholera, bacterial meningitis, typhoid fever and even anthrax, where ***measures*** have been taken to neutralize the outbreak of the disease in Swedish nature reserves in 2011 by vaccinating the resident animals against anthrax when treatment with penicillin was ineffective. Given this ideal, it has been predicted that such approaches will be nigh-impervious to resistance in bacterial populations and more robustly prevent the spread of infection [, ].

Anthrax and the biological agent Bacillus anthracis

Anthrax is a serious enzootic infectious disease transmitted from infected livestock animals to humans. The biological agent responsible for causing anthrax is a Gram-positive endospore forming bacilliform bacterium known as Bacillus anthracis. Anthrax can be primarily acquired through direct contact and the consumption of contaminated meat. The most common forms of the disease under natural settings are cutaneous and gastrointestinal anthrax. Other but rare means of acquiring the disease include the inhalation of bacterial endospores that can result in pulmonary anthrax. The endospores remain dormant until being inhaled by a host and internalized, where they mature into toxin producing virulent bacterial cells in thoracic lymph nodes that cause acute and severe infection. The tactical delivery of concentrated endospores obtained from wild type B. anthracis is a strategy used in biological warfare and bio-terrorism. The disease is endemic to ***agricultural*** regions of southwestern and central Asia, Central and South America, southern sub-Saharan Africa, the Caribbean and Eastern Europe []. The largest ***agricultural*** outbreak of anthrax was reported from Zimbabwe, with cases of infection exceeding 10,000 between 1979 and 1985. It has been reported that nearly all cases of the infection occurred in Zimbabwe outbreak were cutaneous anthrax []. In the year 1979, about 79 cases related to inhalational anthrax were reported from Sverdlovsk region of Russia, in which 68 of those cases became ultimately fatal. The Sverdlovsk incident was the largest outbreak of human anthrax ever documented in history and is believed to have been caused due to an accident occurred in a Soviet military affiliated Microbiology facility that lead to the release of aerosolized anthrax spores []. The most recent incident related to anthrax bioterrorism was reported in 2001, in which concentrated spores of highly virulent B. anthracis were delivered using postal letters that resulted in about five fatalities among the 22 infected []. The disease incidence was significantly reduced during the twentieth century. Hence, anthrax continued to represent globally outside the United States, with an occurrence of approximately 2000 cases annually by the end of the twentieth century. A majority of these worldwide cases were associated with cutaneous anthrax []. The standard therapy for anthrax include with antibiotics like penicillin G procaine, doxycycline or ciprofloxacin being first-line treatment for the infection []. Newer anthrax therapeutic agents like monoclonal antibody based Anthim (obiltoxaximab) and the anthrax immune globulin based Anthrasil were also deployed solo or in combination with antibiotics to control the infection more effectively [, ]. In 2015, the Food and Drug Administration (FDA) approved BioThrax which is an immunologically active B. anthracis antigen vaccine against anthrax to prevent the disease. It is the only anthrax vaccine that has received FDA approval up to date []. The treatment of acute anthrax can be difficult due to the virulence properties of B. anthracis, in which the bacterium and its endospore are both encapsulated with a protective polysaccharide coating that allows immune evasion from phagocytes like macrophages. Bacterial exotoxins secreted by B. anthracis are known as edema toxin and lethal toxin which cause diarrhea and flu-like symptoms. The entry of these exotoxins into host cells and initial pathogenesis is facilitated by a major virulence factor present in B. anthracis known as the protective antigen. The polysaccharide capsule and other associated virulence factors are expressed by bacterial DNA plasmids, pXO1 and pXO2 present in B. anthracis. Although the bacterium can be eradicated by antibiotic agents, the toxins produced by the bacterium remain nonresponsive to antibiotic therapy. Hence, the CDC recommends the employment of a combined course of rapid antibiotic therapy involving two or three antibiotics along with anthrax anti-toxin therapy in order to prevent the accumulation of exotoxins in the body [–]. Antibiotic resistance in B. anthracis has been documented. One study showed that 11.5% out of 96 isolates of B. anthracis recovered from France between the time period of 1994 and 2000 indicated resistance amoxicillin and penicillin G. The same investigation revealed that all 96 isolates of B. anthracis tested were resistant to cotrimoxazole []. Although drug resistance mechanisms of B. anthracis has not yet been fully exploited, a study conducted by Price et al. showed that efflux-pump encoding bacterial genes gyrA, gyrB and parC can mediate cross-resistance to fluoroquinolone antibiotics like ciprofloxacin in B. anthracis []. Another study stated that B. anthracis consist of genes bla1 and bla2 that are capable of expressing beta-lactamases against β-lactam antibiotics []. Despite the treatment of anthrax infection with currently available antibiotics, the introduction of safer and more efficient chemotherapeutic options are required. Studies have demonstrated anti-B. anthracis activity of novel compounds extracted from medicinal plants and therefore, new insights involving the efficiency of plant-derived compounds and antibiotic combinations exhibiting anti-anthrax potential are needed to be addressed.

Superbug bacteria

The continuous or inappropriate use of antibiotics has resulted in the development of extensive drug resistance in bacteria. Overtime, these organisms will progressively advance and evolve into superbug bacteria as an adaptive response to selective antibiotic pressure [, ]. The WHO has defined these bacteria as “Superbugs” due to the infections caused by these organisms are no longer treatable with existing antibiotic agents []. The CDC has categorized these organisms as urgent, serious, concerning and watch-list pathogenic threats. Antibiotic resistance is highly prevalent among Gram-positive bacteria, in which some of the well known examples of superbugs include methicillin-resistant Staphylococcus aureus (MRSA) and vancomycin-resistant enterococci (VRE). The United States national antimicrobial surveillance data has indicated the emergence more serious superbug infections associated with extended-spectrum beta-lactamases (ESBL) or carbapenemase producing organisms like Klebsiella pneumoniae and Eschericia coli, MDR pathogens like Pseudomonas aeruginosa, Vibrio cholera and Clostridium difficile, Salmonella spp. and drug-resistant Mycobacterium tuberculosis. However, some of the most worrisome threats up to date are associated with emerging superbugs like carbapenem-resistant Acinetobacter spp., particularly Acinetobacter baumannii [].

Methicillin-resistant Staphylococcus aureus

Methicillin-resistant Staphylococcus aureus (MRSA) are Gram-positive bacteria arranged in round-shaped clusters. They are among the most successive pathogens in the modern time period. S. aureus can exist as part of the human flora and can cause opportunistic infections. Being genetically diverse, these organisms can evolve into epidemic strains like MRSA [, ]. These MRSA are formidable clinical threats and are considered as archetypal hospital superbugs that are responsible for causing serious bloodborne infections like sepsis and infective endocarditis [, ]. According to CDC, more than 120,000 cases of hospitalizations reported in the United States from 1999–2000 were due to S. aureus associated infections. Among these cases MRSA accounts for 43.2% of infections in those hospitalized []. Antibiotic agents vancomycin or daptomycin are usually the first-line treatment for MRSA bacteraemia and related infections. However, in case of severe infection, combined therapy with flucloxacillin is given for more effective treatment. The primary reason for methicillin and other β-lactam-resistance in S. aureus is due to the expression of a foreign PBP known as PBP2a by the mecA gene present in them. PBP2a variant binds with β-lactam antibiotics with reduced avidity, which mediates resistance to this class of antibiotics. Lower affinity of PBP2a to β-lactam agents allows MRSA to replicate due to peptidoglycan synthesis taking place in the presence of β-lactams antibiotics that are capable of inactivating transpeptidase activity of PBPs. PBP2a is composed of a non-penicillin-binding protein and transpeptidase domain. Mutations in S. aureus associated genes like mprF, yycH, and dltA are also known for conferring cross resistance to daptomycin. S. aureus are also capable of acquiring genes that encode for antibiotic resistance from their predecessors. MRSA consist of a wide range of dynamic virulence factors that include immune-evasive bacterial surface factors (e.g. protein A and capsule) and tissue ***invasion*** promoting enzymes like hyaluronidase and toxins (e.g. leukocidins and haemolysins) for mediating pathogenesis. Two additional virulence factors known as Panton–Valentine leukocidin and arginine-catabolic mobile element have been discovered in a MRSA isolate called USA300, which facilitated the rapid spread of the strain by improving its adaptability to the pH of the human skin [, ]. Research has been undergoing in order to introduce newer and more effective therapies for MRSA infections such as the development of vaccines and potent natural products.

Vancomycin-resistant enterococci

Vancomycin-resistant enterococci (VRE) are round-shaped Gram-positive bacteria that can cause serious MDR infections and persistent colonization in humans. Enterococci are opportunistic inhabitants that exist in the environment with an ***exceptional*** ability to adapt and evolve to transmit antibiotic-resistant determinants []. VRE can cause life-threatening infections in humans such as bloodstream infections like sepsis, endocarditis and pyelonephritis, in which most of these are nosocomial []. Tan et al. reported that a survey conducted from 2014 to 2016 showed that 523 out of 5,357 patients from health-care facilities in Singapore suffered from infections caused by VRE. An outbreak of VRE related infections has also been reported in 1997 from acute-care hospitals in the United Sates []. Linezolid is usually recommended as the first-line treatment for VRE and whereas, daptomycin, tigecycline and quinupristin-dalfopristin combined therapy are considered as last resort antibiotic agents for the management of enterococci related infections. The primary mechanism of drug resistance in enterococci involves the alteration of pathways associated with peptidoglycan synthesis, which specifically substitute D-Alanine-D-Alanine (D-Ala-D-Ala), to either D-Alanine-D-Serine (D-Ala-D-Ser) or D-Alanine-D-Lactate (D-Ala-D-Lac). These termini in VRE cell walls bind poorly with glycopeptide antibiotics like vancomycin []. A total of eight van gene clusters, vanA, vanB, vanD, vanE, vanG, vanL, vanM, and vanN are responsible for expressing elements required for antibiotic resistance in enterococci with vanA and vanB being the most abundant []. VanA is responsible for mediating the primary mechanism for antibiotic resistance in enterococci []. In addition to drug-resistance mechanisms, these enterococci consist of virulence factors like DNAse, caseinase and gelatinase to promote pathogenesis [].

Extended-spectrum beta-lactamases and carbapenemase producing Klebsiella pneumoniae

Extended-spectrum β-lactamases (ESBL) and carbapenemase producing Klebsiella pneumoniae are rod-shaped Gram-negative bacteria that cause high morbidity and mortality among hospitalized patients under intensive-care and neonatal intensive-care. These organisms are capable of producing carbapenemase against carbapenems and a rapidly evolving class of β-lactamase enzymes known as extended-spectrum β-lactamase, which have the ability to hydrolyze the β-lactam ring of a range of third/fourth-generation cephalosporin antibiotics and render them ineffective. EBSL and carbapenemase mediated drug resistance to numerous antibiotics make it challenging to treat infections caused by these organisms. Klebsiella spp. are ubiquitous in nature that belong to the family of bacteria called Enterobacteriaceae. These organisms exist in the natural environment and are a part of the human flora. K. pneumoniae are opportunistic pathogens, which have the ability to colonize the respiratory tract, gastrointestinal tract, genitourinary tract and eyes of those vulnerable []. Appropriate first-line treatment for EBSL producing K. pneumoniae include with antibiotics like amoxicillin/clavulanic acid, ceftriaxone, ciprofloxacin or cotrimoxazole) []. In case of carbapenemase producing K. pneumoniae, the treatment options include high-dose or combined antibiotic therapy with meropenem, tigecycline and/or colistin, gentamicin or fosfomycin depending on susceptibility []. Müller-Schulte et al. stated that 94% of infections reported from the University Teaching Hospital in Bouaké, West Africa from 2016–2017 were caused by EBSL producing K. pneumonia []. A survey conducted from 2014–2015 in long-term acute care hospitals based in the United States indicated that nearly 25% of infections caused in hospitalized patients were due to carbapenemase producing K. pneumonia []. Genes responsible for coding EBSL mediated antibiotic resistance in K. pneumoniae include blaSHV, CTX-M and TEM []. Navon-Venezia et al. indicated that plasmid genes blaVIM-1, blaOXA-48, blaVIM and blaNDM-1 are responsible for carbapenemase mediated drug resistance in K. pneumoniae []. Additionally, K. pneumoniae consist of virulence factors for facilitation pathogenesis such as capsular (K) antigen for evading phagocytosis, O antigen for ***invasion*** of host cells and siderophores like enterobactin and aerobactin for iron acquisition [].

Extended-spectrum beta-lactamases and carbapenemase producing Eschericia coli

ESBL and carbapenemase producing Eschericia coli are Gram-negative rod-shaped bacteria. These organisms are responsible for causing serious community and hospital-acquired infections worldwide, especially in places where inadequate hygienic practices are common and poor sanitation. E. coli is well known for causing gastroenteritis and infections associated with the urinary tract [, ]. In case of EBSL producing E. coli, the organism is responsible for causing bacteraemia in more than 5000 cases of hospitalized patients in the United Kingdom []. A prevalence survey conducted in a Spanish University Hospital indicated that 7.69% and 1.83% of admitted patients out of 10,643 suffered from infections associated with ESBL producing E. coli and carbapenemase producing E. coli respectively []. Antibiotics like colistin and carbapenems are usually the first-line treatment for ESBL producing E. coli []. Fritzenwanker et al. suggest that ertapenem infusion with meropenem or doripenem combine antibiotic therapy is given infections caused by carbapenemase producing E. coli []. A study conducted by Overdevest et al. showed that ESBL producing E. coli harbored plasmid genes like blaCTX-M-1 and blaTEM-52 []. Shin et al. detected blaNDM–5 gene in high level carbapenemase-resistant E. coli []. Aside from antibiotic resistance, E. coli has a number of virulence factors for mediating pathogenesis like heat-labile toxin, heat-stable toxin, enterohaemolysin, shiga-like toxin, enteroaggregative heat-stable, enterotoxin, haemolysin, cytotoxic necrotizing factor, uropathogenic specific protein and invasin for host cell ***invasion*** and K1-capsule and intimin for immune evasion and cellular attachment [, ].

Multidrug-resistant Pseudomonas aeruginosa

Pseudomonas aeruginosa are Gram-negative bacteria arranged in rods or bacilli. These organisms can be found in the environment (e.g. soil and water) and are known for causing blood borne infections and pneumonia in humans under opportunistic conditions []. P. aeruginosa are also associated with hospital-acquired infections, in which MDR P. aeruginosa is responsible for causing 32,600 infections among patients who were hospitalized and 2700 fatalities in the United States in 2017 []. Monotherapy and combined therapy with antibiotic agents like ceftolozane-tazobactam, ceftazidime-avibactam, cefiderocol and imipenem-relebactam/cilastatin are used for the treatment of infections caused by MDR strains of P. aeruginosa []. The most common mechanism of antibiotic resistance in P. aeruginosa is associated with the overproduction of drug efflux pump systems like MexAB-OprM, MexEF-OprN, MexXY-OprM and MexCD-OprJ induced by mex gene mutations. These multi-drug efflux pumps function as antibiotic molecule extruders. Apart from efflux pumps, these organisms also consist of genes like AmpC that code for the production of β-lactamases and OprD for encoding alterations in type II topoisomerases (DNA gyrase) to mediate resistance against fluoroquinolone and carbapenem antibiotics []. P. aeruginosa also expresses a number of virulence factors such as protease A, exotoxins, phospholipase C and cytotoxins for host cell ***invasion*** and pyoverdine and QS system regulatory proteins essential for the formation of biofilms, that plays a vital role in host immune evasion and antibiotic resistance [].

Multidrug-resistant Vibrio cholera

Vibrio cholera are comma-shape Gram-negative bacteria well known for causing the severe water-borne acute, diarrheal illness cholera. These organisms have become a major threat to public health, particularly in the developing world []. According to recent reports, the V. cholerae O1 El Tor variant is responsible for causing cholera outbreaks worldwide []. The transmission of V. cholerae generally occurs via the faecal-oral route by ingesting contaminated water and food []. Typically, doxycycline is used as the first-line treatment for cholera infection caused by V. cholera []. According to CDC, V. cholerae colonizes the small intestine to cause cholera and an estimation of 2.9 million cases and 95,000 fatalities occur annually worldwide []. WHO estimates that 1.3 to 4 million cases of pathogenic infections and 21,000–143,000 fatalities reported across the globe are due to cholera []. It has been reported that V. cholerae have caused seven pandemics related to cholera in different countries []. MDR V. cholerae has a number of antibiotic resistance mechanisms such as active antibiotic molecule efflux, reduced cell wall permeability to antibiotics, alteration of binding targets sites for antibiotics via undergoing post-transcriptional or translational modifications (e.g. mutations in topoisomerase and DNA gyrase) and hydrolysis or chemo modification of antibiotic agents. These resistance mechanisms are expressed by genes like blaNDM-1, blaDHA-1, carR, ant 3’, tet(M), tetD, foIP, qacEΔ1, mph2, mel, armA, rmtB, rmtC, rmtF, aphA1, arr2, bcr, mphRK, mrx, blaP, vigA, blaCTX-M, sh ble, floR, cat, aacA, aphD, tetG, aac-Ib, qnrVC3, ereA2, bla, strA, strB, sul2, mdtH, rpsl, dfrA, dhfrII, aad3’ and mph in MDR V. cholerae []. Major virulence factors necessary for mediating pathogenesis and host cell ***invasion*** in V. cholerae include the cholera, toxin-coregulated pilus and O antigen [].

Multidrug-resistant Clostridioides difficile

Clostridioides difficile are Gram-positive spore-forming bacteria that are ranged in rods or bacilli. These organisms are responsible for causing colitis and nosocomial diarrhea. C. difficile are opportunistic pathogens, in which they colonize the small intestine when the gut microbiota is disrupted as a result of antibiotic misuse []. Metronidazole is the first-line treatment mild to moderate infection, whereas advanced forms of infection are treated with vancomycin and fidaxomicin monotherapy or combined therapy. C. difficile infection is more prevalent among the elderly who have prescribed antibiotics for other conditions [, ]. CDC reports that 223,900 patients admitted to hospitals and 12,800 fatalities in the United States in 2017 were associated with C. difficile infections []. Data obtained from the French National Uniform Hospital in 2016 indicated that 3.6 cases per 10,000 acute care patient days account for infections caused by C. difficile []. MDR strains of C. difficile consist of genes like gyrA for mediating moxifloxacin and rpoB for mediating resistance against rifampicin. Moreover, C. difficile consist of genes associated with tetracycline resistance like tetM and genes that code for aminoglycoside-modifying enzymes like aac(6′)-aph(2″) and aadE. C. difficile also expresses genes like mef(A)-msr(D), ermG, and vat for coding resistance to antibiotics lincosamide, streptogramins and macrolide. A mutation associated with Cys721Ser PBP in C. difficile has been speculated to contribute resistance towards imipenem []. The bacterial exotoxins TcdA, TcdB and binary toxin are the common virulence factors associated with C. difficile for host ***invasion*** and promoting pathogenesis [].

Drug-resistant Mycobacterium tuberculosis

Mycobacterium tuberculosis are acid-fast bacilli that has been categorized under serious threats by the CDC. These organisms are well known for causing the highly infectious lung associated disease named tuberculosis (TB) []. The transmission of M. tuberculosis occurs via droplet nuclei from an infected person []. TB caused by MDR, XDR or pandrug-resistant (PDR) strains of M. tuberculosis poses a serious threat to the public health worldwide, in which the disease has claimed the lives of 1.3 million and about 8.6 million cases of the infection has been reported in 2012 []. The WHO in 2016 estimated that there were 600,000 cases of TB and 240,000 fatalities attributed to the disease have been reported []. FDA approved first-line treatment anti-TB agents include isoniazid, rifampin, ethambutol, pyrazinamide []. In case of MDR or XDR TB, anti-TB drugs like pretomanid in combination with linezolid and bedaquiline are given []. Bacillus Calmette–Guérin immunotherapy is generally used to prevent TB, which uses a live-attenuated vaccine derived from Mycobacterium bovis to immunize against the TB infection []. M. tuberculosis consists of several genes capable of mediating antibiotic resistance via drug target modulation. These include katG, inhA, ndh and ahpC targeted against isoniazid, rpoB against rifampicin, pncA and rspA targeted to counter pyrazinamide, embCAB and embR that modulates binding sites of ethambutol, rpsL, rrs and gidB targeted against streptomycin, rrs and eis modulates binding sites of amikacin/kanamycin, ethA, inhA, ethR, ndh and mshA to counter ethionamide and gyrA and gyrB modifies DNA gyrase against fluoroquinolones []. The major virulence factors for promoting pathogenesis in M. tuberculosis include phthiocerol dimycocerosate for host cell ***invasion*** and phenolic glycolipids involved in the evasion of host immune responses and inducing macrophage toxicity [].

Multidrug-resistant Salmonella spp.

Salmonella spp. are Gram-negative zoonotic disease causing enteric bacteria. Over 2600 serotypes of Salmonella have been identified, which are responsible for causing gastrointestinal diseases such as food poisoning. Depending on the nature of symptoms, Salmonella infections can be classified as non-typhoidal, paratyphoidal and typhoidal, in which both paratyphoidal and typhoidal Salmonella causes high fever (typhoid fever). Most cases of foodborne infections have been found to be associated with Salmonella enterica serovar Enteritidis [–]. The transmission of Salmonella occurs via the fecal–oral route by ingesting contaminated food []. Generally, the first-line treatment for Salmonella infections include with antibiotics like fluoroquinolones for adults and azithromycin for children pediatric patients. Alternatively, ceftriaxone can also be used as a first-line antibiotic therapy for Salmonella []. The FDA has approved Salmonella vaccines such as Vi bacterial polysaccharide (Vi antigen) under the brand name Typhim Vi and Vivotif that uses a live-attenuated ty21a strain via oral administration for the immunization against typhoid fever []. According to CDC, about 1.35 million community infections, 26,500 cases of hospitalizations, and 420 fatalities in the United States annually are associated with Salmonella []. Zhang et al. stated that about 70–80% of outbreaks of foodborne illnesses in China are caused by Salmonella bacteria []. A global study conducted by WHO indicated that 21,650,974 cases of Salmonella infections caused typhoid fever, which resulted in death among 216,510 of the infected and 5,412,744 cases suffered from paratyphoid fever []. Zhang et al. revealed that mutations in AcrAB gene mediate antibiotic resistance in Salmonella by overexpressing AcrAB-TolC bacterial efflux pumps. The findings of the same study showed that genetic mutations in GyrA and GyrB can alter DNA Gyrase in Salmonella, which are known for facilitating the development of resisatnce against ciprofloxacin. Another study revealed that aac(6′)-I gene is frequently associated with aminoglycoside resistance. Moreover, the β-lactamase producing blaCMY-2 gene and tetR\*\* gene that encodes for tetracycline resistance were abundantly present in Salmonella []. There are a number of associated with Salmonella such as the Vi capsular antigen, somatic O antigen, H antigen (flagella), fimbriae and type III secretion systems that include Salmonella pathogenicity island 1 (SPI-1), SPI-2, which promote host cell ***invasion*** and pathogenesis [, ]. The cytolethal distending toxin in Salmonella has been found to cause typhoid fever among the infected. Other salmonellosis mediating toxins like pertussis-like toxin A and pertussis-like toxin B were also have been found to be expressed by these organisms [].

Acinetobacter baumannii

Acinetobacter baumannii is accountable for causing most community and hospital-acquired infections. Overtime, these organisms can evolve into XDR or PDR superbugs as a result of continuous selective pressure and rendering the majority or all existing antibiotics ineffective. The CDC has alerted and listed A. baumannii as an organism that needs to be considered as an urgent threat [, , ]. A. baumannii is a coccobacillus Gram-negative bacterium that is known for colonizing the gastrointestinal, respiratory tract and the oral cavity of humans. It is also recognized as a formidable opportunistic pathogen that causes many forms of severe recalcitrant infections. A. baumannii infections are resulted frequently due to wound contamination []. However, it is a clinically dominant bacterial species that has a pronounced tendency to cause healthcare-associated nosocomial infections [, ]. A. baumannii has been listed under ESKAPE pathogens and is the most aggravating member of the Acb-complex (A. calcoaceticus, A. baumannii and Acinetobacter genomic species 13TU) that have been found to show high resistance to antibiotic agents which increases the risk of mortality among hospitalized patients under intensive care [, , –]. Although infections caused by this bacterium were able to keep under control in early 1970s, A. baumannii lately re-emerged as MDR and XDR strains with marked resistance to most antibiotics like gentamicin, nalidixic acid, minocycline, carbenicillin, and ampicillin. The bacterium exhibited resistance to a majority of antibiotics during early 1990s and by late 1990s, the only treatment of choice was carbapenems in combination with rifampicin [, ]. Presently, infections caused by MDR and XDR strains of A. baumannii were being treated with antibiotics like polymyxin B, colistin and tigecycline. However, more new strains of A. baumannii have been frequently reported that can exhibit resistance to the aforementioned antibiotics [, ]. The extensive resistance to antibiotics in A. baumannii is primarily due to the prevalence of adaptive multidrug efflux pumps like adeA, adeB, adeC, adeDE, adeABC, adeFGH, adeXYZ and adeIJK in the bacterium []. A. baumannii harbors a multitude of virulence factors for facilitating host cell ***invasion*** and pathogenesis such as the biofilm promoter outer membrane protein A, surface antigen 1, lipid A, phospholipase, secretion systems (type 1, type 2, type 4, type 5, type 6 and type V), siderophores for iron acquisition, binding domains for the acquisition of zinc and magnesium and drug resistance promoting QS systems []. These rapid mutations in A. baumannii make it one of the most challenging biological factors to human health and public health-care systems. The recent emergence of pandrug-resistant superbugs like A. baumannii has indicated an urgent necessity for the discovery of novel antibacterial agents and chemotherapeutic strategies [, ].

Plant-derived compounds as antibacterial agents

Plants are natural factories capable of producing a series of different phytochemical compounds. These compounds were produced in response to adverse biotic and abiotic environmental conditions. Phytoconstituents have a major impact on other plants, animals and microorganisms in their immediate environment that surrounds them []. Plant-derived constituents are biologically active organic compounds and are generally defined as secondary metabolites. These secondary metabolites are structurally diverse compounds that are classified into three primary groups as phenolic compounds (phenolic acids, simple phenols, flavonoids, quinones, coumarins and tannins), alkaloids and terpenes (Fig. ). These compounds can be isolated from crude extracts and essential oils of plants. Complex mixtures of phytochemicals are represented in crude extracts that contain primary and secondary metabolites of different classes, chemical and biosynthetic. These compounds share some of the common mutual characteristics, such as volatility and/or polarity. Since antiquity, extracts obtained from medicinal plants have been known to have broad-spectrum antimicrobial activities and have been frequently studied and reviewed. Their profound antibacterial activity is generally recognized as a safe substance and, with the minimal risk of developing bacterial resistance, has qualified them as suitable sources for the development of new antibacterial agents [, ].

Chemical structures of plant compounds generally isolated from plants

Mechanism of action of plant-derived antibacterial compounds

The efficiency of antibacterial compounds derived from plants depends on several factors, such as features of test microorganism (type, species and strain), botanical source and composition of the bioactive phytochemical compounds, as well as the stage of development, time of harvesting of the plant material and most importantly, the method of plant extraction. Due to the complex nature of the compounds present in crude extracts of plants, they can exhibit multiple mechanisms of action on bacteria. These include the suspension of bacterial growth, function or viability, targeting bacteria virulence factors, potentiating the effectiveness of antibiotics as agents that modify bacterial resistance. Similar to antibiotic agents, these phytochemicals can inhibit the growth and replication of bacteria, disrupting the structure and function of the bacterial cell membrane [], interrupting the synthesis of nucleic acids such as DNA or RNA [], disrupting the intermediary metabolism [], and the coagulatory induction of bacterial cytoplasmic constituents [].

Several studies have been conducted to understand and illustrate the antibacterial action of phenolic compounds such as flavonoids, coumarins and tannins. Flavonoids are a diverse group of polyphenolic compounds that have the ability to inhibit the activities of DNA gyrase and DNA topoisomerase, energy metabolism mediated by NADH-cytochrome C reductase or inhibition of ATP synthase and the interruption of components involved in the synthesis of the cell wall and cell membrane []. Possible targets of quinones include peptidoglycan from the bacterial cell wall and enzymes associated with the cell membrane []. It is known that tannins cause the destabilization of the cell membrane and alterations in metabolic pathways and inactivation of membrane-bound proteins []. Phytochemicals like coumarins mediate the delay in bacterial cell respiration. Terpenes disrupt the bacterial cell membrane due to their lipophilic nature. Alkaloids are some of the most widely studied plant-derived compounds which can intercalate with bacterial DNA and enzymes associated with nucleic acids as esterase, DNA or RNA polymerases []. Examples of antibacterial mechanisms of action of plant secondary metabolites against CDC classified bacterial superbugs and anthrax biological agent B. anthracis are elucidated in Table .

Representative studies on phytochemical constituents generally used for antibacterial activity against B. anthracis and superbug bacteria

| **Phytochemical** | | **Bacteria** | **Mechanism of action** | **MIC of plant compound** | **References** |
| --- | --- | --- | --- | --- | --- |
| **Class** | **Compound** |
| Flavonoids | Glabrol | MRSA | Bacterial cell membrane disruption and dissipation of proton motive force | ? | [] |
|  | Datiscetin, | *S. aureus* | Interfere with the synthesis of DNA and ribosomal RNA synthesis | ? | [] |
|  | Morin, |  |  |  |  |
|  | Quercetagetin, |  |  |  |  |
|  | Robinetin, |  |  |  |  |
|  | Myricetin, |  |  |  |  |
|  | Galangin, |  |  |  |  |
|  | Kaempferol, |  |  |  |  |
|  | Fisetin, |  |  |  |  |
|  | Quercetin, |  |  |  |  |
|  | Dihydrorbinetin |  |  |  |  |
|  | Norwogonin | *A. baumannii* | ? | 128 ?g/mL | [, , ] |
|  | Baicalein |  | ? | ? |  |
|  | Baicalin |  | ? | ? |  |
|  | Luteolin |  | Protein leakage from bacterial cell | ? | [] |
|  | Isoorientin |  |  |  |  |
|  | Epicatechin gallate |  | ? | ? | [, ] |
| Quinones | Haloemodins | MRSA and VRE | Inhibition of DNA gyrase | ? | [] |
|  | Anthraquinone | *B. anthracis* | ? | 130 ?g/?L | [] |
| Alkaloids | Tomatidine | *Bacillus* sp*.Staphylococcus* sp., *Listeria* sp*.* | Inhibition of ATP synthase activity | ?? | [, ] |
|  | Berberine | *A. baumannii, E. faecalis, S. aureus* | ? | ? | [, ] |
|  |  | *S. pyogenes* | ? | 30 ?g/mL |  |
| Organosulfur compounds | Allicin | *S. epidermidis, S. agalactiae* | Inhibition of Sulfhydryl-dependent enzyme, Inhibition of DNA and protein synthesis | ? | [] |
|  | Ajoene | *Streproproteus* sp., *Staphylococcus* sp. | Sulfhydryl-dependent enzyme inhibitor | ? | [] |
|  | Allyl methyl trisulfide | *A. baumannii* | ? | 3120 ?g/mL | [] |
| Phenols | p-Coumaric acid | *O. oeni, L. hilgardii* | Damage to the cytoplasmic membrane | ? | [] |
|  |  | *S. aureus, S. pyogenes, B. cereus, B. subtilis* | ? | ? | [, ] |
|  | 3-p-Trans-coumaroyl-2-hydroxyquinic acid | *S. aureus* | ? | ? | [] |
| Phenols | Thymol | *A. baumannii* | ? | ? | [, ] |
|  | Epigallocatechin gallate | *A. baumannii* | ? | 312?625 ?g/mL | [, , , ] |
|  |  | *S. aureus* | ? | 100 ?g/mL |  |
|  | Theaflavin | *A. baumannii* | ? | 256?512 ?g/mL | [, , ] |
|  | Paeonol | *A. baumannii, E. faecalis, S. aureus* | ? | ? | [, ] |
|  | Honokiol, | *A. baumannii* | ? | ? | [, ] |
|  | Magnolol |  | ? | ? |  |
|  | Sugiol | *S. aureus* | ? | ? | [] |
|  | Rosmarinic acid | *A. baumannii* | Protein leakage from bacterial cell | 1000 ?g/mL | [] |
|  | Sophoraflavanone B | MRSA | Direct interaction with peptidoglycan | ? | [] |
|  | Naringenin, Eriodictyol, Taxifolin | *E. faecalis* | ?-Ketoacyl acyl carrier protein synthase (KAS) III | ? | [] |
| Phenols | Curcumin | *S. aureus* | Causes leakage of constitutes from cell membrane | ? | [, ] |
|  | *A. baumannii* | ? | 4 ?g/mL |  |  |
| Coumarin | Aegelinol, | *S. aureus* | DNA gyrase inhibitor | ? | [] |
|  | Agasyllin | ? | ? |  |  |
|  | 4?-senecioiloxyosthol, | *B. subtilis* | ? | ? | [] |
|  | Osthole | *B. subtilis, S. aureus* | ? | ? |  |
|  | Asphodelin A 4?-O-?-D-glucoside, | *S. aureus* | ? | ? | [] |
|  | Asphodelin A |  | ? |  |  |
| Terpene | Farnesol | *E. faecium* | Cell membrane disturbance | ? | [] |
|  | NerolidolPlaunotol | *S. aureus* |  | ? | [] |
|  | Oleanolic acid | *A. baumannii* | Protein leakage from bacterial cell | ? | [] |
|  | Ursolic acid |  |  | ? |  |
|  | Dehydroabietic acid | *B. anthracis* | Inhibits the cellular cytoplasmic entry of anthrax toxin | ? | [, , ] |
|  | Celastrol |  | ? |  |  |
|  | Toosendanin |  | ? |  |  |
| Tannins | (4R)-(?)-carvone | *L. monocytogenes* | ? | ? |  |
|  | (4S)-( +)-carvone | MRSA, MSSA | Cell membrane disturbance | 310 ?g/mL | [, , ] |
|  | Carvacrol | *A. baumannii* | ? |  | [] |
|  | Eugenol | *A. baumannii* |  | 1250 ?g/mL | [, ] |
|  | Cinnamaldehyde | *S. aureus* | Destabilization of plasma membranes,inhibition of metabolites and bacterial enzymes and deprivation of substrates needed for bacterial growth | ? | [] |
|  | Ellagitannins | *L. monocytogenes* | ? | [, ] |  |
| *S. aureus* | ? | [, ] |  |  |  |
|  | Ellagic acid | *A. baumannii* | ? | 250 ?g/mL | [, ] |
|  |  | *B. cereus, S. aureus* | ? | ? | [] |
|  | Tannic acid | *S. aureus* | Cell membrane disturbance | ? | [, ?] |
|  | Gallotannins |  |  |  |  |
|  | Procyanidins | *S. aureus,B. subtilis* |  | ? |  |
|  | Terchebulin | *A. baumannii* | ? | 500 ?g/mL | [, ] |
|  | Chebulagic acid |  | ? | 1000 ?g/mL |  |
|  | Chebulinic acid |  | ? | 62.5 ?g/mL |  |
|  | Corilagin |  | ? | 1000 ?g/mL |  |
|  | Prodelphinidins | *S. aureusB. subtilis* | Cell membrane disturbance | ? | [, , ] |
|  | Prorobinetinidins | ? |  |  |  |
|  | Profisetinidins | *B. subtilis* | ? | ? | [, ] |
|  | Hexahydroxydiphenoyl ester vescalagin | *A. baumannii* | ? | ? | [, , ] |
|  |  | *S. aureus* | ? | 62 ?g/mL |  |
|  |  | *B.cereus* | ? | ? |  |
|  | Trans-cinnamaldehyde | *A. baumannii* | ? | 310 ?g/mL | [, ] |
|  | Lyoniresinol-3 alpha-O-beta-D-glucopyranoside | *A. baumannii* | ? | ? | [, ] |
|  | *E. faecalis* | ? | ? |  |  |
|  | *S. aureus* | ? | ? |  |  |
|  | Furanosesquiterpenes | *A. baumannii* | ? | 2500 ?g/mL | [, ] |
|  | 4-cymene | *S. aureus* | ? | 1000 ?g/mL | [, ] |

Methods for evaluating the antibiotic synergistic activity of plant-derived compounds

Growth inhibitory indices

The agar diffusion assay based synergistic activity of antibiotic-plant extract combinations can be evaluated using the application of the growth inhibitory indices (GIIs), calculated according to the formula below:

The GIIs value > 1 will be considered as synergistic, 1 as additive, and < 1 as antagonistic [].

Fractional inhibitory concentration index

The fractional inhibitory concentration index (FICI) is used for the evaluation of synergism between two antimicrobial compounds in micro/macrobroth dilution assays. The FICI of the antibiotic-plant extract combination agent can be estimated using the standard formula shown below:

FIC index ≤ 0.5 will be considered as synergistic, > 0.5 but < 1 as partially synergistic, additive when = 1, indifferent when > 1 but < 4 and ≥ 4 as antagonistic [].

Synergistic interaction between phytoextracts and antibiotics

Synergism between plant-derived compounds and existing antibiotic agents is an effective and an efficient way to manage the development of bacterial multi-drug resistance [, ]. Several studies have shown the significance of this type of synergistic interaction in the discovery of novel antibacterial agents. Phytochemicals are cable of interacting with synthetic antibiotic agents. This phytochemical and antibiotic interaction has been classified as antagonistic, additive or synergistic. The term antagonistic is given when a plant-derived compound reduces the effectiveness of an antibiotic agent against a certain type of bacteria, whereas the terms additive and synergistic are assigned to compounds that can enhance the antibacterial activity of the antibiotic []. An additive effect is usually considered as the baseline effect for detecting synergy in antimicrobial assays, in which such effect can be theoretically expected from a combination of multiple antimicrobial agents when the synergistic effect is absent. Synergistic effect can be defined as a combined effect that is significantly greater than the additive effect. A plant extract/compound fused with an antibiotic agent can be considered as a synergistic product when their combined action is superior to that of their individual antibacterial activity []. The distinctive action of phytochemical-antibiotic synergism is the ability to overcome antimicrobial resistance. Besides reducing antibiotic resistance, another advantage of this type of synergism is that it can reduce the minimum inhibitory concentration of an antibiotic agent, which also lower the dose needed for its effect to take place and mitigation of possible adverse effects [, ].

A recent study indicated that epigallocatechin gallate isolated from Camellia sinensis, which is a variant of green tea was able to potentiate the antibacterial action of sulfamylon (mafenide acetate) against a clinical isolate of A. baumannii []. Another study showed that phytoextracts obtained from plants like Alstonia scholaris, Adenium obesum, Cerbera odollam, Cerbera manghus, Nerium oleander, Holarrhena antidysenterica, Plumeria obtuse, Wrightia pubescens, Thevetia peruviana, Punica granatum, Terminalia bellirica, Quisqualis indica, Terminalia sp. and Terminalia chebula were able to synergistically potentiate the activity of seven antibiotic agents like cephazolin, rifampicin, meropenem, gentamicin, erythromycin, streptomycin, fusidic acid and novobiocin against A. baumannii ATCC 19606 [–]. Knezevic et al. reported that plant extracts obtained from Eucalyptus camaldulensis showed ciprofloxacin, polymyxin B and gentamicin potentiating effect when used against different strains of A. baumannii []. Isolated phytochemical compounds like tannic acid, catechol, cinnamic acid, ellagic acid, ferulic acid, gallic acid and syringic acid have exhibited novobiocin potentiating ability against A. baumannii JVC1053 []. A study indicates that extracts of Levisticum officinale was able to synergistically enhance the antibacterial action of cipofloxacin against MDR A. baumannii NCTC 13305 []. An investigation conducted by Mandal et al. showed that ethanolic extracts of Ocimum sanctum potentiated the antibacterial action of trimethoprim and chloramphenicol against S. typhi with highest GIIs ranging from 1.2 to 1.3 []. Plant extracts obtained from Peganum harmala L, Cassis italic Mill, Carthamus tinctorius have exhibited the antibiotic potentiating ability of ampicillin, cefotaxime, vancomycin, chloramphenicol, tetracyclines against A. baumannii with a FICI of 0.5 [, ]. Antibiotics like cefotaxime, tetracyclines, vancomycin, ampicillin and chloramphenicol showed enhanced antibacterial activity against clinical isolates of A. baumannii when used in conjunction with phytoextracts of Terminalia chebula and Senna italica Mill [, ]. Liu et al. revealed that isolated compounds present in Pithecellobium clypearia mediated synergistic antibacterial activity against A. baumannii when used in combination with imipenem, cefoperazone, ceftazidime, levofloxacin, amikacin, tetracycline and polymyxin B sulfate []. A study indicates that the isolated phytochemical compound known as berberine exhibited antibiotic potentiating ability of ciprofloxacin and Imipenem against A. baumannii []. Allicin (Fig. ) isolated from Allium sativum (garlic) indicated FICIs of 0.5 and 0.38 when used in combination with cefazolin and oxacillin respectively against S. aureus and FICIs of 0.25 for both antibiotics when used in combination against S. epidermidis []. Ekambaram et al. showed that rosmarinic acid (Fig. ) was able to synergistically potentiate the antibacterial activity of vancomycin, amoxicillin and ofloxacin when used in combination against S. aureus and MRSA with FICIs of 0.5 for each combination []. One study indicated that oleanolic acid (Fig. ) was able to enhance the antibacterial action of kanamycin and gentamicin against A. baumannii. A FICI of 0.313 for gentamicin and 0.375 for kanamycin was indicated when combined with oleanolic acid []. Another study showed the antibiotic potentiating ability of Zingiber cassumunar extracts when used in combination with a range of broad-spectrum antibiotic agents like trimethoprim-sulfamethoxazole, amoxicillin, amoxicillin-clavulanic acid, piperacillin-tazobactam, ceftazidime, cefepime, ceftriaxone, imipenem, cefotaxime, meropenem, ertapenem, tetracycline, gentamicin, amikacin, gentamicin, doxycycline, ciprofloxacin and levofloxacin against an XDR strain of A. baumannii []. Isolated compounds from plants taken for the investigation of antibiotic synergism include bisbenzylisoquinoline, tetrandrine, carvacrol, curcumin, murucoidin, catechol, cinnamic acid, ferulic acid, gallic acid, syringic acid, berberine, methyl gallate, ethyl gallate, pyrogallol, myricetin-3-O-α-L-rhamnopyranoside, quercetin-3-o-α-l-rhamnopyranoside, 5,3',4',5'-tetrahydroxy-flavan-7-gallate, ellagic acid, (E)-3,2',4'-trihydroxy-3'-methoxychalcone, (2S)-5,7,2'-trihydroxyflavonone, 7-methyljuglone, isoimperatorin and tannic acid (Table and Figs. , ). A study indicate that crude seed and seed oil extracts of Jatropha curcas showed synergistic activity against both MDR and clinical strains of E. coli, P. monteilii, P. aeruginosa, MRSA, E. faecalis, MDR A. baumannii and P. chlororaphis when used in combination with cephazolin, rifampicin, fusidic acid ciprofloxacin, cefotaxime, rifampicin, moxifloxacin and ofloxacin. The seed oil extract of J. curcas combined with cefotaxime showed the best synergism in the study with an FICI of 0.005 against the clinical isolate of P. aeruginosa []. An investigation revealed that theaflavin (Fig. ), an antioxidant polyphenol compound present in black tea was able to potentiate the antibacterial action of ampicillin with a FICI of 0.35 when tested against S. maltophilia []. Seed and root extracts obtained from Peganum harmala L. synergistically potentiated the antibacterial action of novobiocin and carbenicillin against B. anthracis isolated from a clinical specimen []. Moreover, a study conducted by Kouitcheu et al. showed that extracts obtained from Cylicodiscus gabunensis, Picralima nitida, Cassia arereh and Trichilia emetic interacted synergistically with gentamicin, erythromycin and kanamycin against V. cholera. These extracts were able to reduce the MICs of the selected antibiotic by 2 to 16 fold for V. cholera []. The hydro-alcholic extracts of Oliveria decumbens showed a synergistic effect when used in combination with tetracycline, oxacillin and doxycycline against Brucella melitensis. According to the investigation, O. decumbens-doxycycline combination indicated the highest anti-Brucella synergistic activity with a zone of inhibition that is 9 mm larger than the antibiotic alone []. Tsevelmaa et al. investigated the synergistic antibiotic potentiating activity of Caryopteris mongolica Bunge root extract against B. melitensis under in vitro conditions. The study showed that C. mongolica significantly reduced the neutrophil phagocytic activity of B. melitensis infected female BALB/c mice when used in combination with doxycycline compared to the antibiotic alone []. A study conducted by El-Tawab showed that plant extracts obtained from Camellia sinensis, Thymus vulgaris, Zingiber officinale, Curcuma longa and Pelargonium graveolens potentiated the antibacterial action of amoxicillin, gentamicin, doxycyciline, difloxacin against Listeria monocytogenes. P. graveolens-difloxacin combination indicated the highest anti-Listeria synergistic activity in the study, which induced an inhibition zone diameter of 8 mm larger than difloxacin alone [].

Chemical structures of isolated plant compounds studied for antibiotic synergistic activity

List of phytoextracts used in combination with antibiotics against B. anthracis and superbug bacteria for synergistic activity

| **Plant source** | **Compound** | **Antibiotic combination used with phytoextract** | **Effect/Mechanism of synergistic interaction on bacteria** | **References** |
| --- | --- | --- | --- | --- |
| *Stephania tetrandra* | Baicalin | ?-lactam antibioticsCiprofloxacin, Tetracycline | Reduction of ?-lactamases in MRSAInactivation of NorA, TetK efflux pumps expressed in *S. aureus* | [, ] |
| Alkaloids, BisbenzylIsoquinoline, Demethyltetrandrine, Tetrandrine | Azithromycin, Ampicillin, Levofloxacin, Cefazolin | Reduces the MIC of MRSA | [] |  |
| *Erythrina variegata* | Eryzerin-C/Erybraedin-A, Sophoraflavanone-G | Fosfomycin, Levofloxacin, Vancomycin, Gentamicin, Minocycline, Methicillin, Cefzonam | Inactivation of NorA efflux pumps expressed in MRSA and VRE | [, ] |
| Cranberry | Carvacrol | Erythromycin | Reduces MIC of Erythromycin-resistant Group A Streptococci | [] |
| ? |  | Tetracycline | Reduces the MIC of *S. aureus* | [] |
| ? | Conessine | Cefotaxime, Levofloxacin | Inactivation of MexAB?OprM efflux pumps expressed in *P. aeruginosa* | [] |
| *Artemisia annua* | Artemisinins | Penicillin G, Cefazolin, Ampicillin, Cefoperazone, Cefuroxime | Inactivation of AcrAB?TolC efflux pumps expressed in *E.coli* | [] |
| *Curcuma longa* Linn | Curcumin | Oxacillin, Norfloxacin | Reduces the MIC of MRSA | [, ] |
|  |  | Cipofloxacin, Ampicillin |  |  |
|  |  | Gentamicin, Cefepime, Amikacin, Ampicillin, Ceftriaxone,Meropenem, Imipenem | Prevents or reduces biofilm formation in Gram-positive bacteria | [] |
|  |  | Ampicillin,Ciprofloxacin,Tetracycline, Vancomycin,Erythromycin,Gentamicin, Amikacin, Clindamycin,Fusidic acid, Penicillin | Reduces the MIC of MRSA and MSSA | [] |
|  |  | Plymyxin B, E | Inactivation of multi-drug resistant EtBr and EmrAB efflux pumps expressed in *A. baumannii* | [, , ] |
| *Hedychium coronarium* | Coronarin D | Tetracycline, Gentamicin, Rifampicin | Reduces the MIC of *B. cereus* | [] |
| *Arctostaphylosuva-ursi* | Corilagin | Oxacillin, Cefmetazole | Reduces the fabrication of PBP2a in MRSA | [] |
| *Jatropha elliptica* | 2,6-Dimethyl-4-phenyl-pyridine-3,5-dicarboxylic acid diethyl ester | Erythromycin | Inactivation of NorA efflux pumps expressed in *S. aureus* | [] |
| *Camellia sinensis* (Green tea) | Epigallocatechin gallate | Ampicillin or Sulbactam | Reduction of ?-lactamases in MRSA | [] |
|  |  | Sulfamylon (mafenide acetate) | Reduces MIC of *A. baumannii* (Clinical isolate) | [] |
|  |  | Penicillin | Reduction of penicillinase in *S. aureus* | [] |
|  |  | Tetracycline | Inactivation of TetK efflux pumps expressed in *S. aureus* | [, ] |
| *Cytisus striatus* | Isoflavonoids | Erythromycin, Ciprofloxacin | Inactivation of NorA efflux pumps expressed in MRSA | [] |
| ? | Cathinone | Ciprofloxacin | Inactivation of acrAB?TolC efflux pumps expressed in *S. typhimurium* | [] |
| ? | Theobromine | Ciprofloxacin, Tetracycline | Inactivation of acrAB?TolC efflux pumps expressed in *S. typhimurium* and *K. pneumoniae* |  |
| ? | Myricetin | Cefoxitin | Inactivation of NorA efflux pumps expressed in MRSA | [] |
|  |  | Cefoxitin, Amoxicillin-clavulanate, Ampicillin-sulbactam | Inactivation of NorA efflux pumps in ESBL producing *K. pneumoniae* and MSSA | [] |
| ? | Rugosin B | Beta Lactam | Reduction of ?-lactamases in MRSA | [] |
| ? | Totatrol | Methicillin | Reduces the synthesis of PBP2a in MRSA and MSSA | [, ] |
| Glycosmis | 5-O-Methylglovanon | Ampicillin | Reduction of ?-lactamases in *S. epidermidis* and *S. aureus* | [] |
| *Punica granatum* (Pomegranate) | ? | Gentamicin, Chloramphenicol, Tetracycline, Ampicillin, Oxacillin | Inactivation of NorA efflux pumps expressed in MRSA | [] |
| *Herissantia tiubae* | Tiliroside | Lomefloxacin, NorfloxacinCipofloxacin | Inactivation of NorA multi-drug resistant efflux pumps expressed in *S. aureus* | [] |
| *Piper nigrum* | Piperine | Ofloxacin |  | [] |
| Green tea | Epicatechin gallate | Oxacillin or Norfloxacin | Inactivation of multi-drug resistant efflux pumps expressed in *S. aureus* and MRSA | [, , ] |
| *Ipomoea murucoides* | Murucoidin | Norfloxacin | Reduces MIC of MRSA | [] |
| *Rosmarinus officinalis* | Carnosic acid, | Erythromycin | Inactivation of NorA, MsrA efflux pumps expressed in *S. aureus* | [] |
| ? | Carnosol | Erythromycin, Tetracycline | Inactivation of NorA, MrsA, TetK efflux pumps expressed in *S. aureus* | [] |
| ? | Pinoresinol, Tiliroside, Momorcharaside B, Magnatriol B | ?-Lactam antibiotics | Reduces the synthesis of PBP2a and PBP4 in MRSAMIC reduction and inactivation of CmeABC efflux pumps expressed in *C. jejuni* | [] |
| ? | p-Coumaric acid, Caffeic acid, Vanillic acid, Sinapic acid, Gallic acid, Taxifolin | Cipofloxacin, Erythromycin | [] |  |
| *Persea lingue* | Kaempferol-3-O-?-L-(2,4-bis-E-pcoumaroyl) rhamnoside | Cipofloxacin | Reduces MIC of *S. aureus* | [] |
|  |  | Norfloxacin | Inactivation of NorA efflux pumps expressed in *S. aureus* |  |
| ? | Reserpine | Moxifloxacin, SparfloxacinCiprofloxacin | Inactivation of NorA efflux pumps expressed in *S. aureus* | [] |
| ? | Reserpine | Norfloxacin, Tetracycline, Ciprofloxacin | Inactivation of TetK, NorA, Bmr, MepA efflux pumps expressed in *S. aureus, S. pneumonia, B. subtilis* | [, ] |
| ? | Tannic acid | Tetracycline, Norfloxacin | Inactivation of NorA, TetK efflux pumps expressed in *S. aureus* | [] |
| *Berberis fremontii* | 5'-methoxyhydnocarpin-D, Pheophorbide A | Amikicine, Ampicillin, Tetracycline | Inactivation of NorA multi-drug efflux pumps expressed in *S. aureus* | [, , ] |
| ? | Theaflavin | Ampicillin | Reduces MIC of *S. maltophilia* | [] |
| ? | Tellimagrandin I | ?-Lactam antibiotics | MIC reduction of MRSA | [, , ] |
| *Wrightia tinctoria* | Indoline, indirubin | Ciprofloxacin | Inactivation of NorA efflux pumps expressed in *S. aureus* | [, ] |
| *Alstonia scholaris* | ? | Cephazolin | MIC reduction of *A. baumannii* ATCC 19,606 | [, ] |
| *Adenium obesum* | ? | Rifampicin |  |  |
| *Cerbera odollam* | ? | Cephazolin |  |  |
| *Cerbera manghus* | ? | Meropenem, Gentamicin, |  |  |
| *Nerium oleander* | ? | Erythromycin |  |  |
| *Holarrhena antidysenterica* | ? | Cephazolin |  |  |
| *Plumeria obtusa* | ? | Cephazolin, Rifampicin, |  |  |
| *Wrightia pubescens* | ? | Streptomycin |  |  |
| *Thevetia peruviana* | ? | Cephazolin, Rifampicin, Fusidic acid | MIC reduction of *A. baumannii* ATCC 19,606and *P. chlororaphis* | [] |
| *Jatropha curcas* | ? | Ciprofloxacin, Cefotaxime, Rifampicin, Moxifloxacin, Ofloxacin | MIC reduction of *E. coli, P. monteilii, P. aeruginosa,* MRSA*, E. faecalis*, MDR *A. baumannii* | [] |
| ? | Catechol, Cinnamic acid, Ellagic acid, Ferulic acid, Gallic acid, Syringic acid, Tannic acid | Novobiocin | MIC reduction of *A. baumannii* JVC1053 | [] |
|  | Ellagic acid, Tannic acid | Novobiocin, Coumermycin, Chlorobiocin, Rifampicin and Fusidic acid | Disruption of efflux pumps present in *A. baumannii* JVC1053 | [] |
| *Levisticum officinale* | ? | Cipofloxacin | MIC reduction of *A. baumannii* NCTC 13,305 | [] |
| *Peganum harmala L,Cassis italic Mill,Carthamus tinctorius* | ? | Ampicillin, Cefotaxime, Vancomycin, Chloramphenicol, Tetracyclines, | Increased inhibition zone diameter of antibiotic against *A. baumannii* (Clinical isolate) | [, ] |
| *Terminalia chebula* | ? | Cefotaxime | Increased inhibition zone diameter of antibiotic against *A. baumannii* (Clinical isolate) | [] |
| *?* | Berberine | Ciprofloxacin, Imipenem | MIC reduction of *A. baumannii* (Clinical isolate) | [, ] |
| Vancomycin | MIC reduction and biofilm disruption of *C. difficile* | [] |  |  |
| *Punica granatum,Holarrhena antidysenterica,Terminalia bellirica,Quisqualis indica,Terminalia* sp.*,Terminalia chebula* | ? | Novobiocin | MIC reduction of *A. baumannii* ATCC 19,606 | [] |
| *Eucalyptus camaldulensis* | ? | CiprofloxacinPolymyxin B, Gentamicin, | MIC reduction of *A. baumannii* ATCC 19,606, *A. baumannii* ATCC BAA747, *A. baumannii* NCTC 13,420 | [] |
| *Allium sativum* (Garlic) | Allicin | Cefazolin, Oxacillin | MIC reduction of *S. aureus* and *S. epidermidis* | [] |
| *?* | Rosmarinic acid? | Vancomycin, Amoxicillin, Ofloxacin | MIC reduction of *S. aureus* ATCC 25,923 and MRSA (Clinical isolate) | [] |
| *Thymbra spicata* L | ? | Ampicillin, Amikacin Cefotaxime, Ciprofloxacin | MIC reduction of *K. pneumoniae* and *S. aureus* | [] |
| *Zingiber cassumunar* | ? | Trimethoprim-sulfamethoxazole, Amoxicillin, Amoxicillin-clavulanic acid, Piperacillin-tazobactam, Ceftazidime, cefepime, Ceftriaxone, Imipenem, Cefotaxime, Meropenem, Ertapenem, Tetracygentamicin, Amikacin,Gentamicin, Amikacin, Doxycycline, Ciprofloxacin, Levofloxacin, Tetracycline | Increased inhibition zone diameter of antibiotic against XDR *A. baumannii* | [] |
| *Holarrhena antidysenterica* | Conessine | Novobiocin, Rifampicin | Inactivation of AdeIJK multi-drug efflux pumps expressed in XDR *A. baumannii* | [] |
| *Senna italica Mill* | ? | Tetracyclines, Vancomycin, Ampicillin, Chloramphenicol | Increased inhibition zone diameter of antibiotic against *A. baumannii* (Clinical isolate) | [] |
| *Capsicum* (chili peppers) | Capsaicin | Ciprofloxacin | Inactivation of NorA efflux pumps expressed in *S. aureus* | [] |
| *Pithecellobium clypearia* | Gallic acidMethyl gallateEthyl gallatePyrogallolMyricetin-3-O-?-L-rhamnopyranosideQuercetin-3-O-?-L-rhamnopyranoside5,3',4',5'-tetrahydroxy-flavan-7-gallateEpigallocatechin gallate | Imipenem, Cefoperazone, Ceftazidime, Levofloxacin, Amikacin, Tetracycline, Polymyxin B sulfate | MIC reduction of *A. baumannii* | [] |
|  | Oleanolic acid | Kanamycin, Gentamicin | MIC reduction *A. baumannii* ATCC 17,978 | [] |
| *Vaccinium macrocarpon* Aiton (Cranberry juice extract)*Ferula communisPlumbago zeylanica* | Proanthocyanidin | Levofloxacin |  | [] |
|  |  | Tetracycline | Reduces the synthesis of PBP2a in *H*. *pylori* Inactivation of AcrAB?TolC multi-drug efflux pumps expressed in *E. coli* | [] |
|  | Totarol and FerulenolPlumbagin | Isoniazid | Inactivation of NorA efflux pumps expressed in *M. chelonei*, *M. smegmatis*,*M. intracellulare* and *M. xenopei* | [] |
| ? | Oleanolic acid | Rifampicin, Isoniazid, Ethambutol | MIC reduction of *M. tuberculosis* H37Rv (ATCC 27,294) and *M. tuberculosis* (Clinical isolate) | [] |
| *Galenia africana* L | (E)-3,2?,4?-Trihydroxy-3?-methoxychalcone(2S)-5,7,2?-Trihydroxyflavonone | Isoniazid | MIC reduction of *M. tuberculosis* H37Rv | [] |
| *Euclea natalensis* A.DC | 7-Methyljuglone | Isoniazid, Rifampicin | MIC reduction of *M. tuberculosis* H37Rv | [] |
| *Notopterygium incisum* | Isoimperatorin | Rifampicin | MIC reduction of *M. tuberculosis* H37Rv (ATCC 27,294) and *M. tuberculosis* (Clinical isolate) | [] |
| *Piper nigrum* L | Piperine | Rifampicin | Inactivation of Rv1258c efflux pumps expressed in *M. tuberculosis* H37Rv (ATCC 27,294), Rifampicin-resistant *M. tuberculosis* and MDR *M. tuberculosis* (Clinical isolate) | [] |
| *Knowltonia vesicatoria* | ? | Isoniazid | MIC reduction of *M. tuberculosis* H37Rv | [] |
| *Rehum palmatum,Glycyrrhiza glabra,Cassia angustifolia, Matricaria chamomilla,Chichorium intybusAlkanna tinctoria,Commiphora molmol,Curcuma aromatica,Ferula assa-foetida,Calligonum comosum,Rhamnus frangula*Cranberry juice |  | Ceftasidine, Gentamycin, Tobramycin, Spictinomycin, Cefoperazone | MIC reduction of *A. xylosoxidans* and *S. aureus* | [] |
|  | Nalidixic acid, Imipenem, Cefuroxime, Azithro-mycin, Colistin sulphate | Increased inhibition zone diameter of antibiotic against *E. coli, P. mirabilis, P. vulgaris, S. typhimurium* and *S. sonnei* | [] |  |
|  |  | Vancomycin, Tigecycline | Increased inhibition zone diameter of antibiotic against *E. faecalis, E. cloacae* and *S. aureus, E. faecium* | [] |
| *Cocos nucifera* |  | Ampicillin, Amoxicillin, Chloramphenicol, Penicillin G, Tetracycline, Ciprofloxacin | MIC reduction of *E. coli, S. faecalis, L. ivanovii, V. vulnificus* and *V. fluvialis* | [] |
| *Picralima nitida,Cassia arereh,Cylicodiscus gabunensis,Trichilia emetica* | - | Gentamicin, Erythromycin, Kanamycin | MIC reduction of *V. cholerae* | [] |
| *Allium sativum* L. (Garlic) |  | Tetracycline, Penicillin, Rifampicin | Cell wall trauma and disruption of cell wall synthesis in *B. anthracis* | [] |
| *Peganum harmala* L | Cinnamic acid, Ferulic acid,p-Coumaric acid | Novobiocin, Carbenicillin | Increased inhibition zone diameter of antibiotic against *B. anthracis* (Clinical isolate) | [] |
|  |  | Amikacin | Cell membrane trauma and disruption of cell membrane synthesis *S. aureus* | [] |
| *Punica granatumVangueria madagascariensis* | ? | Ciprofloxacin | MIC reduction of *K. pneumoniae* | [] |
|  |  | Chloramphenicol, Ciprofloxacin | MIC reduction of *Acinetobacter* spp. | [] |
| *Berberidaceae* spp. | Berberine + | Azithromycin | The MIC of berberine + azithromycin combination against MRSA was lowered by 50%-96.9% compared to the individual MICs of the two agents | [] |
|  | 8?acetonyl?dihydroberbine | Levofloxacin | The ability to permeate the cell membrane of MRSA of 8?acetonyl?dihydroberbineis possibly superior than that of berberine |  |
| *Stephania tetrandra* | Tetrandrine | Cefazolin | The MIC of tetrandrine + cefazolin combination against MRSA was lower by 75%?94% compared to the individual MICs of the two agents | [] |
|  | Demethyltetrandrine | Cefazolin | The MIC of demethyltetrandrine + cefazolin combination against MRSA was lower by 50%?94% compared to the individual MICs of the two agents |  |
| *Thymus broussonetii* | Borneol/Carvacrol | Pristinamycin | The reduction of cellular PH level caused bacterial cell membrane disruption in *V. cholerae*, *K. pneumoniae*, *P. aeruginosa* | [] |
| *Thymus maroccanus* | Thymol/carvacrol | Ciprofloxacin | MIC reduction of antibiotic against *V. cholerae*, *K. pneumoniae*, *P. aeruginosa* | [] |
| *Zataria multiflora* | Thymol/carvacrol | Vancomycin | The MICs of thymol/carvacrol + vancomycin was lowered from 1 ?g/mL to 0.125 ?g/mL against *S. aureus* when used in combination | [] |
| *Curcuma longa* Linn | Curcumin | Polymyxin B | The MIC of curcumin + polymyxin B combination against both clinical and non-clinical isolates of MRSA and *A. baumannii* was reduced by 3?tenfold compared to the individual MICs of the two agents | [?] |
| Horseradish root | Furanone C-30 + horseradish juice | CurcuminTobramycin | Significantly reduced in vivo biofilm production in *P. aeruginosa* due to increased sensitivity to the antibiotic tested via anti-quorum sensing activity of horseradish juice and curcumin | [] |
| *Oliveria decumbens* |  |  |  |  |
|  |  | Tetracycline, Oxacillin, Doxycycline | Increased inhibition zone diameter of antibiotic against *B*. *melitensis* | [] |
| Curcumin | GentamicinAzithromycin | In vitro anti-biofilm activity mediated by anti-quorum sensing synergism with the selected antibiotics against *P. aeruginosa*. Plant-antibiotic combinations induced the reduction of autoinducer molecules and down regulation of virulent genes associated with quorum sensing receptors in *P. aeruginosa* | [, ] |  |
|  | Baicalin + hamamelitannin, cinnamaldeyde | VancomycinClindamycinTobramycin | Inhibition of biofilm formation in *B. cenocepacia*, *S. aureus* and *E. coli* in in vivo and in vitro assays and increased sensitivity to the antibiotics tested via quorum quenching ability of the isolated phytochemicals | [] |
| - | Salicylate | Trimethoprim, Ciprofloxacin, chloramphenicol | Inactivation of ceoR efflux-pumps expressed in *B. cenocepacia* | [, ] |

Mechanism of synergistic activity of phytoextracts and antibiotic combined agents

Plant-derived compounds and agents combined with antibiotics have broad antibacterial activity against many types of bacteria. Several studies have indicated various antibacterial mechanisms of these combined compounds that highlight their ability to reverse antibiotic resistance. These mechanisms include the modification of active sites in the bacterial cell wall and the plasma membrane to increase the permeability of the antibiotic molecule, inhibition of extracellular enzymes that catalyze the modification or degradation of antibiotics, inactivation of efflux pumps to facilitate the intracellular accumulation of antibiotic molecules and disruption of quorum sensing signal molecules and their corresponding receptors (Fig. ) []. Examples of phytoextract-antibiotic combinations and their synergistic effects/mechanisms against Gram-positive bacteria and A. baumannii are elucidated in Table .

Mechanisms of action of phytochemical synergists in reversing antibiotic resistance in bacteria. Plant-derived compounds are capable of modifying the course of drug resistance in bacteria by interacting with antibiotic binding target sites/receptors, inhibition of antibiotic degrading enzymes, increasing cell membrane permeability to antibiotic molecules and disruption of drug extruding efflux pumps like MFS: Major Facilitator Super-family, SMR: Small Multidrug Resistance super-family, MATE: Multidrug and Aoxic Compound Extrusion super-family, RND: Resistance-nodulation-cell Division super-family, ABC: ATP-binding Cassette super-family. ATP: Adenosine triphosphate, ADP: Adenosine diphosphate, H + : Hydrogen, EGCG: Epigallocatechin gallate, PBP2a: Penicillin-binding protein 2a

Plant-derived synergists as inhibitors of antibiotic binding site modification

Bacteria are capable of modifying the antibiotic binding target sites known as receptors (e.g. penicillin-binding proteins) to mediate antibiotic resistance. These alterations will no longer permit the binding of the antibiotic molecule to its specific receptor and permeate into the bacterial cell, rendering the antibiotic ineffective [, ]. Examples of this type of plant-derived synergistic compounds include corilagin, tellimagrandin I, pinoresinol, tiliroside, coronarin D, totatrol, baicalin, momorcharaside B and magnatriol B (Fig. ) [, –]. Corilagin is a type of tannins isolated from Arctostaphylos uva-ursi, which indicates a MIC of 128 μg/mL against MRSA. However, the MIC dropped 2000 fold when used in combination with Oxacillin and β-Lactam antibiotics. Corilagin indicated strong synergism with an FICI of 0.5 with bactericidal action against MRSA []. Tellimagrandin I is another tannin compound that indicates a FICI of 0.39 for MRSA when used in combination with β-Lactam antibiotics. The combination of antibiotics and Tellimagrandin I had a MIC reduction of 128–512 fold when compared to the isolated phytochemical compound []. Phenolic compounds extracted from Verbena officinalis, Magnolia officinalis, Daphne genkwa and Momordica charantia such as pinoresinol, tiliroside, momorcharaside B, magnatriol B indicated a FICI of 0.375 for MRSA when used in combination with oxacillin. Bacteriological studies have indicated that these phytochemicals are capable of inhibiting PBP2a or PBP4 in MRSA []. Another study revealed that proanthocyanidin (Fig. ) isolated from Vaccinium macrocarpon Aiton was able to synergistically interact with levofloxacin against H. pylori. Morphological investigations of the study revealed the reduction of PBP2a synthesis in H. pylori by proanthocyanidin []. A novel study revealed that garlic extracts obtained from the plant species Allium sativum L., which predominantly composed of phthalic acid (Fig. ) and conceivably allicin showed synergistic antibiotic potentiating activity when used in combination with tetracycline, penicillin, rifampicin against the potential anthrax causing bio-agent B. anthracis strain Sterne 34F2. The indicative FICIs ranged from 0.5 to 0.8 for the selected plant-antibiotic combinations and microscopic analysis in the study detected garlic extract induced morphological disruptions on the cell wall of B. anthracis []. Isolated compounds like cinnamic acid, ferulic acid and p-coumaric acid are capable of inhibiting the synthesis of S. aureus cell membrane when combined with amikacin [].

Plant-derived synergists as inhibitors of antibiotic degrading/modifying enzymes

Certain bacteria can produce extracellular enzymes like β-lactamases and transacetylase that can chemically alter or even degrade antibiotic molecules. These enzymes can effectively retard the action of the antibiotic and render the antibiotic agent ineffective against the bacterium [, –]. However, studies have shown naturally occurring plant-based compounds that can synergistically interact with antibiotics to overcome these bacterial defenses. Examples of this type of phytochemical synergists include baicalin, rugosin B, 5-O-Methylglovanon and epigallocatechin gallate (Fig. ) []. Baicalin extracted from Scutellaria amoena is one of the generally studied examples of plant-derived compounds contributing to this type of synergism, which was able to inhibit the activity of β-lactamases in MRSA and facilitated the antibacterial action of β-Lactam antibiotics [, ]. Epigallocatechin gallate is a polyphenolic compound that belongs to a class of catechin. An investigation revealed that epigallocatechin gallate (Fig. ) isolated from tea extracts was able to reduce the MIC to 4 mg/L of ampicillin/sulbactam when used in combination with the antibiotic. The compound indicated a good FIC between 0.19 and 0.56 for MRSA and another study revealed that the compound had a FICI between 0.126 and 0.625 for 28 strains of MRSA. The study showed that epigallocatechin gallate can reduce the activity of penicillinase and β-lactamases in MRSA []. 5-O-methylglovanon isolated from Glycosmis plants is an isoprenyl flavonoid compound with broad-spectrum antibacterial activity. The compound can lower the production of β-lactamases to facilitate the action of ampicillin in S. epidermidis and S. aureus [].

Plant-derived synergists as inhibitors of active bacterial efflux pumps

Efflux pumps are among the most common bacterial defenses that lead to antibiotic resistance. These bacterial structures have the ability to extrude antibiotic molecules at a faster rate than the antibiotic can diffuse in the bacterial cell []. Efflux pumps are structurally present in Gram-positive and Gram-negative bacteria [, ]. There are several genes involved in the expression of these efflux pumps in Gram-positive and Gram-negative bacteria. Examples of such classes of genes include Tet, Acr, Ydh, Mex, Bla, Mdtef, and Nor []. These efflux pumps can be classified into five groups, depending on their capacity and drug extrusion mechanisms, such as MFS, SMR, MATE, RND and ABC (Fig. ) []. Several studies have identified a number of plant-derived compounds that can counter the effects of these efflux pumps. Examples of such phytochemical synergists that modulated antibiotic resistance against Gram-positive bacteria include carnosic acid, carnosol, baicalin, erybraedin-a, sophoraflavanone-G, 2,6-dimethyl-4-phenyl-pyridine-3,5-dicarboxylic acid diethyl ester, myricetin, tiliroside, carnosic acid, carnosol, piperine, indoline, indirubin, capsaicin, kaempferol-3-o-α-l-(2,4-bis-E-pcoumaroyl) rhamnoside, reserpine, epicatechin gallate, 5'-methoxyhydnocarpin-D, pheophorbide A, isoflavonoids and tannic acid (Fig. ) [, –]. Plant-derived synergists capable of modulating drug resistance facilitated by efflux pumps in A. baumannii include conessine and epigallocatechin gallate (Fig. ).

The indoline compound indirubin isolated from Wrightia tinctoria indicated a high FICI of 0.45 for S. aureus SA199B when used in combination with ciprofloxacin. The compound was able to inhibit the NorA gene expressed efflux pump of the bacterium []. Capsaicin extracted from chili peppers (Capsicum) indicated similar synergistic action for S. aureus SA199 and S. aureus SA199B targeting their efflux pumps when used in combination with ciprofloxacin. Nevertheless, the compound reduced the MIC of ciprofloxacin by 2 to fourfold []. Carnosic acid and carnosol are terpenes isolated from Rosmarinus officinalis indicated a MIC of 64 μg/mL and 16 μg/mL respectively, against MDR S. aureus. However, the MIC decreased 32 fold for carnosol and 16 fold for carnosic acid when used in combination with erythromycin at a lower concentration of 10 μg/mL. It was found that their synergistic action was targeted at the S. aureus NorA efflux pumps []. Baicalin isolated from Thymus vulgaris L and Scutellaria baicalensis indicated synergistic action targeting NorA and TetK efflux pumps expressed in MRSA when used in combination with β-lactam antibiotics and tetracycline []. The flavonoid compound kaempferol rhamnoside demonstrated the ability to inhibit the activity of NorA efflux pumps in S. aureus when used in combination with ciprofloxacin and synergistically reduce the MIC by eightfold compared to the compound alone against the bacterium []. Epicatechin gallate (Fig. ) is a type of catechin isolated from green tea extracts were able to interact synergistically with tetracycline to inactivate TetK and TetB efflux pumps expressing Staphylococcus spp. []. Another study indicated a fourfold reduction in MIC and efflux pump inhibitory activity in norfloxacin-resistant S. aureus when epicatechin gallate was used in combination with norfloxacin against the bacterium []. Epigallocatechin gallate isolated from Camellia sinensis potentiated the antibacterial activity of tetracycline against S. aureus by inhibiting the activity of TetK efflux pumps [, ]. The alkaloid compound reserpine was able to reduce the MIC of moxifloxacin, ciprofloxacin and sparfloxacin fourfold against S. aureus. Bacteriological studies indicated that reserpine was able to synergistically inhibit the activity of multi-drug efflux pumps expressed by the NorA gene in S. aureus []. Moreover, another study showed that reserpine was able to inactivate efflux pumps present in S. aureus, S. pneumonia and B. subtilis when used in combination with norfloxacin, tetracycline and ciprofloxacin [, ]. Recent investigations revealed that 5'-methoxyhydnocarpin-D and pheophorbide A (Fig. ) isolated from Berberis fremontii, tiliroside isolated from Herissantia tiubae and piperine purified from Piper nigrum extracts were able to potentiate the antibacterial action of amikicine, ampicillin, tetracycline, lomefloxacin, norfloxacin and ofloxacin by inhibiting the activity of NorA multi-drug efflux pumps in S. aureus [, , ]. Phytoextracts obtained from Punica granatum (pomegranate) was able to potentiate the action of gentamicin, chloramphenicol, tetracycline, ampicillin, and oxacillin by inhibiting the activity of NorA efflux pumps in MRSA []. Another study indicated that conessine isolated from Holarrhena antidysenterica was able to synergistically potentiate the antibacterial action of novobiocin and rifampicin by inhibiting the activity of multidrug efflux pumps expressed by the AdeIJK gene in XDR A. baumannii []. A recent study revealed that curcumin (Fig. ) purified and isolated from Curcuma longa Linn. was able to potentiate the antibacterial action of polymyxins when used in combination against MDR strains of A. baumannii. Curcumin-polymyxin B combinations indicated remarkably high FICIs of 0.156, 0.375, 0.068 for AB12, AB14, AB16 and NCTC 19606 strains of A. baumannii respectively. Bacteriological studies in the investigation elucidated that curcumin was able to reverse polymyxin resistance in MDR A. baumannii by modulating the activity of EtBr and EmrAB efflux pumps [–]. Furthermore, purified plant compounds like tannic acid and ellagic acid enhanced the antibacterial action of novobiocin, coumermycin, chlorobiocin, rifampicin and fusidic acid by reducing the MIC of each antibiotic by 2–fourfold. Bacteriological investigations in the study indicated that tannic acid and ellagic acid disrupted the activity of multidrug efflux pumps present in A. baumannii []. One study indicated that phytoextracts obtained from plants like Erythrina variegata, Jatropha elliptica, Cytisus striatus and Persea lingue also synergistically potentiated the action of antibiotics by inactivating efflux pumps present in drug-resistant Gram-positive bacteria like MRSA and VRE [, –]. Artemisinins (Fig. ), an AcrAB‑TolC gene associated bacterial efflux pump disruptor isolated from Artemisia annua was able to potentiate the antibacterial action of penicillin G, cefazolin, ampicillin, cefoperazone and cefuroxime when used in combination against E. coli, which indicated FICIs of < 0.5 for each antibiotic []. Isolated compounds like Cathinone and Theobromine (Fig. ) worked synergistically with ciprofloxacin and tetracycline when used in combination against S. typhimurium and K. pneumoniae. Both phytochemical compounds lowered the MICs of ciprofloxacin and tetracycline by 2–fourfold via the inhibition of efflux pumps expressed by AcrAB‑TolC gene []. Phenolic compounds like p-Coumaric acid, caffeic acid, vanillic acid, sinapic acid, gallic acid and taxifolin (Fig. ) reduced the MICs of ciprofloxacin by 32 fold and erythromycin by 16 fold when used in combination against C. jejuni. These phenolic compounds disrupted the activity of efflux pumps in C. jejuni expressed by CmeABC gene []. Purified phytochemical compounds like ferulenol extracted from Ferula communis and plumbagin (Fig. ) isolated from Plumbago zeylanica synergistically lowered the MIC of isoniazid against Mycobacterium spp. via the inhibition of efflux pumps expressed by NorA gene []. Furthermore, a study conducted by Sharma et al. revealed that piperine isolated from Piper nigrum L. (black pepper) reduced the MIC of rifampicin against the tuberculosis causing M. tuberculosis H37Rv strain by 4–eightfold. Bacteriological studies indicated that piperine was able to synergistically inhibit the activity of multi-drug efflux pumps expressed by the Rv1258c gene in M. tuberculosis []. Catechin (Fig. ) compounds, epigallocatechin and epicatechin gallates were the first herbal drugs to receive FDA approval in 2006. The leaf extract of Camellia sinensis consists of about 85% to 95% catechins and the essence of the plant was used in the topical management and treatment of genital warts. []. Curcumin isolated from Curcuma longa Linn. is another FDA approved plant based natural product that has proven benefits in clinical trials, and capable of potentiating synthetic antibiotics when used in combination with polymyxin B against MRSA and A. baumannii [–]. Cranberry juice extract of Vaccinium macrocarpon Aiton which is abundant of proanthocyanidin also received FDA approval for treating uropathogenic E. coli [, ]. A derivative phytochemical compound known as salicylate (Fig. ) mediated synergistic action against the pulmonary pathogen Burkholderia cenocepacia when used in combination with trimethoprim, ciprofloxacin and chloramphenicol. The study indicated that salicylate reduced the MIC of the selected antibiotics by tenfold and the combinations potentially inhibited the activity of efflux-pumps in B. cenocepacia [].

Plant-derived synergists as biofilm formation/quorum sensing antagonists

Plant-derived synergists are also capable of negating the ***process*** of quorum sensing in bacteria. A novel study conducted by Christensen et al. indicated that horseradish juice and curcumin supplemented with furanone C-30 was able to induce significant synergistic quorum quenching activity when combined with tobramycin against P. aeruginosa PAO1 in female BALB/c mice []. Bacteriological studies indicated that curcumin and phytochemicals from horseradish juice reduced of the secretion of autoinducer molecules like C-4 and C12- homoserine lactones from the bacterium. A similar study detected In vitro synergistic anti-quorum sensing activity of curcumin with gentamicin and azithromycin combinations against P. aeruginosa. The study also concluded that plant-antibiotic combinations were able to reduce the activity of N-acyl-homoserine lactone autoinducer signaling molecules and down regulate virulent genes like rhlA, lasB and rhl associated with quorum sensing in P. aeruginosa [, ]. Furthermore, synergistic anti-biofilm and anti-quorum sensing activities were detected when phytochemical compounds baicalin, hamamelitannin and cinnamaldehyde (Fig. ) were combined with vancomycin, clindamycin and tobramycin against clinical isolates of B. cenocepacia, S. aureus and E. coli in both in vitro assays and in greater wax moth (Galleria mellonella), Caenorhabditis elegans nematode and female BALB/c mice models used in in vivo assessments []. Moreover, naturally synthesized phytochemical compounds like furanones, particularly the halogenated variant known as (5Z)-4-bromo-5-(bromomethylene)-3-butyl-2(5H)-furanone (Fig. ) was able to attenuate the QS system of B. anthracis [, ].

Concluding remarks and future perspectives

The problem of antibiotic resistance is growing rapidly, and the prospects for the application of antibiotic agents in the future have reached uncertainty. Despite the mass production of antibiotics by the pharmaceutical industries in recent decades, bacteria have shown greater resistance to these antibiotics. Plants are remarkable and phenomenal sources of new bioactive compounds with broad-spectrum antibacterial properties. These compounds can assign direct action or interact synergistically with antibiotics to work against bacteria. The following review summarizes the findings of recent investigations based on phytoextracts in combination with existing antibiotics in the context of their drug resistance modulating potential against the anthrax causative organism Bacillus anthracis and MDR and XDR strains of emerging bacterial superbugs. Phytochemical-antibiotic combinations have shown promising results as agents with different mechanisms for modifying and reversing antibiotic resistance. For instance, phytochemicals such as epigallocatechin gallate can interact synergistically with different classes of antibiotics. Depending on the bacterium, this compound can mediate synergism and increase the potency of antibiotics, deactivating β-lactamases and multidrug efflux pumps. Pre-clinical studies have shown that these synergistic compounds can significantly reduce the MIC of bacteria when used in combination with antibiotics. The motivation in antimicrobial synergy research leads to the discovery and production of new antimicrobial agents. However, the underlying action mechanisms of synergistic compounds have not yet been fully explored. A profile that indicates a complete understanding of the pharmacokinetics and pharmacodynamics of the combination agents are required to qualify as a standardized and effective antimicrobial drug. Furthermore, in vivo and nano-medicine drug delivery studies based on combined synergists of plant compound-antibiotics can be deployed for better understand the toxicological responses and bioavailability of the combined agents, to determine their true relevance and safety in the treatment of bacterial infections in humans. Advanced techniques such as isobolograms and phytochemical paradigms can be used to analyze and utilize regions of synergistic interaction between mixtures of antibacterial drugs. At present, the availability of experimental data based on antibiotic-potentiating mechanisms of plant synergists against Bacillus anthracis and antibiotic resistance modulating effects of plant based QS antagonists are limited and therefore, broadening of these studies are imperative. Furthermore, it is necessary to exploit drug resistance modulating potentials of novel combinative products focusing on plant-derived antibodies and antibiotics against bacterial superbugs and B. anthracis. The efficiency of plant-antibiotic synergists and their drug resistance modulating mechanisms are needed to be investigated on recently CDC listed superbugs like Bordetella pertussis and Mycoplasma genitalium and other infectious disease causing pathogens like Rickettsia rickettsii, Neisseria spp., Yersinia pestis and Francisella tularensis.

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**Body**

Henry Boot BOOT:312p • 2021 pre-tax profit doubles to £35.1mn on revenue of £230.6mn • Net debt of £43.5mn equates to 12 per cent gearing • Return on capital of 9.6 per cent approaching 10-15 per cent target • Dividend per share hiked 10 per cent • Analysts upgrade 2022 pre-tax profit estimates by 4 per cent to £47.2mn

Henry Boot (BOOT:312p) is not only exposed to the favourable backdrop for developing warehouse assets, but owns a £126mn investment portfolio, which delivered 14.4 per cent underlying valuation growth and a total property return of 19.5 per cent in 2021 on the back of rising values for the asset class (50 per cent portfolio weighting). There should be further valuation upside too. That's because 15 per cent of the portfolio is being marketed for rent following redevelopment, so the gap between the passing rent roll (£5.2mn) and estimated rental value (£6.7mn) could narrow dramatically this year. Boot is planning for only 5 per cent voids at the year-end.

The group's residential-focused businesses are also performing well. Land developer Hallam Land sold 3,008 plots for £58.5mn to boost its pre-tax profit contribution by almost £4mn to £18mn. Moreover, the unit has already exchanged contracts on a further 1,880 plots since the year-end, and could get to its annual sales target of 3,500 plots in double quick time given that a site at Didcott, Berkshire (2,000 plots) is set to gain planning consent in the near future and will be marketed for sale shortly thereafter.

In the past year, Hallam Land's land bank increased 5 per cent to 92,667 plots of which 84,654 plots are secured through option or planning promotion agreements. The business model not only reduces the capital tied up in land, but a conservative accounting policy - inventory is held at the lower of cost or net realisable value - means that

Hallam makes hefty gains when plots are sold. Bearing this in mind, UK greenfield land values increased by 8.8 per cent in 2021 and the strong housing market is underpinning robust demand for sites as major housebuilders increase land buying activity to meet the ongoing demand for new homes.

In addition, Leeds-based premium housebuilder Stonebridge delivered 120 completions last year at an average selling price of £509,000. The plan to deliver 200 units this year is well on track. Not only are 154 homes

already reserved, but strong house price growth in Yorkshire, Humberside and the north-west suggests another step change in profitability. Furthermore, almost 80 per cent of Stonebridge's 1,157-plot land bank already has planning permission, the equivalent of 4.6 years' supply at current run-rates, thus supporting the ongoing ramp-up in output to 280 completions in 2023.

Boot's progress has not gone unnoticed since I suggested buying the shares last month, at 285p (my benchmark is the 300p opening offer price on publication day), having risen to 320p. It's more than justified as Peel Hunt now predicts 33 per cent growth in earnings per share (EPS) to 27.9p in 2022 to support a 6.7p a share payout, implying the shares are rated on a modest forward price/ earnings (PE) ratio of 11.4, offer a prospective dividend yield of 2.1 per cent and are priced on 1.2 times conservative book value. I maintain my sum-of-the-parts valuation of £639mn (479p a share), or 50 per cent above the current price. Buy.

Hargreaves Services HSP:560p • Analysts upgrade EPS estimates by 29 per cent and 37 per cent for 2022 and 2023 years • Hargreaves' German subsidiary benefiting from soaring zinc and pig iron prices • Forward PE ratio of eight and 3.6 per cent dividend yield • 1.1 times price-to-book value estimates at

31 May 2022 Surging commodity prices have driven yet another profit upgrade for Hargreaves Services (HSP:560p), a diversified industrial services group and brownfield land developer. In fact, this is the sixth time in the past 12 months that analysts have upgraded their earnings estimates.

That's because German metals trading subsidiary HRMS is a key supplier of specialist raw materials to European customers in the steel, smelting, ferroalloy, limestone and ceramic industries. In the six months to 30 November 2021, HRMS delivered a £9.3mn net profit on 80 per cent higher volumes of 750,000 tonnes. The strong momentum has continued into 2022, so much so that the board expects an even better second-half outcome.

The spike in zinc and pig iron prices is especially good news for Hargreaves as it owns a 94.9 per cent stake in DK Recycling, a German company that produces

285,000 tonnes of high-quality pig iron by recycling waste material from the steel industry. Moreover, the operational changes implemented (cost reduction and improving procurement ***processes***) mean that DK's profits are likely to be 30 per cent higher than previous market expectations even if current levels of commodity prices are not sustained.

Analysts at house broker Singer Capital Markets have taken note, upgrading their 2022, 2023 and 2024 EPS estimates to 71.5p (from 55.5p), 67.2p (from 49.2p) and 63.2p (from 54.3p), respectively. On this basis, the shares trade on a forward PE ratio of eight and offer a 3.6 per cent dividend yield.

Hargreaves' share price has risen 171 per cent since I initiated coverage, at 206p (Alpha Report: 'A high yielder offering significant hidden value', IC, 19 March 2020), and the board has paid out 23.8p a share of dividends, too. The shares are now within pennies of my 575p target price ('Priced for a highly profitable outcome', IC, 8 February 2022), but I now feel that the strength of the operational performance is such that fair value is closer to 650p, or 1.3 times spot book value estimates. Buy.

Wynnstay WYN:610p • Fertiliser operations experiencing one-offgains from ***exceptional*** trading environment • Poultry and point-of-lay pullets acquisition • Analysts upgrade 2022 and 2023 pre-tax profit estimates by 3 and 7 per cent, respectively

Specialist ***agricultural*** products supplier Wynnstay (WYN:610p) was already a beneficiary of higher commodity prices before the conflict in Ukraine made markets even tighter. However, Russia's ***invasion*** of that country has sent a raft of commodity prices surging.

For example, Wynnstay's fertiliser operations are experiencing "one-offgains from the ***exceptional*** trading environment." That's because Russia controls most of the key ingredients (nitrogen, potash and phosphate) used in the manufacture of fertiliser. In Europe, nitrogen production uses natural gas, which means surging gas prices are accentuating costs to produce fertiliser. This has implications for crop prices as fertiliser can make up more than a third of the input cost for crops such as corn in the UK. Although 85 per cent of our wheat is produced domestically, ultimately

prices reflect what's happening on global markets. That's relevant because Russia and Ukraine account for 30 per cent of the world's traded wheat.

The uncertain geopolitical situation is boosting farmgate prices, too. This offers reassurance to farmers taking advantage of elevated prices as it mitigates higher input cost inflation (energy, fertiliser and fuel), albeit in some cases high prices are likely to curtail demand. It's a favourable backdrop for Wynnstay.

The group has also just completed the complementary poultry and point-of-lay pullets acquisition of Hampshire-based Humphrey Feed & Pullets, a business that has 200 customers and produced 109,430 tonnes of poultry feed from its Wiltshire manufacturing facility. The plan is to spend £13mn over the next three years redeveloping and modernising the plant to lift capacity to 185,000 tonnes. The £11.5mn total consideration equates to 10 times operating profit and is being funded from a £12.5mn bank facility.

Reflecting the acquisition, house broker Shore Capital upgraded 2022 and 2023 adjusted pre-tax profit estimates to £11mn (3 per cent upgrade) and £11.9m (7 per cent), respectively. On this basis, the shares trade on 13 times next year's earnings and offer a 2.8 per cent dividend yield.

The holding has produced a 45 per cent total return since I included the shares in my 2021 Bargain Shares Portfolio and I maintain my 685p target. Buy.

Parkmead PMG:51p • Net cash of £1.7mn from operating activities • Pro-forma net cash of £19.3mn (17.6p a share) following post-period-end windfarm acquisition • Analysts upgrade pre-tax profit estimates from £3.8mn to £6.4mn, rising to £7.6mn in 2022-23

Parkmead (PMG:51p), a well-capitalised energy group focused on the UK and Netherlands, is ideally positioned to profit from the European energy crisis and the UK government's pressing need to improve the country's energy security, too.

Dutch TTF gas prices more than trebled to an average of (EURO)73 (£62) per megawatt hour (MWh) in the second half of 2021, peaking at (EURO)160 per MWh earlier this month. This has had a dramatic impact on the profitability of the

group's unhedged low-cost onshore gas portfolio in the Netherlands. With the benefit of a low operating cost of $8.6 per barrel of oil equivalent (boe), and average netbacks of $73 per boe, this business reported a gross profit of £3.8mn on revenue of £4.6mn in the latest six-month period.

Post results, analysts at house broker FinnCap raised their gas price assumptions from (EURO)50 to (EURO)70 per MWh, which largely explains why they upgraded their group revenue estimate from £8.6mn to £11.55mn and pre-tax profit estimate by 69 per cent to £6.4mn. However, Dutch TTF prices have settled at a spot price of (EURO)108 per MWh, more than 50 per cent above the level embedded in those forecasts. As Europe looks at alternative sources of LNG to wean itself offRussian gas imports, wholesale prices are likely to stay at elevated levels.

Furthermore, Parkmead and its Dutch partners are planning a low-cost two-well drilling campaign ((EURO)2mn-(EURO)3mn net combined cost) which has a high geological chance of success (40 to 49 per cent) and is targeting 37.3bn cubic feet of gross gas reserves. If successful, the prospects offer a fast-track tie-in opportunity.

In addition, the economics of Parkmead's Greater Perth Area (GPA) project in the UK central North Sea has dramatically improved following the 45 per cent oil price surge to $115 per barrel this year. With the potential to deliver 75mn-130mn boe on a P50 basis, the net present value of the project increases by £130mn (115p per share) for every $10-per-barrel increase in the long-term $60-per-barrel oil price assumption.

On top of this, the directors are assessing draft commercial offers for a tie-back of the GPA project to the Nexen-operated Scott platform, which would reduce the capital expenditure required and lower operating costs.

It's worth noting, too, that Parkmead's newly acquired Kempstone Hill Wind Farm in Scotland will benefit from a new power purchase agreement from the third quarter this year, so will profit from the large increase in electricity prices through an attractive index-linked feed-in tariff.

Strip out net cash (£19.3mn), Kempstone Windfarm (£4.3mn) and Pitreadie Farm in Aberdeenshire (£6.2mn), and Parkmead's operational businesses are in the price for £25mn, or 3.5 times annual operating profit forecasts. The shares have rallied 20 per cent since I highlighted the opportunity ('On a war footing', 28 February 2022), and a revisit to last autumn's highs (64p) and beyond looks a distinct possibility. Buy.

TMT Investments TMT:450¢ • Net asset value (NAV) per share up 47 per cent to 900¢ in 2021 • NAV of $283mn at 31 December 2021 includes $103.4mn stake in Bolt • Backblaze shareholding worth $43.1mn at current prices • Five-year internal rate of return (IRR) of 38 per cent • $18.6mn cash reserves at 22 March 2022

TMT Investments (TMT:450¢), a venture capital company with a portfolio of highgrowth, internet-based companies, is trading on a massive 50 per cent discount to end 2021 net asset value (NAV) of $283mn (900¢). This is despite its investment managers delivering substantial value creation for shareholders since IPO in 2010. In fact, the portfolio has returned an internal rate of return (IRR) of 38.2 per cent over the past five financial years, which compounds up to an eye-catching 404 per cent return.

To put the scale of the share price discount to NAV into perspective, TMT's 1.3 per cent holding in international taxi and food delivery company Bolt - worth $103mn following a (EURO)628mn (£523mn) fundraising round in January 2022 - and 9.9 per cent stake in Nasdaq-quoted cloud storage group BackBlaze (US:BLZE) - worth $43mn at latest prices, albeit $20mn below end-2021 book value - back up all of TMT's market capitalisation of $141mn. Both holdings could be readily sold. Factor in another $4.6mn of post-year-end portfolio writedowns on eight investee companies identified as a result of the military conflict in Ukraine, and you are still getting a free ride on $99mn of investments and $18mn of balance sheet cash in my pro-forma spot NAV of $258mn (822¢).

The bargain basement valuation is at odds with the potential for further realisations and valuation uplifts from TMT's diversified portfolio of more than 50 investments. For example, TMT reported uplifts or cash exits from 14 investee companies last year, including $21.8mn cumulative gains on its stakes in UK-based challenger bank 3S Money Club, SaaS provider for the field service industry Workiz, and automation and contract management software provider PandaDoc. Combined, these holdings are worth $28.4mn.

I included TMT's shares, at 250¢, in my market-beating 2019 Bargain Shares

Portfolio and banked dividends of 20¢ a share, too. Having last rated the shares, at 560¢, a hold ('Bargain hunting in the tech carnage', IC, 21 February 2022), I feel bottom fishers should be rewarded. Buy.

Tandem TND:425p • Annual revenue up 10.4 per cent to £40.9mn produces 20 per cent higher pre-tax profit of £4.86mn • EPS of 84.1p more than 13 per cent ahead of forecasts • Dividend per share raised 16 per cent to 10p • Slower start to 2022 financial year leads to earnings downgrades and 14 per cent share price decline

Birmingham-based Tandem (TND:425p), a designer, developer, distributor and retailer of sports, leisure and mobility equipment, comfortably exceeded analyst annual earnings estimates and the board hiked the annual payout 16 per cent, too.

However, house broker Cenkos has pulled back 2022 estimates after the group reported a decline in current-year orders and revenue. The downgrade reflects the impact of prevailing economic conditions and the cost-of-living crisis on discretionary consumer spending. Also, Tandem sources more than 70 per cent of stock from China, a country that continues to be impacted by Covid-19. In addition, travel restrictions have made it more difficult to negotiate better prices face-to-face with suppliers on existing products. Analysts have taken note and expect 2022 pre-tax profit of £3.5mn (a downgrade from £4.7mn) on revenue of £38mn to produce EPS of 56.7p (from 77.6p).

That said, Tandem's current order book of £16.4mn is still three times higher than at the same stage in 2020, albeit down on last year (£27.4mn) when back orders were ***exceptionally*** high. In the first 11 weeks of the 2022 financial year, revenue of £4.4mn

is 7 per cent higher than in 2020, but 43 per cent down on 2021. Bicycle sales (25 per cent of group revenue) have been slower this year, but Tandem is still generating good growth from Squish, its lightweight junior bikes.

The directors also see a big opportunity in eMobility (electric bikes, mobility scooters, golf trolleys and e-scooters), a segment that increased revenue 56 per cent to £7mn (17 per cent of annual revenue) in 2021. In home and gardens, better marketing of Tandem's own websites (25 per cent of divisional sales of £7.2mn) has reduced reliance on thirdparty websites, is enhancing margins and should lead to higher trading activity as the weather improves.

The consumer backdrop has deteriorated since I last commented ('Tandem's value opportunity', IC, 1 February 2021), as inflationary and energy price pressures make consumers more cautious. However, Tandem is still highly profitable, cash-generative, boasts a heavily property-backed balance sheet and should retain net cash of £1.3mn even after factoring in its Birmingham warehouse expansion (completion in final quarter of 2022).

Following a 14 per cent markdown post the annual results, Tandem's shares trade on price-to-book value parity and a forward PE ratio of 7.5, or almost half the rating of other consumer-facing competitors such as toy distributor Character (CCT). The bad news is priced in. Recovery buy.

SigmaRoc SRC:74p • Adjusted revenue and pre-tax profit more than double to £272mn and £26.8mn • Full-year adjusted Ebitda (cash profit) of £49.3mn forecast to double again in 2022 • EPS up 19 per cent to 5.4p and set to rise to 6.7p in 2022

SigmaRoc (SRC:74p) has delivered the step change in scale and profitability I had envisaged when the 'buy and build' heavy building materials group purchased limestone and lime products company Nordkalk for (EURO)470mn (£391mn) last summer ('Bargain shares: On the upgrade', IC, 23 August 2021). The acquisition accounted for more than a third of group revenue and cash profit in 2021, but more importantly established both the scale and a market-leading position in a strategic new region (Poland, Finland and Sweden), while also diversifying the customer base.

The board's strategy has been clear since making its first acquisition five years ago:

buy, improve and integrate platforms of companies by targeting cash-generative assets in niche markets that produce aggregates, concrete and other related assets. The latest purchase, Johnston Quarry Group, does exactly that, the company being a supplier of construction aggregates and premium quality building stone across the south-west, Oxfordshire and Lincolnshire. The £41.5mn purchase price (including debt assumed) equates to seven times cash profit, in line with the average multiple for the group's 12 acquisitions.

The enhanced cash-flow generation of the enlarged group - broker Peel Hunt predicts operating free cash flow of £66.1mn (9.8p a share) this year - provides the capacity for ongoing growth investment, while retaining an efficient capital structure. SigmaRoc has £200mn of headroom on debt facilities and started 2022 with net debt equating to 1.7 times Peel Hunt's £96.7mn cash profit estimate.

Importantly, management has effectively dealt with well-publicised sector-wide pressures. Supply chain issues have been addressed through active fleet management, long-term relationships with haulage suppliers, and securing additional capacity when demand has been strong.

Cement products remain in short supply and at higher-than-average prices, so SigmaRoc has been able to substantially mitigate cost inflation through contractual passthrough arrangements and internal efficiency gains. The group's network of plants are heavy energy users, so there are hedging arrangements in place to protect the business while inflationary pressures have been captured in contractual pass-through arrangements, too.

However, despite management's undoubted success, SigmaRoc's share price has shed a quarter of its value in the past 10 weeks and now trades on a modest 2022 PE ratio of 10.5 and 6.6 times enterprise valuation to forward cash profit. That rating

implies a collapse in customer demand that is at odds with both the order book and construction industry activity. Buy.

Xaar XAR:250p • Revenue up 23 per cent to £59.3mn delivers Ebitda of £3.2mn • Gross margin rises from 27 to 34 per cent • Net cash of £25.1mn prior to £3.6mn of post-period-end acquisitions

Cambridge-based Xaar (XAR:250p), a leader in the development of inkjet technology and maker of piezoelectric drop-on-demand industrial inkjet printheads, returned to operating profit in the second half of 2021 for the first time since 2018. The recovery is gathering momentum, hence why the share price is up 492 per cent since I included the shares in my 2020 Bargain Shares Portfolio.

Xaar's go-to-market approach explains the 14 per cent increase in printhead sales last year, the division accounting for two-thirds of group revenue of £59.3mn. The robust growth has been delivered by refocusing the business on the value chain and customers, and marketing the technical and competitive advantages of the group's bulk piezo product range to them. Since I initiated coverage two years ago, the number of customers adopting Xaar's technology has surged, so much so that there will be 15 new printers launched this year with Xaar's printheads, up from only six in 2020.

It's worth noting that Xaar is outperforming the market in ceramics and glass (C&G) with segmental revenue surging 38 per cent to £19mn, buoyed by an extended product portfolio and re-engagement of original equipment manufacturing customers. This is particularly the case in Asia and China; the region has increased revenue by 24 per cent to £12mn. Xaar once dominated the C&G sector, so having recaptured 10 per cent market share, there is plenty of scope to deliver double-digit top-line growth for many years to come.

Acquisitions are having an impact, too. Last summer, Xaar acquired Hemel Hempstead-based FFEI, an integrator and manufacturer of industrial digital inkjet systems and digital life science technology, to boost Xaar's capability and accelerate customer adoption of its printheads.

Earlier this month, the group acquired Megnajet, an industrial digital inkjet management and supply systems designer and manufacturer, to create a more integrated inkjet

solution whereby customers can access more of the printing ecosystem (such as ink supply systems and the electronics) from Xaar. Both acquisitions should help customers reduce their development timescales and shorten their time to market.

Importantly, Xaar is managing supply chain issues well, having invested an additional £7mn in inventories (excluding £2mn from the FFEI acquisition), while also improving operational efficiencies. Analysts at Panmure Gordon expect the gross margin to improve from 34 to 36 per cent this year, and have upgraded their 2022-23 revenue estimates by 10-14 per cent to £73.4mn and £78.5mn. Improving margins on rising revenue is good news for profits, with the broking house predicting EPS of 1.4p in 2022 could grow to 5.4p in 2023 (a 15 per cent upgrade) and 8.5p in 2024. It's also good news for free cash flow, with Panmure forecasting £1.7mn in 2022, £4.9mn in 2023 and £7.6mn in 2024.

Xaar's shares have exceeded the 230p target I outlined when I last suggested buying, at 191p ('Bargain Shares: A roadmap for recovery', IC, 19 September 2021), and look to be heading towards the upgraded targets of Panmure (285p) and Investec (300p). Buy.

The Mission Group TMG:62p • Annual revenue increases 17 per cent to £72.5mn • Sixfold rise in pre-tax profit to £7.5mn and EPS to 6.57p • Dividend per share of 2.4p • Acquisition obligations slashed to £3.3mn

The market perception of UK advertising and marketing specialist The Mission Group (TMG:62p) and the reality of how the group's network of 17 agencies are trading are not aligned.

The operationally geared group not only quadrupled underlying operating profit to £8mn driven by 16 per cent organic revenue growth, but rebuilt operating margins to 11.1 per cent. Trading recovered strongly in the second half of 2021 as the UK economy roared ahead following the end of Covid-19- related lockdowns.

For example, the UK housing market boom has boosted activity at property agency ThinkBDW (34 per cent revenue growth). Both Bellway and Redrow are major clients and the sector accounted for around 18 per cent of last year's revenue, says chief executive James Clifton.

Mission's technology-focused agencies (20 per cent of group revenue) performed well during the pandemic, and continue to do so. Exposure to the US certainly helps, as Mission has offices in both San Francisco and Seattle - Amazon Web Services is now a top-five client.

The fact that 47 per cent of the client base has been with the group for five years or more highlights a high degree of satisfaction. Importantly, new clients are being added to the roster, including Reckitt Benckiser, Porsche, BMW/Mini, Fuji Xerox and even the Met Office. The collegiate approach adopted by the group continues to deliver results as Mission booked £2mn of cross-referred business in the reporting period, and that excludes deals that were signed offjust after the year-end.

Leveraging technology expertise is a strong focus, both in terms of enhancing the group's data and analytics capability and for supporting client and new business growth, too. The latest offering is the Mission Brand Bonding Index, an online platform using comprehensive data and a bespoke algorithm to benchmark global brands. It has become an important tool to showcase the group's expertise.

Mission's acquisition of London-based Soul, a customer engagement agency that works with psychologists to help businesses better understand what motivates and drives customer decision-making, has enhanced the offering, too. It is proving popular with leading brands Genting, John Lewis Finance, Michael Kors and SSE.

Mission paid £0.7mn of cash consideration for Soul and is modelling for a further £2.3mn in earn-out payments that account for 70 per cent of the £3.3mn total acquisition liabilities outstanding. Of that sum, only £1.1mn is due over the next two years, so will be easily covered by internal cash flow without the need to tap the group's £25mn debt facility. At the end of 2021, net debt of £10.3mn equated to 1.2 times cash profit, a comfortable leverage ratio.

Rightly, shareholders are being rewarded. The annual dividend of 2.4p a share is covered 2.7 times by EPS of 6.5p, with another rise likely this year. Analyst Roddy Davidson at house broker Shore Capital is pencilling in 9 per cent higher revenue of £79mn to lift pre-tax profit 12 per cent to £8.4mn. On this basis, expect EPS of 7.1p and a conservative-looking payout of 2.5p.

Moreover, forecast operating free cash

flow of £9.4mn could see net borrowings slashed to £5.9mn by the year-end while providing cash to pay dividends and meet earn-out obligations. If all goes to plan - and the 2022 financial year has started well - then Mission's enterprise valuation of £66mn could fall to £61mn by the yearend. That valuation equates to seven times 2022 operating profit estimates, an anomalous rating in a consolidating sector.

Trading on a 40 per cent discount to NAV of 102.5p, priced on a forward PE ratio of 8.7 and offering a 4 per cent prospective dividend yield, the 20 per cent share price decline since the half-year results is unwarranted ('Mission on course for strong profit recovery', IC, 22 September 2021). Buy.

Northamber NAR:57.5p • First-half revenue rises 9 per cent to £32.3mn at slightly higher gross margin • Higher distribution and administration costs lead to operating loss of £0.1mn • Stock levels rise from £8.4mn to £11.2mn to mitigate supply chain issues

The latest half-year results from Northamber (NAR: 57.5p), one of the largest UK-owned trade-only distributors within the IT equipment industry, were a mixed bag.

The ongoing focus on higher-margin and more technical product sales helped the gross margin edge up slightly to 12.9 per cent. Revenue was higher, too, up almost 9 per cent to £32.3mn, which delivered £0.35mn higher gross profit of £4.15mn. However, significant increases in logistics costs - Northamber's largest non-payroll cost - and investment in staffmeant that these gains were wiped out by 17 per cent higher distribution costs of £2.67mn and a 24 per cent increase in administration costs to £1.6mn. This explains why a first-half pre-tax profit of £0.22mn in the prior financial year reversed into a loss of £0.11mn this time around.

In addition, Northamber has sensibly boosted stock levels (from £8.4mn to £11.2mn) to mitigate supply chain issues and the uncertainty of chip shortages. The investment is reflected in a fall in net cash from £7.4mn to £4.7mn. The company can afford to do this as it has a rock-solid balance sheet, a key reason why I first suggested buying the shares, at 54.9p, in my 2020 Bargain Shares Portfolio. The other reason was the potential for a return to profitability to narrow the share price discount to NAV of 91.7p.

Although management is making the right strategic moves, the board remains cautious due to the "economic uncertainty, Brexit, potential for further Covid-19 impacts and supply chain pressures". The share price declined 9 per cent post-results and is likely to struggle to make headway until the outlook improves. Sell.

Driver DRV:30p • Operating cost base to be cut by more than £1mn through restructuring • First-half pre-tax profit forecast to decline by at least 50 per cent • Finance director resigns and share price drops 24 per cent

Driver (DRV:30p) has parted company with its finance director after the consultancy group warned that pre-tax profit will fall from £1mn to between £0.3mn and £0.5mn in the six months to 31 March 2022.

An unexpected revenue decline in the Middle East operations and ongoing losses from legacy contracts in Asia Pacific have more than wiped out operational gains from Driver's highly profitable European and North American divisions. An operational review has identified £1mn-plus of cost savings (mainly headcount reductions and closure of marginal offices) through restructuring both the Middle East and Asia Pacific businesses. These savings are expected to support a "significant improvement in second-half profitability".

Although the group is well-funded with net cash of £3.9mn and bank facilities of £5mn, the net cash position has declined from £6.5mn at the last financial year-end due to "a significant increase in trade and working capital receivables". That concerns me.

When I downgraded my recommendation on the shares to hold at the annual results ('On the results and M&A beat', IC, 25 January 2022), I noted that "with

profits second-half weighted the price is likely to move sideways until the next trading update". The prospects of the £14.7mn market capitalisation group delivering anything close to the £2.7mn previous full-year pre-tax profit estimate are in tatters, hence why house broker Singer Capital Markets has withdrawn its forecasts and placed its recommendation under review. Sell.

Strix KETL:230p • 25 per cent rise in annual revenue to £119mn • Organic revenue growth of 6 per cent • Six percentage point decline in Ebitda margins • EPS edges up to 15.2p to support 6 per cent higher dividend of 8.35p

Isle of Man-based Strix (KETL:230p), a global leader in the manufacture and design of kettle safety controls and components for water heating and filtration products, has been reaping the benefits of the complementary acquisition of Vicenza-based Laica in the autumn of 2019. The Italian company focuses on water purification (water jug filters, water dispensers, bottle and coffee machine filters) and the sale of small household appliances for personal health and wellness.

Strix delivered 25 per cent higher revenue of £119mn last year, including a £22.7mn contribution from Laica, which was mainly reflected in Strix's appliance category (revenue up from £3.7mn to £12.9mn) and water category (revenue increased 82 per cent to £21.4mn). Analysts at Shore Capital estimate that Laica accounted for between £4.5mn and £5mn of the group's £33.7mn operating profit, a healthy return in relation to the consideration of (EURO)21mn (£17.6mn) in cash and shares paid to date and an estimated contingent earn-out of (EURO)6.9mn.

However, group operating profit only increased by £1.6mn on the prior year, and adjusted pre-tax profit of £32.2mn (from £30.9m in 2020) was shy of Zeus Capital's £34.6mn estimate at the time of the halfyear results.

Headwinds in commodity prices, freight cost inflation, supply chain pressures, labour costs, and higher energy costs explain the more sluggish profit growth. Adverse foreign exchange rates clipped 3.5 per cent offrevenue, too.

Cost pressures can be seen in the group's distribution costs (increased 84 per cent to £9.2mn) and administration costs, which were 45 per cent higher at £5.1mn, albeit mainly due to the inclusion of Laica. True, the Italian company's higher-margin product sales limited the decline to 1.6 percentage points in Strix's gross profit margin, but the full impact was seen in the Ebitda (cash profit) margin, which slipped six percentage points, hence why the bumper revenue increase only produced pedestrian profit growth.

To mitigate the impact of cost inflation, Strix has implemented price increases on some of its legacy products in both kettle controls (the segment has returned to pre-Covid-19 revenue levels) and water categories. Management will be implementing further increases across the wider product range, which combined with a range of efficiency ***measures***, foreign exchange rate and commodity hedging arrangements, should minimise the impact of cost inflation, said chief executive Mark Bartlett.

The more challenging cost environment explains why Shore Capital is factoring in flat EPS of 15.2p this year, whereas Zeus is looking for 16p. It also explains the de-rating in Strix's share price since the halfyear results ('Simmering up for new record highs', IC, 22 September 2021).

Based on consensus estimates, the shares trade on a 2022 price/earnings (PE) ratio of 14 - nine points less than six months ago - and offer a prospective dividend yield of 3.8 per cent. That's a fair valuation, and one that should offer significant upside in a more benign trading environment as Strix looks to boost revenue to around £190mn by 2025. Further acquisitions will play a part. However, I am erring on the side of caution, having first recommended buying the shares, at 100p, in my pre-IPO analysis ('Tap into a hot IPO', IC, 7 August 2017). Hold.

Bloomsbury Publishing BMY:385p • Analysts upgrade full-year pre-tax profit and EPS estimates by 15 per cent to £25.3mn and 23.6p • Digital resources division hits target of £15mn annual revenue and £5mn profit

Bloomsbury Publishing (BMY: 385p) has posted a major earnings beat after delivering an "***exceptional*** performance" in the final month of the 2021-22 financial year, driven in part by Sarah J Maas' new title, Crescent City: House of Sky and Breath, a global bestseller. This is the second upgrade in the past two months.

The enduring appeal of JK Rowling's Harry Potter books shows no sign of waning, either, even though the first book was published 24 years ago. Ongoing growth of digital revenue has made the business more resilient, too, as the group repositions from mainly being a consumer publisher to a digital business-to-business publisher in the academic and professional information market. The Bloomsbury Digital Resources division hit its revenue and profit targets set out in 2016. Growth in digital is good for working capital, as highlighted by Numis's raised closing net cash position of £33mn (from £26mn), some of which can be recycled into further complementary acquisitions.

I included Bloomsbury's shares, at 229p, in my 2019 Bargain Share Portfolio and the board has since paid out 34.9p share of dividends. Analysts upgraded their target prices to 430p (from 400p), equating to a cash-adjusted forward PE ratio of 14.6, and I am doing the same. Buy.

Simon Thompson's latest book Successful Stock Picking Strategies and his previous book Stock Picking for Profit can be purchased online at [*www.ypdbooks.com*](http://www.ypdbooks.com), or by telephoning YPDBooks on 01904 431 213 to place an order. The books are being sold through no other source and are priced at £16.95 each plus postage and packaging of £3.25 [UK]. Promotion: Subject to stock availability, the books can be purchased for the promotional price of £10 each plus £3.25 postage and packaging, or £20 for both books plus £3.95 postage and packaging

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TANDEM'S CURRENT ORDER BOOK OF £16.4MN IS STILL THREE TIMES HIGHER THAN AT THE SAME STAGE IN 2020 DESPITE MANAGEMENT'S UNDOUBTED SUCCESS, SIGMAROC'S SHARE PRICE HAS SHED A QUARTER OF ITS VALUE IN THE PAST 10 WEEKS TRADING RECOVERED STRONGLY IN THE SECOND HALF OF 2021 AS THE UK ECONOMY ROARED AHEAD THE ENDURING APPEAL OF JK ROWLING'S HARRY POTTER BOOKS SHOWS NO SIGN OF WANING, EITHER

**Load-Date:** April 1, 2022

**End of Document**



[***UK politics: Starmer says talks with unions will continue on his plans for Labour reform - as it happened***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:63NM-H6K1-JBNF-W4VP-00000-00&context=1516831)

The Guardian (London)

September 22, 2021 Wednesday 9:31 AM GMT

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**Section:** POLITICS; Version:18

**Length:** 9656 words

**Byline:** Andrew Sparrow

**Highlight:** Sir Keir Starmer suggests trade unions that support Labour have not yet backed his plans to change the party's leadership election rulesStarmer says talks with unions will continue on plans for Labour reformSummary of Boris Johnson's TV interview in WashingtonPMQs - snap verdictOfgem boss says global gas price hike 'far, far above' any forecastsKwarteng says consumers should prepare for 'longer-term high prices'Eustice implies Biden does not fully understand 'complicated' NI issue

**Body**

block-time published-time 5.46pm BST

Afternoon summary Prof Chris Whitty, England's chief medical officer, has justified the plan to vaccinate 12- to 15-year-olds, telling MPs it is almost inevitable that children will get infected, and that half of them have probably had coronavirus already. (See [*2.18pm*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b2c378f08b228c9498701#block-614b2c378f08b228c9498701) and [*4.15pm.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b47128f084a3056b454e4#block-614b47128f084a3056b454e4) [*Keir Starmer could be forced to delay plans for Labour party reforms amid resistance from key trade unions, who have said they need more time to consult on plans to rewrite the leadership election rules.*](https://www.theguardian.com/politics/2021/sep/22/unions-concerns-could-delay-keir-starmers-labour-rules-shake-up) [*Gordon Brown has called the government's decision to cut £20 a week from universal credit the most "socially divisive and morally indefensible" policy he has witnessed in UK politics, saying it was being pursued with open disregard for its impact.*](https://www.theguardian.com/society/2021/sep/22/gordon-brown-universal-credit-cut-vindictive-and-indefensible) [*The UK gas crisis has claimed another two energy companies, bringing the total number of households that have lost their supplier this year to almost 2m.*](https://www.theguardian.com/business/2021/sep/22/19m-uk-homes-left-without-supplier-after-two-more-gas-firms-go-bust) [*Angela Rayner has accused the government of failing the British people over the looming energy crisis in a prime minister's questions notable for its stand-in participants and a series of jibes about the holiday habits of her opponent, Dominic Raab.*](https://www.theguardian.com/politics/2021/sep/22/angela-rayner-targets-dominc-raab-holiday-fiasco-deputies-pmqs) [*The US will start to allow imports of UK lamb for the first time in decades, Boris Johnson has said, as he used his trip to Washington to talk up what he termed "solid incremental steps" in mutual trade, in the absence of a formal bilateral deal.*](https://www.theguardian.com/politics/2021/sep/22/boris-johnson-talks-up-solid-steps-on-us-trade-as-lamb-deal-agreed) Johnson has jokingly dismissed French concern about the new Australia/UK/US defence partnership, Aukus, telling President Macron he should "prenez un grip about this and donnez moi un break". (See [*1.51pm.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b237a8f087b5c6fb4addb#block-614b237a8f087b5c6fb4addb) [*Brazil's health minister, Marcelo Queiroga, has tested positive for Covid and gone into isolation, 24 hours after meeting a maskless Boris Johnson and other British officials in New York.*](https://www.theguardian.com/world/2021/sep/22/brazils-health-minister-tests-positive-for-covid-after-meeting-maskless-johnson)

That's all from me for today. But our Covid coverage continues on our global live blog. It's here.

Related: [*Covid live: Germany to end quarantine pay for unvaccinated workers; no plans to relax France health pass restrictions*](https://www.theguardian.com/world/live/2021/sep/22/coronavirus-live-news-brazil-health-minister-tests-positive-at-un-india-urges-uk-to-resolve-quarantine-dispute)

block-time updated-timeUpdated at 5.55pm BST

block-time published-time 5.44pm BST

Hillary Clinton, the former US secretary of state, in a procession today as she received an honorary degree at Oxford University. Photograph: Steve Parsons/PA

block-time published-time 5.25pm BST

These are from the BBC's Iain Watson on Sir Keir Starmer's stand-off with the unions over his party reform plans.

enltrAt [*@Keir\_Starmer*](https://twitter.com/Keir_Starmer?ref_src=twsrc%5Etfw) 's crunch summit with the unions I am told there were 'no takers' for his plan to change [*@uklabour*](https://twitter.com/UKLabour?ref_src=twsrc%5Etfw) 's leadership rules. Some opposed in principle but logistics mattered as much as politics for others

- iain watson (@iainjwatson) [*September 22, 2021*](https://twitter.com/iainjwatson/status/1440685404760330253?ref_src=twsrc%5Etfw)

enltrThey hadnt seen the full proposals until today and they made it clear they needed to discuss them more widely so urged him to delay his proposals until after the [*@uklabour*](https://twitter.com/UKLabour?ref_src=twsrc%5Etfw) conference

- iain watson (@iainjwatson) [*September 22, 2021*](https://twitter.com/iainjwatson/status/1440685406593318927?ref_src=twsrc%5Etfw)

enltrThe meeting i am told was 'cordial'and [*@Keir\_Starmer*](https://twitter.com/Keir_Starmer?ref_src=twsrc%5Etfw) seemed to be in 'listening mode' but not clear yet if he will delay The GMB union wasn't present - and the Labour leadership were hoping for their support

- iain watson (@iainjwatson) [*September 22, 2021*](https://twitter.com/iainjwatson/status/1440685408593973262?ref_src=twsrc%5Etfw)

enltrLooks like no final decision has been taken by [*@Keir\_Starmer*](https://twitter.com/Keir_Starmer?ref_src=twsrc%5Etfw) to take his proposals to conference He is making it clear he will discuss changes and is open to suggestions ahead of a crucial [*@uklabour*](https://twitter.com/UKLabour?ref_src=twsrc%5Etfw) NEC meeting on Friday

- iain watson (@iainjwatson) [*September 22, 2021*](https://twitter.com/iainjwatson/status/1440705777157640203?ref_src=twsrc%5Etfw)

enltrThe proposals in some form will go to [*@uklabour*](https://twitter.com/UKLabour?ref_src=twsrc%5Etfw) 's NEC on Friday night Only then will a decision be taken on whether to risk a conference vote

- iain watson (@iainjwatson) [*September 22, 2021*](https://twitter.com/iainjwatson/status/1440712903418540040?ref_src=twsrc%5Etfw)

block-time published-time 4.58pm BST

Starmer says talks with unions will continue on his plans for Labour reform

Sir Keir Starmer has in effect confirmed that the trade unions that support Labour have not as yet backed his plans to change the party's leadership election rules. Following a meeting with them earlier (see [*4.50pm)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b4fbc8f084a3056b4556f#block-614b4fbc8f084a3056b4556f) , he issued this statement.

Today's TULO [trade union and Labour party liaison organisation] meeting was a welcome opportunity to set out some of the rule changes I believe will strengthen our party, our link with the unions and our ability to win the next election.

We had a positive conversation and I look forward to continuing those conversations through the coming days because the principles are important and we have to look at how we need to change to win again.

I said yesterday this was never a take it or leave it conversation. I am continuing to take suggestions and have discussions about how we do everything we need to in order to make the Labour party the party of working people again.

Keir Starmer. Photograph: Peter Morrison/PA

block-time updated-timeUpdated at 5.54pm BST

block-time published-time 4.50pm BST

Union opposition means Starmer may have to delay vote on Labour's leadership election rules

Keir Starmer could be forced to delay plans for Labour party reforms amid resistance from key trade unions, who have said they need more time to consult on plans to rewrite the leadership election rules.

The Guardian understands that Unite, one of the most powerful unions affiliated with Labour, told Starmer that he should delay any vote on a return to the electoral college system of voting, which is fiercely opposed by the party's left.

"Everyone was agreed on that point," another union source said. "Each union has a different approach to these ideas but in principle we do not want to be bounced into them. Keir was very much in listening mode."

Starmer has argued that switching to an electoral college system to decide future party leaders will give greater sway to millions of trade union members, but some on the left of the party have said it would ignite a [*"civil war"*](https://viewer.gutools.co.uk/politics/2021/sep/21/major-row-brewing-over-plans-to-change-way-labour-elects-party-leader) and hand more power to MPs at the expense of ordinary members.

The move would be a return to Labour's old system under which MPs, party members and trade unions each had a third of the votes for a new leader. It was abolished by Ed Miliband in 2014 in favour of giving each member of the party and its affiliates one vote on any candidate on the ballot paper. Candidates must acquire the support of 10% of MPs plus some support from constituency parties and trade unions to get on the ballot.

Starmer met union leaders to try to persuade them to back the proposals at lunchtime and the Guardian understands the Unite delegation argued that he should delay the changes even if it meant organising a special conference session to approve them later.

The Labour leader told the meeting he would need to time to consider whether a delay was acceptable, according to two sources.

During the discussions, key unions including Unite, Unison and Usdaw are said to have told Starmer they were open to discussion about rule changes for leadership elections but felt blindsided by the proposals.

block-time updated-timeUpdated at 4.51pm BST

block-time published-time 4.33pm BST

The UK has updated [*its Covid dashboard.*](https://coronavirus.data.gov.uk/) There have been 34,460 new cases, but the total number of cases over the past seven days is marginally down - by 0.4% - compared with the previous week.

Hospital admissions are down by 13.8% week on week, although these figures only go up to last Saturday, because UK hospital admission figures are always a few days late. There were 747 admissions on Saturday.

And today's figures show there have been 166 more Covid deaths. Week on week, deaths are up by 0.1%.

Covid dashboard Photograph: Gov.UK/Covid dashboard

block-time updated-timeUpdated at 4.52pm BST

block-time published-time 4.24pm BST

This is from Rym Momtaz, Politico's France correspondent, on Boris Johnson's "donnez-moi un break" comment about Emmanuel Macron earlier. (See [*1.51pm*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b237a8f087b5c6fb4addb#block-614b237a8f087b5c6fb4addb). ) Bloomberg has written it up under the headline " [*Boris Johnson mocks French outrage over loss of submarine deal*](https://www.bloomberg.com/news/articles/2021-09-22/johnson-says-time-for-france-to-get-a-grip-on-submarine-spat?srnd=politics-vp) ".

enltrWow. Is the Brexit domestic politics shtick worth it for Boris Johnson to irreparably blow up the relationship with France? France remains the only EU member state with real military and diplomatic weight, and that the UK needs. [*#AUKUS*](https://twitter.com/hashtag/AUKUS?src=hash&ref_src=twsrc%5Etfw) [*https://t.co/pSFeTQCMgA*](https://t.co/pSFeTQCMgA)

- Rym Momtaz ??? ????? (@RymMomtaz) [*September 22, 2021*](https://twitter.com/RymMomtaz/status/1440687762953277450?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 4.53pm BST

block-time published-time 4.15pm BST

Around half of children have already had coronavirus, MPs told

Here is the PA Media story from the opening of the education committee hearing with Prof Chris Whitty.

About half of children have already had Covid-19 and the rest are more likely to get it without a vaccine, England's chief medical officer has suggested.

Prof Chris Whitty warned that "quite a lot of damage" could still occur over the winter months.

He told MPs: "Let's make an assumption that the great majority of children who've not currently had Covid-19 are going to get it at some point over the next period.

"It won't be necessarily in the next two or three months but they will get it sooner or later."

But addressing the Commons education committee, Whitty added: "Vaccination will reduce that risk."

England's chief medical officer was facing questions from MPs about the inclusion of children in the government's Covid-19 vaccination programme.

When asked what proportion of children had already had Covid-19, he replied: "It varies by age and it does also vary by setting, but I think if we go for roughly half I think that is a reasonable stab at this.

"That's half over the period of the entire epidemic to date, and we've got quite a way to run.

"We're running into winter so there's still quite a lot of damage that could be done in terms of disruption."

England's deputy chief medical officer Prof Jonathan Van-Tam added that because the Delta variant is so infectious "we are not looking at a theoretical risk" of children aged 12 to 17 becoming infected.

He said: "I think it is really quite inevitable that they will be so at some point."

Prof Van-Tam warned that these pupils could become infected during their GCSEs and A-levels when it is "extremely inconvenient to be laid low" with a cough, fever, and respiratory symptoms.

block-time published-time 4.12pm BST

Nancy Pelosi, Speaker of the US House of Representatives, with Boris Johnson on his visit to the US Capitol today. Photograph: Rex/Shutterstock Johnson admiring the bust of Winston Churchill at the US Capitol. Photograph: Kevin Dietsch/Getty Images

block-time updated-timeUpdated at 4.14pm BST

block-time published-time 3.59pm BST

Back in the education committee, Prof Chris Whitty explains how the "Gillick competence" test is applied when clinicians have to decide whether or not to offer treatment, like the Covid vaccine, to a child under the age of 16. He reads from Lord Scarman's ruling in the original 1980s law lords case that decided this.

Scarman said:

As a matter of law the parental right to determine whether or not their minor child below the age of 16 will have medical treatment terminates if and when the child achieves a sufficient understanding and intelligence to enable him or her to understand fully what is proposed.

Whitty says above the age of 16 there is a general assumption that teenagers are competent to decide for themselves, and above the age of 18 there is an absolute assumption, he says.

And he says under the age of 12 there is an absolute assumption against the child being competent to decide.

Lord Scarman, architect of the Gillick competence test. Photograph: David Rose/The Independent/Rex/Shutterstock

block-time updated-timeUpdated at 4.12pm BST

block-time published-time 3.51pm BST

Health service in Northern Ireland facing pressures 'like never before', minister warns

Robin Swan, health minister in the Northern Ireland executive, has issued [*a statement*](http://www.niassembly.gov.uk/news-and-media/press-releases/session-2021-2022/joint-statement-from-minister-of-health-robin-swann-mla-chairperson-of-the-assembly-health-committee-colm-gildernew-mla-and-deputy-chairperson-of-the-assembly-health-committee-pam-cameron-la/?utm_campaign=health-service-statement&utm_medium=social-media-organic&utm_source=twitter&utm_content=press-release) with the chair and deputy chair of the Northern Ireland assembly's health committee saying the health service in the region faces "an extremely challenging winter". They urge people to get vaccinated if they have not already, and suggest that former health workers might want to return to the NHS.

Here is an excerpt:

Our health and social care staff and services are currently facing pressures like never before.

The devastating impact of the past 20 months is compounded by the likelihood of an extremely challenging winter ...

We also recognise the great potential of enabling those with relevant experience, skills and knowledge to rejoin the workforce through workforce appeals and by providing additional support to our HSC workforce at this difficult time.

block-time updated-timeUpdated at 4.13pm BST

block-time published-time 3.43pm BST

Asked about anti-vax campaigners, Whitty says they represents a "tiny fraction" of the population. He says when people are seeking health advice, they should take advice from people who are "knowledgable, logical and kind". He says from what he has seen of the anti-vaxxers' material, they don't have any of these three qualities.

block-time updated-timeUpdated at 4.13pm BST

block-time published-time 3.34pm BST

Back in the education committee, Prof Chris Whitty says at this stage 12- to 15-year-olds are only getting one dose of vaccine. He says the scientists are looking at the data from other countries, where vaccinating children is ahead of the UK, before a decision is taken on whether they should have a second dose.

block-time updated-timeUpdated at 3.43pm BST

block-time published-time 3.26pm BST

Boris Johnson attending a meeting today in Washington with the Senate majority leader, Chuck Schumer (right), Senate minority leader, Mitch McConnell (2nd right), and other members of the US Senate. Photograph: Michael Reynolds/EPA

block-time updated-timeUpdated at 3.44pm BST

block-time published-time 3.23pm BST

Two more energy supplies go out of business

Avro Energy and Green Supplier Limited have become the fourth and fifth energy suppliers to go out of business in September as a rise in gas prices puts pressure on the sector, PA Media reports. PA says:

Ofgem said that it would ensure that Avro's 580,000 domestic gas and electricity customers, and Green's 255,000 households would be protected.

The regulator will choose a new supplier for the households, and said customers should wait to be contacted by their new supplier.

"I want to reassure customers of Avro Energy and Green Supplier Limited that they do not need to worry. Under our safety net we'll make sure your energy supplies continue," Ofgem director of retail Neil Lawrence said.

"If you have credit on your Avro Energy or Green Supplier Limited account this is protected and you will not lose the money that is owed to you."

block-time updated-timeUpdated at 3.44pm BST

block-time published-time 3.21pm BST

Schools in England are bracing themselves for food shortages, with some already forced to adapt lunch menus because of problems in the supply chain.

The headteachers' union, the Association of School and College Leaders (ASCL), said schools had reported problems with the supply of some meat products, which had had to be replaced on lunch menus, and a number of school catering companies have confirmed that supply shortages are already affecting school canteen menus.

Hayley Dunn, ASCL's business leadership specialist, said:

We have heard of schools having to make adaptations to their menus because of problems in the supply chain. This relates to certain meat products and has necessitated replacing options with other choices.

We have no indication of how widespread this is and we have not so far received reports of problems more serious than this, but we will monitor the situation and pick it up with the government if necessary. Any disruption to the food supply chain is obviously of concern.

block-time updated-timeUpdated at 3.45pm BST

block-time published-time 3.19pm BST

Prof Jonathan Van-Tam tells the education committee that data from healthcare workers puts the chance of re-infection among people who have had Covid before at between 5% and 15%.

block-time updated-timeUpdated at 3.46pm BST

block-time published-time 3.14pm BST

Back at the education committee, Prof Chris Whitty, the chief medical officer for England, says vaccination has a smaller benefit for children who have already had Covid than it does for children who haven't. But he says it is not true to say it offers them no benefit.

block-time updated-timeUpdated at 3.46pm BST

block-time published-time 3.12pm BST

Gordon Brown says universal credit cut 'vindictive and indefensible'

Gordon Brown has called the government's decision to cut £20 a week from universal credit the most "socially divisive and morally indefensible" policy he has witnessed in UK politics, saying it is being pursued with open disregard for its impact. He has set out his argument in an article for the Guardian available here:

Related: [*The £20 benefit cut is the most morally indefensible thing I've seen in politics | Gordon Brown*](https://www.theguardian.com/commentisfree/2021/sep/22/20-benefit-cut-universal-credit-welfare-state-poorest-people-cast-aside-gordon-brown)

block-time updated-timeUpdated at 3.46pm BST

block-time published-time 2.52pm BST

The education committee has now suspended its proceedings for 15 minutes because there is a vote in the Commons.

block-time published-time 2.51pm BST

Back in the education committee, Prof Wei Shen Lim, chair of the Joint Committee on Vaccination and Immunisation's Covid committee, says adults are well protected for six to nine months by the vaccine. With children, the protection is likely to be as good or better.

Dr Camilla Kingdon, president of the Royal College of Paediatrics and Child Health, says children launch an "***exceptionally*** good immune response", and so their protection is likely to last nine months.

block-time updated-timeUpdated at 3.47pm BST

block-time published-time 2.41pm BST

The industry body representing nightclubs is launching a legal challenge to the Scottish government's plans for vaccine passports.

The requirement for people over the age of 18 to show proof they have been double vaccinated to gain entry to nightclubs and large-scale events comes into force in Scotland on 1 October.

But the Night Time Industries Association Scotland says the plans were made with no meaningful consultation, are "deeply flawed and incoherent", and that the definition of "nightclub" set out by Nicola Sturgeon is likely to impact thousands of other bars and pubs.

The NTIA Scotland has now instructed lawyers to seek a judicial review of the proposals.

On Tuesday, Sturgeon said a "pragmatic approach" would be encouraged, "so that businesses can make sensible judgements." But the Scottish Chambers of Commerce responded that "the practical application of what is being asked is not workable in the timelines being proposed", raising concerns that the definition could also cover a range of other hospitality venues

block-time published-time 2.38pm BST

Dr Caroline Johnson (Con) was your recommendation about vaccinating teenagers entirely a medical decision, or was it influenced by politics.

Whitty says it was entirely medical. He says there is no point giving professional advice if it is influenced by politics. He says it is for ministers to take account political considerations when taking final decisions.

block-time published-time 2.33pm BST

Tom Hunt (Con) asks to what extend the recommendation of the chief medical officers was based just on health benefits to 12 to 15-year-olds.

Whitty says the chief medical officers were "really clear" that their recommendation would only be based on what was best for children in that age group.

block-time published-time 2.30pm BST

Van-Tam says he can understand why people worry that pupils who do not get vaccinated might end up being discriminated against at school. But he says he has never heard of this happening in relation to children and the flu vaccine.

block-time published-time 2.24pm BST

Robert Halfon (Con), the committee chair, says in its statement in early September the JCVI said a school vaccination programme would interfere with children's schooling.

[*It said:*](https://www.gov.uk/government/publications/jcvi-statement-september-2021-covid-19-vaccination-of-children-aged-12-to-15-years/jcvi-statement-on-covid-19-vaccination-of-children-aged-12-to-15-years-3-september-2021) "Delivery of a Covid-19 vaccine programme for children and young people is likely to be disruptive to education in the short term, particularly if school premises are used for vaccination."

Q: What analysis has been done of how much disruption there might be?

Lim says the JCVI did not try to quantify this.

Whitty says the comparison was not between vaccination and nothing else happening; the comparison is between vaccination, and children getting infected.

He says if you look at it like this, a vaccination programme leads to fewer school days being missed.

block-time updated-timeUpdated at 3.14pm BST

block-time published-time 2.18pm BST

Arrival of Delta variant meant it was 'inevitable' children would be infected, MPs told

Back at the education committee Van-Tam says the Delta variant is 60% more infectious or more than the Alpha variant circulating at the start of the year, or possibly more.

He says that means the risk of children being infected is not theoretical.

He says it is "really quite inevitable" that children will be infected. That means they could be infected at some point "not of their choosing", he says, such as when they are taking exams.

block-time updated-timeUpdated at 3.04pm BST

block-time published-time 2.13pm BST

Turing away from the education committee, my colleague Jessica Elgot says the unions want to delay a Labour decision on changing the leadership election rules.

enltrNew - I understand Unite has won some consensus from other unions that party reforms should NOT be voted on this weekend and that there should be more time to consider. Source tells me Starmer said he would need time think about this and come back to them.

- Jessica Elgot (@jessicaelgot) [*September 22, 2021*](https://twitter.com/jessicaelgot/status/1440663396639121411?ref_src=twsrc%5Etfw)

block-time published-time 2.11pm BST

MPs take evidence from Chris Whitty, Jonathan Van-Tam and JCVI chair on vaccinating children

The Commons education committee is now taking evidence on vaccinating children.

The witnesses are: Prof Chris Whitty, the chief medical officer for England; Prof Jonathan Van-Tam, his deputy; Dr Camilla Kingdon, presiden of the Royal College of Paediatrics and Child Health (RCPCH); Prof Wei Shen Lim, chair, of the Joint Commitee on Vaccination and Immunisation's Covid committee; and Prof Keith Willett, head of Covid-19 and flu vaccine deployment at NHS England and NHS Improvement.

Whitty starts by explaining the decision to recommend vaccinating 12 to 15-year-old.

He says the Joint Committee on Vaccination and Immunisation gave [*advice on this.*](https://www.gov.uk/government/publications/jcvi-statement-september-2021-covid-19-vaccination-of-children-aged-12-to-15-years/jcvi-statement-on-covid-19-vaccination-of-children-aged-12-to-15-years-3-september-2021)

It said the benefits of vaccination for 12 to 15-year-olds were marginally greater than the risks.

But they said it was not the JCVI's job to take into account wider societal benefits. But it recommended that chief medical officers take a decision, taking into account a wider definition of health benefits.

He explains how the chief medical officers went about this, and he stresses that [*their recent recommendation*](https://www.theguardian.com/politics/live/2021/sep/13/uk-covid-live-news-coronavirus-vaccine-passports-boris-johnson-lockdown?page=with:block-613f755f8f08fea27f0e6337#block-613f755f8f08fea27f0e6337) represented the mid-point in medical opinion.

block-time published-time 1.55pm BST

PM says he did not talk about Northern Ireland with Biden - after No 10 said he did

In his interview Boris Johnson claimed Northern Ireland did not come up in his talks with President Biden yesterday. (See [*1.51pm.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b237a8f087b5c6fb4addb#block-614b237a8f087b5c6fb4addb) But the Downing Street read-out from the talks issued last night said the topic was raised. It included this paragraph.

The prime minister updated President Biden on the developments with respect to the Northern Ireland protocol since they last met in June. The leaders agreed on the importance of protecting peace in Northern Ireland.

block-time published-time 1.51pm BST

Johnson urges Macron to 'donnez moi un break' over Aukus row

Boris Johnson has been speaking to reports in Washington. Here are the main points.

Johnson dismissed George Eustice's claim that Joe Biden does not fully understand the Northern Ireland protocol issue. (See [*9.31am.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614adf0c8f087b5c6fb4a941#block-614adf0c8f087b5c6fb4a941) Asked if agreed with Eustice, Johnson replied:

No. The president actually in our meeting yesterday, I don't think it came up at all. We had a meeting of over 90 minutes and it wasn't raised.

He said Washington has agreed to lift a ban on British lamb. Asked about the trade relationship with the US, and the admission that there will be no UK-US free trade deal soon, he said:

I can tell you today that what we're going to get from the United States now is a lifting of the decades old ban, totally unjustified, discriminating on British farmers and British lamb.

It's about time too. And what we're wanting to do is make solid incremental steps in trade.

The Biden administration is not doing free trade deals around the world right now but I've got absolutely every confidence that a great deal is there to be done.

And there are plenty of people in that building behind me [Capitol Hill] who certainly want a deal.

This is from the Critic's Robert Hutton.

enltr"Actually, she said it's not me, she just doesn't want a serious relationship with anyone at the moment." [*https://t.co/KhpWXw0l7N*](https://t.co/KhpWXw0l7N)

- Robert Hutton (@RobDotHutton) [*September 22, 2021*](https://twitter.com/RobDotHutton/status/1440650490291757056?ref_src=twsrc%5Etfw) He urged Emmanuel Macron to "donnez moi un break" over the Aukus row. Asked about ongoing French anger over the deal, he resorted to franglais, saying:

I just think it's time for some of our dearest friends around the world to prenez un grip about this and donnez moi un break.

Because this is fundamentally a great step forward for global security. It's three very like-minded allies standing shoulder to shoulder creating a new partnership for the sharing of technology.

It's not exclusive. It's not trying to shoulder anybody out. It's not adversarial towards China, for instance.

He dismissed suggestions the gas price crisis could lead to panic buying. Asked if he thought this might happen, he said:

I don't think that will happen. I think we've got very good supply chains, as I've been saying over the last few days, and what we're seeing is the growing pains of a global economy recovering rapidly from Covid.

He said he was pleasantly surprised by [*Biden's climate finance pledge.*](https://www.theguardian.com/environment/2021/sep/22/developing-nations-welcome-us-climate-finance-pledge-but-warn-more-is-needed) He said:

Yesterday the president came through with something that really exceeded our expectations. I said on the plane out that we had a six in 10 chance of success on that. Maybe I undercooked it. They really surprised us all on the upside.

Boris Johnson outside Capitol Hill today. Photograph: Stefan Rousseau/PA

block-time published-time 1.35pm BST

Near the start of his hearing with the Commons business committee, Kwasi Kwarteng, the business secretary, suggested the government was considering a Spanish-style windfall tax on gas traders. (See [*12pm.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b0beb8f087b5c6fb4ac2a#block-614b0beb8f087b5c6fb4ac2a) Later in the hearing Kwarteng clarified his position, saying he was "not a fan" of windfall taxes. He said:

I'm not a fan of windfall taxes, let me just get that straight.

But, of course, it's an entire system and we have to think about how we can get the energy system as a whole to help itself.

As PA Media reports, Kwarteng also said the government would struggle to waive rules which ban one energy supplier from supplying more than a quarter of UK households. But he said that even in the worst-case predictions that only a handful of energy suppliers might be left by the end of the year, it is unlikely that the limit will be breached. He said:

In a scenario where you have ten companies, it's difficult to see one having 25%, but I will definitely cross that bridge when I come to it.

block-time published-time 1.30pm BST

My colleague Jessica Elgot says that, although Unite are opposed to Sir Keir Starmer's plans to change the Labour leadership election rules, two of the other biggest unions that support the party are thought to be in favour.

enltrNEW - I understand Unite are to propose a delay to the party reforms proposed by Keir Starmer and ask for a special conference later in the year to discuss them. Whispers though that Unison and GMB are already onboard with the changes.

- Jessica Elgot (@jessicaelgot) [*September 22, 2021*](https://twitter.com/jessicaelgot/status/1440635305749475331?ref_src=twsrc%5Etfw)

block-time published-time 1.25pm BST

Scotland's health secretary, Humza Yousaf, has countered opposition suggestions that military support should be deployed in field hospitals. Yousaf told BBC Radio Scotland's Good Morning Scotland programme that "we don't have the workforce" for field hospitals. "I definitely wouldn't rule it out entirely but we have to look at whether or not we would end up pulling people out of acute sites at the moment to staff those beds," he said.

On the same programme, Brigadier Ben Wrench, commander of Joint Military Command Scotland, confirmed the army will deploy 114 drivers and support staff to assist the ambulance service from this weekend, with a further 111 personnel to staff mobile testing units from next Wednesday.

He underlined that military staff would "not be undertaking any clinical duties".

block-time published-time 1.21pm BST

Rayner challenges Raab at PMQs over cost of living crisis

Here is the PA Media take on the Raab/Rayner exchanges at PMQs.

Dominic Raab has faced Labour calls to guarantee no-one will lose their energy supply or be pushed into fuel poverty this winter.

Amid the ongoing energy crisis, Labour deputy leader Angela Rayner repeatedly sought assurances over supplies while also pressing Raab to cancel the removal of the £20-a-week uplift to Universal Credit.

Rayner at one stage asked Raab if he would make the lives of working people easier or harder, with the deputy prime minister beginning his reply with a fact check on the Chevening grace-and-favour mansion.

Rayner had accused Raab of "complaining" about having to share the "115-room taxpayer-funded mansion" with foreign secretary Liz Truss. Raab noted Chevening is funded by a charity.

The duo traded barbs at PMQs as Boris Johnson is still in the United States following his visit to New York and Washington.

Speaking in the Commons, Rayner accused the Government of hitting the pockets of working families by "cutting the income of a worker on £18,000 a year by over £1,100" with tax rises.

Rayner said: "That is almost exactly the same as an average annual energy bill. Just as energy prices are ballooning they have chosen to take the money that could cover a year's worth of bills out of the pockets of working people.

"The deputy prime minister has said the solution is for people to work harder. So, can he tell us how many days a worker on the minimum wage would have to work this year in order to afford a night at a luxury hotel, say in Crete?"

Raab criticised Labour's economic record before adding: "Under this government we cut income tax, saving every worker £1,200 each year, we have introduced and extended the national living wage so full-time workers are 4,000 better-off each year, we have doubled the free childcare for working parents worth up to 5,000 for every child every year."

Rayner countered: "He talks about the economy, he doesn't even know how much his own holiday cost.

"So, let me tell him. A worker on the minimum wage would need to work an extra 50 days to pay for a single night at his favourite resort, probably even more if the sea was open."

The Labour deputy leader added: "The prime minister has said it is just a short-term problem and we will leave it to the market to fix.

"So can the deputy prime minister guarantee that no-one will lose their gas or energy supply or be pushed into fuel poverty this winter?"

Rayner went on to joke there was a "shortage of hot air this week", with Raab "doing his best" to shore up supplies in Johnson's absence.

Raab replied: "There's no shortage of hot air on that side of the benches."

block-time published-time 1.13pm BST

PMQs - snap verdict

That was a comfortable win for Angela Rayner - but in a PMQs that overall felt somewhat undercharged. Colleagues who were sitting in the chamber tell me it felt a bit subdued, and the exchanges did not get much beyond ritual knockabout.

But, in terms of knockabout, Rayner was good. She focused on cost of living issues but her questions were loaded with barbed asides and snarky jokes that landed well in chamber - although perhaps it was all just a bit too pantomime. (Those watching from the press gallery tell me Raab did not seem to mind the jokes and seemed to find them funny.) Like Sir Keir Starmer last week, Rayner asked about the real-terms impact of the universal credit cut on low-paid workers. But, unlike Starmer, she personalised it in class terms, mocking Raab over his expensive holiday in Crete, and also for squabbling over access to Chevening. Because of her working class credentials are clearly stronger than Starmer's (her accent makes a difference), she can carry this off with conviction, and it worked well.

Should Starmer try this approach himself? Some in Labour would like him to inject a big of class politics into his attacks on Johnson, but what works for Rayner as a one-off probably wouldn't for Starmer. He is less comfortable than his deputy with going personal in this way, and class warfare is obviously not his style. Also, the electoral gains may be limited; voters tend not to mind people going on nice holidays, because they like to do so themselves.

While Rayner rose to the occasion, it was surprising that Raab did not do so himself. He did not say anything daft, but his response to Rayner were formulaic and dull. He only seemed to light up right at the end, when asked about a topic in his new portfolio, justice. (See [*12.38pm.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b14fe8f08b228c9498573#block-614b14fe8f08b228c9498573) At the time of the reshuffle there was some comment about how he and Rayner were similar, in that they both emerged from frontbench reorganisations with impressive-sounding new job titles. But, in Rayner's case, title inflation coincided with her position strengthening, or at least being consolidated. Raab was demoted. He knows it, and today it seemed to show.

Angela Rayner at PMQs Photograph: Parliament/Jessica Taylor

block-time updated-timeUpdated at 4.05pm BST

block-time published-time 12.38pm BST

Anna McMorrin (Lab) asks if Raab will finally deliver a victims' bill in his new role as justice secretary. It was originally promised six years ago.

Raab says he will. He looked at plans for this on day one in his new post, he says.

But he says he is sorry Labour voted against the police, crime, sentencing and courts bill. You cannot stand up for victims unless you support tough sentencing, he says.

block-time published-time 12.35pm BST

Derek Thomas (Con) says he and fellow Cornish MPs want the seasonal ***agricultural*** workers visa scheme renewed.

Raab says the home secretary is very mindful of these concerns.

block-time published-time 12.34pm BST

Rachel Hopkins (Lab) asks what the government is doing to protect the automative sector.

Raab says Hopkins was wrong to suggest the government was not helping workers. It paid the wages of 12m workers during the pandemic.

block-time published-time 12.33pm BST

Siobhan Baillie (Con) asks what the government is doing to make homes more energy efficient.

Raab says by 2025 all new homes will be required to have low-carbon heating.

block-time published-time 12.32pm BST

Sir George Howarth (Lab) asks if Raab agrees that town halls know better than Whitehall when it comes to levelling up. Will the government hold a summit with town hall leaders on this.

Raab welcomes Howarth back to the Commons after his illness. He says he supports the spirit of what Howarth said.

block-time published-time 12.30pm BST

Margaret Ferrier (Ind) asks what the government is doing to ensure toys are safe.

Raab says he has young children and understands the concerns. Product safety regulation is being reviewed to ensure it protects consumers.

block-time published-time 12.29pm BST

Carla Lockhart (DUP) says, far from defending the Belfast agreement, the Northern Ireland protocol is the biggest threat to it. A solution must be found in weeks, not months?

Raab says a "smart, pragmatic" approach is the only way to resolve this.

He says, notwithstanding the reporting, he knows that President Biden understands the UK's position, because he was there at the G7 summit in Carbis Bay when this was discussed.

That's an implied rebuke to George Eustice. (See [*9.31am.)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614adf0c8f087b5c6fb4a941#block-614adf0c8f087b5c6fb4a941)

block-time published-time 12.27pm BST

Dehenna Davison (Con) says the death of her father from a single-punch assault contributed to her becoming an MP. Will Raab support one-punch awareness week?

Raab says he will, and that he will attend a reception to promote this.

block-time published-time 12.24pm BST

Barry Sheerman (Lab) asks if Raab still believes in redisribution and levelling up. And will he keep Channel 4 in Leeds.

Raab says the government put the infrastructure bank in Leeds because it loves Leeds.

block-time published-time 12.22pm BST

Deidre Brock (SNP) asks what the government has against the Scottish government requiring net zero and real living wages in its green port.

Raab says net zero is at the heart of everything the UK government does, and that it has put up the national living wage.

block-time published-time 12.21pm BST

Andy Carter (Con) asks Raab to back plans for a new hospital in Warrington.

Raab says applications have been received for the latest developments in the hospital programme. There will be a decision by spring 2022, he says.

block-time published-time 12.20pm BST

Stephen Farry (Alliance) asks how the government has any credibility on climate change when the Cambo oil field development is going ahead.

Raab says the government has a landmark North Sea transition plan

block-time published-time 12.18pm BST

Kirsten Oswald, the deputy SNP leader at Westminster, asks about energy bills and the cost of living. She says people will be hundreds of pounds worse off next year. This is a Tory cost of living crisis, she says. She says the universal credit cut should be abandoned.

Raab lists a string of ***measures*** that will help people on low incomes. The crucial thing is that we have rising employment and rising wages, he says.

Oswald says warm words will not heat homes. More families will be pushed into crisis, he says. She says Citizens Advice have warned about a tsunami hitting families. Will the government consider an emergency energy payment?

Raab says the energy price cap will help 15m families, to the tune of £100 each. And he says the SNP should recognise the help Scotland is getting from the British army.

block-time published-time 12.14pm BST

Rob Butler (Con) asks Raab if he agrees that, far from being a fifth wheel, the UK is at the heart of global security.

Raab does agree, and he defends the Aukus deal.

block-time published-time 12.13pm BST

Rayner jokes about how there was meant to be a shortage of hot air this week. She asks for an assurance that no workers employed by energy companies will end up unemployed.

Raab says there is no shortage of hot air on the Labour benches. He says the government has secured carbon dioxide supplies. If we had listened to Labour, the economy would not have opened up.

Rayner says Raab should go back to his sun lounger and let her take over. This is a Conservative party that does not care about working people. People are worried about having to heat their homes as Raab is complaining about having to share his taxpayer-funded mansion [Chevening, a grace-and-favour mansion] with the foreign secretary.

Raab says Chevening is funded by a charity, and the taxpayer does not contribute a penny. He says Labour's plan to nationalise energy companies would put an extra £2,000 on bills, according to the CBI. He repeats the point about the UK still being in lockdown if Labour had been in power.

block-time published-time 12.09pm BST

Rayner says someone on £18,000 will lose more than £1,000. She says that is almost exactly the same as an average energy bill. How many extra days would someone have to work to be able to afford a night in a luxury hotel (like Raab's in the summer).

Raab says when Labour is in power, taxes go up and the economy gets worse.

Rayner says Raab does not even know the cost of his own holiday. She says a worker on the minimum wage would have to work an extra 50 days to afford one night at Raab's hotel.

Raab quotes Rayner saying previously that working people want opportunities, not a hand-out. That is what they are getting from this government, she says.

block-time updated-timeUpdated at 5.15pm BST

block-time published-time 12.05pm BST

Angela Rayner, the deputy leader, offers her commiserations to the PM after he flew to the US and "made zero progress on the trade deal he promised us". Does Raab still believe British workers are among the worst idlers in the world?

That is a quote from Britannia Unchained, a book Raab co-wrote some years ago with fellow Tory MPs. They used the phrase to make a point about poor British productivity.

Raab defends the PM's trip, and does not refer to the book.

Rayner asks how much the universal credit cut will cost workers?

Raab dodges the question, and says the government's economic plan is working.

block-time published-time 12.02pm BST

PMQs

Dominic Raab, the deputy PM, is taking PMQs on behalf of Boris Johnson, who is still in the US.

Asked about face-to-face GP appointments, Raab thanks GPs for the work they have done during the pandemic. Appointment numbers are back at pre-pandemic levels, he says. He says patients should see doctors face to face when they need to.

block-time published-time 12.00pm BST

Back at the business committee, Kwasi Kwarteng, the business secretary, said the government was considering a windfall tax on traders who have made big profits from the rising gas price.

Asked about reports the government was considering this, he said the government was looking at "all options" and that in Spain [*a* ***measure*** *of this kind has been introduced.*](https://news.bloomberglaw.com/daily-tax-report-international/spain-to-cap-windfall-energy-profits-as-rally-hits-inflation) He said the Spain plan involved looking at the energy system as a whole.

We are looking at all options. What they are doing in Spain is recognising that it's an entire system - the energy system is an entire system. I am in discussion with Ofgem and other officials, looking at all options.

UPDATE: Later Kwarteng said he was not a fan of windfall taxes. See [*1.35pm.*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614b1fd28f087b5c6fb4ad94#block-614b1fd28f087b5c6fb4ad94)

block-time updated-timeUpdated at 1.36pm BST

block-time published-time 11.56am BST

George Eustice, the environment secretary, sounded more like a DUP politician than a Conservative party politician in what he said about Joe Biden's understanding of Northern Ireland this morning (see [*9.31am),*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614adf0c8f087b5c6fb4a941#block-614adf0c8f087b5c6fb4a941) and that was highlighted by what Edwin Poots, the Stormont ***agriculture*** minister who led the DUP for about a month in the summer, told Radio Ulster today. Poots made almost exactly the same point Eustice did. He said:

As far as we're concerned, I think [the Biden administration] need to actually understand what the Belfast agreement actually does say and go and read it. If they do that, they will recognise that the Northern Ireland protocol is actually damaging to the Belfast agreement. It is creating a border where there shouldn't be one and therefore the protocol has to go in order to meet the requirements of the Belfast agreement.

block-time published-time 11.43am BST

Turning away from the committee hearing, Labour has challenged the government to explain what will happen to carbon dioxide supplies if high gas prices are still a problem after three weeks, [*when the CF Industries bailout ends.*](https://www.theguardian.com/politics/2021/sep/22/bailout-of-us-carbon-dioxide-supplier-will-cost-uk-taxpayers-many-millions) Ed Miliband, the shadow business secretary, said:

We welcome that this short-term deal has been struck, but the government must urgently engage with unions and the wider manufacturing industry, and explain the contingency plans in place in case issues are not resolved in three weeks.

Crucially, the government cannot keep blaming surging gas prices and supply chain chaos on external forces. It is a decade of Conservative missteps that has left the UK so exposed and vulnerable, without the diverse, resilient energy system we need to protect us from global volatility. It is businesses, consumers and families that are now paying the price.

block-time published-time 11.39am BST

Kwarteng says competition is essential for the gas market. He does not want to return to a "cosy oligopoly", where a small number of companies would be able to set the price.

He says he wants to kill the perception that small companies are necessarily bad and big companies good.

block-time published-time 11.36am BST

Q: What is going to happen to the warm homes discount?

Kwarteng says that is a matter for the budget.

block-time published-time 11.35am BST

Kwarteng says consumers should prepare for 'longer-term high prices'

Kwasi Kwarteng, the business secretary, is now giving evidence to the business committee about gas supply.

Darren Jones, the Labour chair, asks what the PM meant yesterday when he said this would be temporary.

Kwarteng says that the gas prices has spiked, but that you would expect it to revert to the mean.

But he says customers should prepare for long-term high prices.

UPDATE: Kwarteng said:

I think 'temporary' means that it's a position where the price has spiked considerably... I think it has quadrupled in the last six months, seven months.

You would expect normally that the price would revert to the mean, it's not something that we think is going to be sustainable.

But, of course, we have to prepare for longer-term high prices.

block-time updated-timeUpdated at 1.26pm BST

block-time published-time 11.30am BST

At the business committee Alan Brown (SNP) asked the Ofgem CEO, Jonathan Brearley, about claims that the crisis could see the number of energy companies in the UK reduced to about 10.

Brearley said that the situation was "highly changeable" and that, as a result, he did not think predictions like that were credible.

block-time published-time 11.25am BST

Emma Pinchbeck, chief executive of supplier trade body Energy UK, told the Commons business committee, that the Government and Ofgem were warned as early as two years ago that the energy sector was fragile. She explained:

I took this job a year ago. When I was hired, the chairman of Energy UK said that your biggest challenge is going to be the vulnerability of the retail market. I know that for a year or more before that my team have been making the case to the regulator and the government that the sector is fragile...

A lot of that is about market design. No competitive market would be making an average return of minus 1%. There's a short-term crisis here, which is in some ways out of our control, it's to do with the gas prices, but it's been exacerbated and arguably caused by our regulatory design. That is a resilience and security of supply risk in the future. It's terrible news for customers in the long run.

When we get through this, whatever support we put in place in the short term to make sure that customers are looked after, we desperately need to stop dismissing retailers when they say the market design is not fit for purpose, the market design is harming customers, the market design means we're not making any margin and the market design leaves us vulnerable and fragile.

block-time published-time 11.15am BST

Ofgem boss says global gas price hike 'far, far above' any forecasts

Brearley told MPs that Ofgem does try to forecast what will happen to price of gas, but that what was happening now was beyond what was expected. He said:

We do do forecasts of the overall gas price, and we do look at the market projections at the time, but this is a discontinuity. It is far, far above any of our even most conservative projections. Because it's not just the issue of supply; it is supply plus the demand factors, plus some what sound like quite granular trade issues, around simply the number of ships that you can get on the water, all the issues around ports at the moment. So it is a continuation of events that have led to this, and it is beyond what any of us thought would happen at this time of year.

block-time published-time 11.02am BST

Ofgem boss implies millions of people could be affected by energy companies going bust

Brearley told MPs that "well above" hundreds of thousands of customers could see their energy supplier go bust. He said:

We do expect a large number of customers to be affected, we've already seen hundreds of thousands of customers affected, that may well go well above that. It's very hard for me to put a figure on it.

UPDATE: This is from Paul Kelso, Sky's business correspondent.

enltrAt [*@CommonsBEIS*](https://twitter.com/CommonsBEIS?ref_src=twsrc%5Etfw) [*@ofgem*](https://twitter.com/ofgem?ref_src=twsrc%5Etfw) CEO Jonathan Brearley declines to put a figure on how many people could be signed to failing energy providers, beyond "many more" than hundreds of thousands. Privately industry estimates it could be six million households [*https://t.co/xTBuidolU3*](https://t.co/xTBuidolU3)

- Paul Kelso (@pkelso) [*September 22, 2021*](https://twitter.com/pkelso/status/1440617355948670978?ref_src=twsrc%5Etfw)

block-time updated-timeUpdated at 11.08am BST

block-time published-time 11.01am BST

Ofgem boss says latest price hike ***unprecedented***

Jonathan Brearley, the Ofgem CEO, told the business committee that what was happening to gas prices was unlike previous price hikes. He said:

I do think this is a different kind of change. The sector has faced shocks, and in fact we've talked about how we managed through the Covid crisis, which had a big impact on the energy sector overall.

But when you see that change - I encouraging you just to have a look at the change in gas price - it really is something that we don't think we've seen before at this pace.

Brearley said this would feed through to customers. And he said many suppliers were under "huge pressure" as a result.

block-time updated-timeUpdated at 2.50pm BST

block-time published-time 10.47am BST

Ofgem boss casts doubt on PM's claim gas price crisis only temporary

The Commons business committee is taking evidence now from Ofgem, the energy regulator, on the gas price crisis.

Darren Jones (Lab), the chair, started by asking why Boris Johnson felt confident saying yesterday that [*this crisis would just be temporary.*](https://www.theguardian.com/politics/live/2021/sep/21/boris-johnson-brexit-uk-us-trade-biden-energy-covid-coronavirus-live-latest-updates?page=with:block-6149dafd8f084d4bbdefe9d2#block-6149dafd8f084d4bbdefe9d2)

Jonathan Brearley, the Ofgem CEO, says gas prices are six times what they were last year. They rose 70% in August, he said.

He said many factors contributed to that, including increasing global demand and some restrictions with supply. "So it is very, very hard to predict how long that will last," he said.

Jones asked again, if that was the case, why Johnson said yesterday the problem would only be temporary.

Brearley said that, in commodity markets, when you see a price spike, "history has suggested that those spikes do go away".

Jonathan Brearley Photograph: Parliament TV

block-time published-time 10.20am BST

John McDonnell, who was shadow chancellor when Jeremy Corbyn was Labour leader, told the Today programme this morning that he thought Sir Keir Starmer was making a "huge mistake" with [*his plans to change the leadership election rules.*](https://www.theguardian.com/politics/2021/sep/21/major-row-brewing-over-plans-to-change-way-labour-elects-party-leader) He said:

[Starmer] was elected on one member, one vote. He never mentioned any of these reforms in that election itself. He is opening himself up to challenges of dishonestly on this.

If it comes to the point where our members can't trust him, you know what the Tories are going to say, if your members can't trust you, how can the electorate.

Ned Simons from HuffPost has more from McDonnell's interview [*here.*](https://www.huffingtonpost.co.uk/entry/keir-starmer-labour-leadership-rule-change_uk_614ade7fe4b0efa77f86e0d7)

block-time published-time 10.14am BST

Priti Patel, the home secretary, has also welcomed the granting of the injunction against the motorway protesters.

enltrI can confirm this Government and [*@NationalHways*](https://twitter.com/NationalHways?ref_src=twsrc%5Etfw) are taking action to bring the ongoing [*#M25*](https://twitter.com/hashtag/M25?src=hash&ref_src=twsrc%5Etfw) protests to end with an important injunction so people can get moving again. We will not tolerate lives being put at risk. Those who continue to do so risk imprisonment.

- Priti Patel (@pritipatel) [*September 22, 2021*](https://twitter.com/pritipatel/status/1440590416613502982?ref_src=twsrc%5Etfw)

block-time published-time 10.13am BST

Grant Shapps, the transport secretary, told the transport committee this morning that the injunction granted against the M25 protesters (see [*9.38am)*](https://www.theguardian.com/politics/live/2021/sep/22/joe-biden-northern-ireland-covid-coronavirus-pmqs-boris-johnson-keir-starmer-latest-updates-politics-live?page=with:block-614aeb378f08b228c94982af#block-614aeb378f08b228c94982af) should bring an end to the demonstrations. He said:

It barely goes without saying, it's irresponsible, dangerous and completely counterproductive. It's unacceptable and I hope the injunction will bring it to a close.

Earlier in the ***process*** there was a somewhat different approach being taken. Yesterday the police were on the scene much more quickly. The injunction will greatly strengthen their hand...

We will review the powers because clearly it's unacceptable for people to be able to walk on to not just a major highway but a motorway, stop traffic, be released the next day and do the same thing again. An injunction may just be an interim way of doing that.

block-time published-time 9.47am BST

New Unite general secretary Sharon Graham says she won't attend Labour conference - but it's 'not a snub'

Sharon Graham, the new Unite leader, has said she will not be attending this year's Labour conference. Explaining her decision, [*she told the BBC:*](https://www.bbc.co.uk/news/uk-politics-58644894)

We shouldn't always do what we have always done just because we have always done it.

I am days into my leadership - we currently have 16 industrial disputes going on, from Tesco drivers to Weetabix to locksmiths in Scunthorpe and Wolverhampton.

What I need to do is be with those workers in dispute and personally take leadership.

Graham said this was "definitely not a snub" to Sir Keir Starmer, the Labour leader. She said she had had a meeting with him on Monday that she described as "cordial". But that was before Starmer announced plans to change the Labour leadership elections rules - plans [*that Graham criticised yesterday.*](https://www.theguardian.com/politics/live/2021/sep/21/boris-johnson-brexit-uk-us-trade-biden-energy-covid-coronavirus-live-latest-updates?page=with:block-6149c0c88f086e40d2e8cc7e#block-6149c0c88f086e40d2e8cc7e)

Graham also told the BBC that, if there is a vote at conference on David Evans, the party's general secretary, Unite would vote to remove him. That was because of the way he was implementing redundancies, she said.

Sharon Graham. Photograph: Sharon Graham Campaign/PA

block-time updated-timeUpdated at 9.47am BST

block-time published-time 9.38am BST

Shapps says protesters could face jail for blocking roads after injunction granted

Grant Shapps, the transport secretary, has announced that National Highways have been granted a court injunction against environmental protesters. That means activists who block roads could face jail.

enltrInvading a motorway is reckless & puts lives at risk. I asked National Highways to seek an injunction against M25 protestors which a judge granted last night. Effective later today, activists will face contempt of court with possible imprisonment if they flout.

- Rt Hon Grant Shapps MP (@grantshapps) [*September 22, 2021*](https://twitter.com/grantshapps/status/1440587104069709838?ref_src=twsrc%5Etfw)

block-time published-time 9.31am BST

George Eustice implies Joe Biden does not fully understand 'complicated' Northern Ireland issue

Good morning. Yesterday Joe Biden told Boris Johnson at the White House about his concerns that [*the UK's stance on the Northern Ireland protocol could undermine the Good Friday agreement.*](https://www.theguardian.com/us-news/2021/sep/21/biden-tells-johnson-trade-tensions-must-not-threaten-peace-in-northern-ireland) It is a concern shared by Democrats and Republicans in Washington, and one that has been expressed many times. Johnson told Biden diplomatically that he too wanted to protect the Good Friday agreement. But in an interview this morning George Eustice, the environment secretary, said that Biden was "wrong" about this, and he implied the US president did not understand the issue.

Eustice told Sky News:

[Biden] is probably at the moment just reading the headlines, reading what the EU is saying, reading what Ireland might be saying, which is that they would like the Northern Ireland protocol to work in the way the EU envisage.

We think he is wrong because the truth is that unless we have a sustainable solution that enables trade to continue between GB and Northern Ireland then we are going to have issues, and that itself would become a challenge to the Belfast agreement.

We will obviously explain to the United States effectively it is tantamount to saying that potatoes grown in one part of the United States can't be sold in another part of the United States.

When you explain some of those provisions in detail, it is understood by the US government that that clearly does not make any sense and therefore should be revisited.

Eustice also said it was "very complicated", adding: "I'm not sure he does fully appreciate all of that".

Eustice was just saying what cabinet ministers think. But it is unusual for any of them to be so blunt (and patronising) about the US president in public.

As my colleague Rowena Mason reports, in his interviews this morning Eustice also said the bailout of the private US firm that supplies carbon dioxide to the food industry will run into "many millions of pounds".

Related: [*Bailout of US CO2 supplier will cost UK taxpayers 'millions'*](https://www.theguardian.com/politics/2021/sep/22/bailout-of-us-carbon-dioxide-supplier-will-cost-uk-taxpayers-many-millions)

Here is the agenda for the day.

9.30am: Grant Shapps, the transport secretary, gives evidence to the Commons transport committee.

9.30am: Matthew Roycroft, permanent secretary at the Home Office, gives evidence to the Commons home affairs committee.

10.30am: Ofgem, Energy UK and National Energy Action give evidence to the Commons business committee about the UK gas market. At 11.30am Kwasi Kwarteng, the business secretary, gives evidence.

12pm: Dominic Raab, the deputy prime minister, faces Angela Rayner, Labour's deputy leader, at PMQs.

Lunchtime (UK time): Boris Johnson is due to give media interviews in the US.

2pm: Prof Chris Whitty, the chief medical officer for England, Prof Jonathan Van-Tam, his deputy, and Prof Wei Shen Lim, chair of the JCVI's Covid sub-committee, give evidence to the Commons education committee about vaccinating children.

Later Johnson will be addressing the UN general assembly in New York, but his speech is not expected until about 9pm UK time.

For the latest Covid developments, do read our global live blog.

Related: [*Coronavirus live news: Brazil health minister tests positive at UN; Australia could reopen borders 'by Christmas'*](https://www.theguardian.com/world/live/2021/sep/22/coronavirus-live-news-brazil-health-minister-tests-positive-at-un-india-urges-uk-to-resolve-quarantine-dispute)

I try to monitor the comments below the line (BTL) but it is impossible to read them all. If you have a direct question, do include "Andrew" in it somewhere and I'm more likely to find it. I do try to answer questions, and if they are of general interest, I will post the question and reply above the line (ATL), although I can't promise to do this for everyone.

If you want to attract my attention quickly, it is probably better to use Twitter. I'm on [*@AndrewSparrow*](https://twitter.com/AndrewSparrow).

Alternatively, you can email me at [*andrew.sparrow@theguardian.com*](mailto:andrew.sparrow@theguardian.com)

block-time updated-timeUpdated at 9.40am BST

**Load-Date:** September 23, 2021

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[***TEXT OF AMENDMENTS; Congressional Record Vol. 167, No. 139 (Senate - August 04, 2021)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:639K-7BY1-JDG9-Y1MN-00000-00&context=1516831)

Impact News Service

August 5, 2021 Thursday

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**Length:** 68857 words

**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

SA 2478. Mr. CARDIN (for himself, Mr. Scott of South Carolina, Mr. Wicker, Ms. Cantwell, Ms. Baldwin, and Mr. Cornyn) proposed an amendment to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows: At the appropriate place, insert the following: DIVISION \_\_\_--MINORITY BUSINESS DEVELOPMENT SEC. \_\_\_\_01. SHORT TITLE. This division may be cited as the ``Minority Business Development Act of 2021''. SEC. \_\_\_\_02. DEFINITIONS. In this division: (1) Agency.--The term ``Agency'' means the Minority Business Development Agency of the Department of Commerce. (2) Community-based organization.--The term ``community- based organization'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (3) Eligible entity.--Except as otherwise expressly provided, the term ``eligible entity''-- (A) means-- (i) a private sector entity; (ii) a public sector entity; or (iii) a Native entity; and (B) includes an institution of higher education. (4) Federal agency.--The term ``Federal agency'' has the meaning given the term ``agency'' in section 551 of title 5, United States Code. (5) Federally recognized area of economic distress.--The term ``federally recognized area of economic distress'' means-- (A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C 657a(b)); (B) an area that-- (i) has been designated as-- (I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or (II) a Promise Zone by the Secretary of Housing and Urban Development; or (ii) is a low or moderate income area, as determined by the Department of Housing and Urban Development; (C) a qualified opportunity zone, as that term is defined in section 1400Z-1 of the Internal Revenue Code of 1986; or (D) any other political subdivision or unincorporated area of a State determined by the Under Secretary to be an area of economic distress. (6) Institution of higher education.--The term ``institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C 1001). (7) MBDA business center.--The term ``MBDA Business Center'' means a business center that-- (A) is established by the Agency; and (B) provides technical business assistance to minority business enterprises consistent with the requirements of this division. (8) MBDA business center agreement.--The term ``MBDA Business Center agreement'' means a legal instrument-- [[Page S5841]] (A) reflecting a relationship between the Agency and the recipient of a Federal assistance award that is the subject of the instrument; and (B) that establishes the terms by which the recipient described in subparagraph (A) shall operate an MBDA Business Center. (9) Minority business enterprise.-- (A) In general.--The term ``minority business enterprise'' means a business enterprise-- (i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and (ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals. (B) Rule of construction.--Nothing in subparagraph (A) may be construed to exclude a business enterprise from qualifying as a ``minority business enterprise'' under that subparagraph because of-- (i) the status of the business enterprise as a for-profit or not-for-profit enterprise; or (ii) the annual revenue of the business enterprise. (10) Native entity.--The term ``Native entity'' means-- (A) a Tribal Government; (B) an Alaska Native village or Regional or Village Corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C 1601 et seq.); (C) a Native Hawaiian organization, as that term is defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7517); (D) the Department of Hawaiian Home Lands; and (E) the Office of Hawaiian Affairs. (11) Private sector entity.--The term ``private sector entity''-- (A) means an entity that is not a public sector entity; and (B) does not include-- (i) the Federal Government; (ii) any Federal agency; or (iii) any instrumentality of the Federal Government. (12) Public sector entity.--The term ``public sector entity'' means-- (A) a State; (B) an agency of a State; (C) a political subdivision of a State; (D) an agency of a political subdivision of a State; or (E) a Native entity. (13) Secretary.--The term ``Secretary'' means the Secretary of Commerce. (14) Socially or economically disadvantaged business concern.--The term ``socially or economically disadvantaged business concern'' means a for-profit business enterprise-- (A)(i) that is not less than 51 percent owned by 1 or more socially or economically disadvantaged individuals; or (ii) that is socially or economically disadvantaged; or (B) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals. (15) Socially or economically disadvantaged individual.-- (A) In general.--The term ``socially or economically disadvantaged individual'' means an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity. (B) Presumption.--In carrying out this division, the Under Secretary shall presume that the term ``socially or economically disadvantaged individual'' includes any individual who is-- (i) Black or African American; (ii) Hispanic or Latino; (iii) American Indian or Alaska Native; (iv) Asian; (v) Native Hawaiian or other Pacific Islander; or (vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance. (16) Specialty center.--The term ``specialty center'' means an MBDA Business Center that provides specialty services focusing on specific business needs, including assistance relating to-- (A) capital access; (B) Federal procurement; (C) entrepreneurship; (D) technology transfer; or (E) any other area determined necessary or appropriate based on the priorities of the Agency. (17) State.--The term ``State'' means-- (A) each of the States of the United States; (B) the District of Columbia; (C) the Commonwealth of Puerto Rico; (D) the United States Virgin Islands; (E) Guam; (F) American Samoa; (G) the Commonwealth of the Northern Mariana Islands; and (H) each Tribal Government. (18) Tribal government.--The term ``Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this division pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C 5131). (19) Under secretary.--The term ``Under Secretary'' means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section \_\_\_3(b) to administer this division. SEC. \_\_\_\_03. MINORITY BUSINESS DEVELOPMENT AGENCY. (a) In General.--There is within the Department of Commerce the Minority Business Development Agency. (b) Under Secretary.-- (1) Appointment and duties.--The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall-- (A) be appointed by the President, by and with the advice and consent of the Senate; (B) except as otherwise expressly provided, be responsible for the administration of this division; and (C) report directly to the Secretary. (2) Compensation.-- (A) In general.--The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code. (B) Technical and conforming amendment.--Section 5314 of title 5, United States Code, is amended by striking ``and Under Secretary of Commerce for Travel and Tourism'' and inserting ``Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development''. (3) References.--Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the Agency shall be deemed to be a reference to the Under Secretary. (c) Report to Congress.--Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes-- (1) the organizational structure of the Agency; (2) the organizational position of the Agency within the Department of Commerce; and (3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce. (d) Office of Business Centers.-- (1) Establishment.--There is established within the Agency the Office of Business Centers. (2) Director.--The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary. (e) Offices of the Agency.-- (1) In general.--In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this division. (2) Regional offices.-- (A) In general.--In order to carry out this division, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary. (B) Duties.--Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by-- (i) understanding and participating in the business environment of that region; (ii) working with-- (I) MBDA Business Centers that are located in that region; (II) resource and lending partners of other appropriate Federal agencies that are located in that region; and (III) Federal, State, and local procurement offices that are located in that region; (iii) being aware of business retention or expansion programs that are specific to that region; (iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and (v) promoting business continuity and preparedness. TITLE I--EXISTING INITIATIVES Subtitle A--Market Development, Research, and Information SEC. \_\_\_101. PRIVATE SECTOR DEVELOPMENT. The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate-- (1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations-- (A) resources relating to management; (B) technological and technical assistance; (C) financial, legal, and marketing services; and (D) services relating to workforce development; (2) encourage minority business enterprises to establish joint ventures and projects-- (A) with other minority business enterprises; or (B) in cooperation with public sector entities or private sector entities, including community-based organizations and national [[Page S5842]] nonprofit organizations, to increase the share of any market activity being performed by minority business enterprises; and (3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises. SEC. \_\_\_102. PUBLIC SECTOR DEVELOPMENT. The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate-- (1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance-- (A) programs to procure goods and services through minority business enterprises and goals for that procurement; (B) programs offering assistance relating to-- (i) management; (ii) technology; (iii) law; (iv) financing, including accounting; (v) marketing; and (vi) workforce development; and (C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section; (2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and (3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises. SEC. \_\_\_103. RESEARCH AND INFORMATION. (a) In General.--In order to achieve the purposes of this division, the Under Secretary-- (1) shall-- (A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises; (B) conduct research, studies, and surveys of-- (i) economic conditions generally in the United States; and (ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and (C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and (2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises. (b) Information Clearinghouse.--The Under Secretary shall-- (1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and (2) take such steps as the Under Secretary may determine to be necessary and desirable to-- (A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and (B) in a manner that is consistent with section 552a of title 5, United States Code, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates. Subtitle B--Minority Business Development Agency Business Center Program SEC. \_\_\_111. DEFINITION. In this subtitle, the term ``MBDA Business Center Program'' means the program established under section \_\_\_113. SEC. \_\_\_112. PURPOSE. The purpose of the MBDA Business Center Program shall be to create a national network of public-private partnerships that-- (1) assist minority business enterprises in-- (A) accessing capital, contracts, and grants; and (B) creating and maintaining jobs; (2) provide counseling and mentoring to minority business enterprises; and (3) facilitate the growth of minority business enterprises by promoting trade. SEC. \_\_\_113. ESTABLISHMENT. (a) In General.--There is established in the Agency a program-- (1) that shall be known as the MBDA Business Center Program; (2) that shall be separate and distinct from the efforts of the Under Secretary under section \_\_\_101; and (3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section \_\_\_114, provide technical assistance and business development services, or specialty services, to minority business enterprises. (b) Coverage.--The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section \_\_\_114, offers the services described in subsection (a)(3) in all regions of the United States. SEC. \_\_\_114. GRANTS AND COOPERATIVE AGREEMENTS. (a) Requirements.--An MBDA Business Center (referred to in this subtitle as a ``Center''), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program-- (1) shall-- (A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include-- (i) referral services to meet the needs of minority business enterprises; and (ii) programs and services to accomplish the goals described in section \_\_\_101(1); (B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts; (C) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community; (D) establish or continue a referral relationship with not less than 1 community-based organization; and (E) collaborate with other Centers; and (2) in providing programs and services under the applicable MBDA Business Center agreement, may-- (A) operate on a fee-for-service basis; or (B) generate income through the collection of-- (i) client fees; (ii) membership fees; and (iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e). (b) Term.--Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years. (c) Financial Assistance.-- (1) In general.--The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than $250,000 for the term of the agreement. (2) Matching requirement.-- (A) In general.--A Center shall match not less than \1/3\ of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver. (B) Form of funds.--A Center may meet the matching requirement under subparagraph (A) by using-- (i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or (ii) Federal funds received from other Federal programs. (3) Use of financial assistance and program income.--A Center shall use-- (A) all financial assistance awarded to the Center under the applicable MBDA Business Center agreement to carry out subsection (a); and (B) all income that the Center generates in carrying out subsection (a)-- (i) to meet the matching requirement under paragraph (2) of this subsection; and (ii) if the Center meets the matching requirement under paragraph (2) of this subsection, to carry out subsection (a). (d) Criteria for Selection.--The Under Secretary shall-- (1) establish criteria that-- (A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and (B) may include criteria relating to whether an eligible entity is located in-- (i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as determined in accordance with data collected by the Bureau of the Census; (ii) a federally recognized area of economic distress; or (iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and (2) make the criteria and standards established under paragraph (1) publicly available, including-- (A) on the website of the Agency; and (B) in each Notice of Funding Opportunity soliciting MBDA Business Center agreements. (e) Applications.--An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes-- (1) a statement of-- (A) how the eligible entity will carry out subsection (a); and (B) any experience or plans of the eligible entity with respect to-- (i) assisting minority business enterprises to-- (I) obtain-- (aa) large-scale contracts, grants, or procurements; (bb) financing; or (cc) legal assistance; (II) access established supply chains; and (III) engage in-- (aa) joint ventures, teaming arrangements, and mergers and acquisitions; or (bb) large-scale transactions in global markets; (ii) supporting minority business enterprises in increasing the size of the workforces of those enterprises, including, [[Page S5843]] with respect to a minority business enterprise that does not have employees, aiding the minority business enterprise in becoming an enterprise that has employees; and (iii) advocating for minority business enterprises; and (2) the budget and corresponding budget narrative that the eligible entity will use in carrying out subsection (a) during the term of the applicable MBDA Business Center agreement. (f) Notification.--If the Under Secretary grants an application of an eligible entity submitted under subsection (e), the Under Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection. (g) Program Examination; Accreditation; Extensions.-- (1) Examination.--Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Under Secretary shall conduct a programmatic financial examination of each Center. (2) Accreditation.--The Under Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to-- (A) pursue matters of common concern with respect to Centers; and (B) develop an accreditation program with respect to Centers. (3) Extensions.-- (A) In general.--The Under Secretary may extend the term under subsection (b) of an MBDA Business Center agreement to which a Center is a party, if the Center consents to the extension. (B) Financial assistance.--If the Under Secretary extends the term of an MBDA Business Center agreement under paragraph (1), the Under Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the agreement, provide financial assistance under the agreement during the extended term of the agreement. (h) MBDA Involvement.--The Under Secretary may take actions to ensure that the Agency is substantially involved in the activities of Centers in carrying out subsection (a), including by-- (1) providing to each Center training relating to the MBDA Business Center Program; (2) requiring that the operator and staff of each Center-- (A) attend-- (i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and (ii) training provided under paragraph (1); (B) receive necessary guidance relating to carrying out the requirements under subsection (a); and (C) work in coordination and collaboration with the Under Secretary to carry out the MBDA Business Center Program and other programs of the Agency; (3) facilitating connections between Centers and-- (A) Federal agencies other than the Agency, as appropriate; and (B) other institutions or entities that use Federal resources, such as-- (i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C 632(t)); (ii) women's business centers described in section 29 of the Small Business Act (15 U.S.C 656); (iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and (iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C 278k); (4) monitoring projects carried out by each Center; and (5) establishing and enforcing administrative and reporting requirements for each Center to carry out subsection (a). (i) Regulations.--The Under Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDA Business Center Program. SEC. \_\_\_115. MINIMIZING DISRUPTIONS TO EXISTING MBDA BUSINESS CENTER PROGRAM. The Under Secretary shall ensure that each Federal assistance award made under the Business Centers program of the Agency, as is in effect on the day before the date of enactment of this Act, is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under that award. SEC. \_\_\_116. PUBLICITY. In carrying out the MBDA Business Center Program, the Under Secretary shall widely publicize the MBDA Business Center Program, including-- (1) on the website of the Agency; (2) via social media outlets; and (3) by sharing information relating to the MBDA Business Center Program with community-based organizations, including interpretation groups where necessary, to communicate in the most common languages spoken by the groups served by those organizations. TITLE II--NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES SEC. \_\_\_201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION. (a) Responsibility of Agency.--Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Under Secretary shall conduct a Government- business forum to review the current status of problems and programs relating to capital formation by minority business enterprises. (b) Participation in Forum Planning.--The Under Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, not less than 1 certified owner of a minority business enterprise, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a). (c) Preparation of Statements and Reports.-- (1) Requests.--The Under Secretary may request that any head of a Federal agency, department, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a). (2) Cooperation.--Any head of a Federal agency, department, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Under Secretary to fulfill that request. (d) Transmittal of Proceedings and Findings.--The Under Secretary shall-- (1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and (2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to-- (A) the participants in the forum; (B) Congress; and (C) the public, through a publicly available website. (e) Review of Findings and Recommendations; Public Statements.-- (1) In general.--A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall-- (A) review that finding or recommendation; and (B) promptly after the finding or recommendation is transmitted under subsection (d)(2)(C), issue a public statement-- (i) assessing the finding or recommendation; and (ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation. (2) Joint statement permitted.--If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement. SEC. \_\_\_202. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS. (a) Purpose.--The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital. (b) Study and Report.--Not later than 1 year after the date of enactment of this Act, the Under Secretary shall-- (1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and (2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1). SEC. \_\_\_203. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP. (a) Duties.--The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate-- (1) promote the education and training of socially or economically disadvantaged individuals in subjects directly relating to business administration and management; (2) encourage institutions of higher education, leaders in business and industry, and other public sector entities and private sector entities, particularly minority business enterprises, to-- (A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially or economically disadvantaged individuals; and (B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially or economically disadvantaged individuals; (3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and (4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3). (b) Parren J. Mitchell Entrepreneurship Education Grants.-- [[Page S5844]] (1) Definition.--In this subsection, the term ``eligible institution'' means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C 1067q(a)). (2) Grants.--The Under Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula. (3) Requirements.--An eligible institution to which a grant is awarded under this subsection shall use the grant funds to-- (A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including-- (i) business management and marketing; (ii) financial management and accounting; (iii) market analysis; (iv) competitive analysis; (v) innovation; (vi) strategic and succession planning; (vii) marketing; (viii) general management; (ix) technology and technology adoption; (x) leadership; and (xi) human resources; and (B) implement the curriculum developed under subparagraph (A) at the eligible institution. (4) Implementation timeline.--The Under Secretary shall establish and publish a timeline under which an eligible institution to which a grant is awarded under this section shall carry out the requirements under paragraph (3). (5) Reports.--Each year, the Under Secretary shall submit to all applicable committees of Congress, and as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the fiscal year in which the report is submitted, which shall include, with respect to the fiscal year covered by the report-- (A) a description of each curriculum developed and implemented under each grant awarded under this section; (B) the date on which each grant awarded under this section was awarded; and (C) the number of eligible entities that were recipients of grants awarded under this section. TITLE III--RURAL MINORITY BUSINESS CENTER PROGRAM SEC. \_\_\_301. DEFINITIONS. In this title: (1) Appropriate congressional committees.--The term ``appropriate congressional committees'' means-- (A) the Committee on Commerce, Science, and Transportation of the Senate; and (B) the Committee on Financial Services of the House of Representatives. (2) Eligible entity.--The term ``eligible entity'' means-- (A) a minority-serving institution; or (B) a consortium of institutions of higher education that is led by a minority-serving institution. (3) MBDA rural business center.--The term ``MBDA Rural Business Center'' means an MBDA Business Center that provides technical business assistance to minority business enterprises located in rural areas. (4) MBDA rural business center agreement.--The term ``MBDA Rural Business Center agreement'' means an MBDA Business Center agreement that establishes the terms by which the recipient of the Federal assistance award that is the subject of the agreement shall operate an MBDA Rural Business Center. (5) Minority-serving institution.--The term ``minority- serving institution'' means an institution described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C 1067q(a)). (6) Rural area.--The term ``rural area'' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C 1991(a)). (7) Rural minority business enterprise.--The term ``rural minority business enterprise'' means a minority business enterprise located in a rural area. SEC. \_\_\_302. BUSINESS CENTERS. (a) In General.--The Under Secretary may establish MBDA Rural Business Centers. (b) Partnership.-- (1) In general.--With respect to an MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall establish the MBDA Rural Business Center in partnership with an eligible entity in accordance with paragraph (2). (2) MBDA agreement.-- (A) In general.--With respect to each MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall enter into a cooperative agreement with an eligible entity that provides that-- (i) the eligible entity shall provide space, facilities, and staffing for the MBDA Rural Business Center; (ii) the Under Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and (iii) subject to subparagraph (B), the eligible entity shall match 20 percent of the amount of the funding provided by the Under Secretary under clause (ii), which may be calculated to include the costs of providing the space, facilities, and staffing under clause (i). (B) Lower match requirement.--Based on the available resources of an eligible entity, the Under Secretary may enter into a cooperative agreement with the eligible entity that provides that-- (i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Under Secretary under subparagraph (A)(ii); or (ii) if the Under Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding provided by the Under Secretary under subparagraph (A)(ii). (C) Eligible funds.--An eligible entity may provide matching funds required under an MBDA Rural Business Center agreement with Federal funds received from other Federal programs. (3) Term.--The initial term of an MBDA Rural Business Center agreement shall be not less than 3 years. (4) Extension.--The Under Secretary and an eligible entity may agree to extend the term of an MBDA Rural Business Center agreement with respect to an MBDA Rural Business Center. (c) Functions.--An MBDA Rural Business Center shall-- (1) primarily serve clients that are-- (A) rural minority business enterprises; or (B) minority business enterprises that are located more than 50 miles from an MBDA Business Center (other than that MBDA Rural Business Center); (2) focus on-- (A) issues relating to-- (i) the adoption of broadband internet access service (as defined in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation), digital literacy skills, and e-commerce by rural minority business enterprises; (ii) advanced manufacturing; (iii) the promotion of manufacturing in the United States; (iv) ways in which rural minority business enterprises can meet gaps in the supply chain of critical supplies and essential goods and services for the United States; (v) improving the connectivity of rural minority business enterprises through transportation and logistics; (vi) promoting trade and export opportunities by rural minority business enterprises; (vii) securing financial capital; (viii) facilitating entrepreneurship in rural areas; and (ix) creating jobs in rural areas; and (B) any other issue relating to the unique challenges faced by rural minority business enterprises; and (3) provide education, training, and legal, financial, and technical assistance to minority business enterprises. (d) Applications.-- (1) In general.--Not later than 90 days after the date of enactment of this Act, the Under Secretary shall issue a Notice of Funding Opportunity requesting applications from eligible entities that desire to enter into MBDA Rural Business Center agreements. (2) Criteria and priority.--In selecting an eligible entity with which to enter into an MBDA Rural Business Center agreement, the Under Secretary shall-- (A) select an eligible entity that demonstrates-- (i) the ability to collaborate with governmental and private sector entities to leverage capabilities of minority business enterprises through public-private partnerships; (ii) the research and extension capacity to support minority business enterprises; (iii) knowledge of the community that the eligible entity serves and the ability to conduct effective outreach to that community to advance the goals of an MBDA Rural Business Center; (iv) the ability to provide innovative business solutions, including access to contracting opportunities, markets, and capital; (v) the ability to provide services that advance the development of science, technology, engineering, and math jobs within minority business enterprises; (vi) the ability to leverage resources from within the eligible entity to advance an MBDA Rural Business Center; (vii) that the mission of the eligible entity aligns with the mission of the Agency; (viii) the ability to leverage relationships with rural minority business enterprises; and (ix) a referral relationship with not less than 1 community-based organization; and (B) give priority to an eligible entity that-- (i) is located in a State or region that has a significant population of socially or economically disadvantaged individuals; (ii) has a history of serving socially or economically disadvantaged individuals; or (iii) in the determination of the Under Secretary, has not received an equitable allocation of land and financial resources under-- (I) the Act of July 2, 1862 (commonly known as the ``First Morrill Act'') (12 Stat. 503, chapter 130; 7 U.S.C 301 et seq.); or (II) the Act of August 30, 1890 (commonly known as the ``Second Morrill Act'') (26 Stat. 417, chapter 841; 7 U.S.C 321 et seq.). (3) Considerations.--In determining whether to enter into an MBDA Rural Business Center agreement with an eligible entity under this section, the Under Secretary shall consider the needs of the eligible entity. SEC. \_\_\_303. REPORT TO CONGRESS. Not later than 1 year after the date of enactment of this Act, the Under Secretary [[Page S5845]] shall submit to the appropriate congressional committees a report that includes-- (1) a summary of the efforts of the Under Secretary to provide services to minority business enterprises located in States that lack an MBDA Business Center, as of the date of enactment of this Act, and especially in those States that have significant minority populations; and (2) recommendations for extending the outreach of the Agency to underserved areas. SEC. \_\_\_304. STUDY AND REPORT. (a) In General.--The Under Secretary, in coordination with relevant leadership of the Agency and relevant individuals outside of the Department of Commerce, shall conduct a study that addresses the ways in which minority business enterprises can meet gaps in the supply chain of the United States, with a particular focus on the supply chain of advanced manufacturing and essential goods and services. (b) Report.--Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes the results of the study conducted under subsection (a), which shall include recommendations regarding the ways in which minority business enterprises can meet gaps in the supply chain of the United States. TITLE IV--MINORITY BUSINESS DEVELOPMENT GRANTS SEC. \_\_\_401. GRANTS TO NONPROFIT ORGANIZATIONS THAT SUPPORT MINORITY BUSINESS ENTERPRISES. (a) Definition.--In this section, the term ``covered entity'' means a private nonprofit organization that-- (1) is described in paragraph (3), (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and (2) can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, whether through education, making grants or loans, or other similar activities. (b) Purpose.--The purpose of this section is to make grants to covered entities to help those covered entities continue the necessary work of supporting minority business enterprises. (c) Designation of Office.-- (1) In general.--Not later than 180 days after the date of enactment of this Act, the Under Secretary shall designate an office to make and administer grants under this section. (2) Considerations.--In designating an office under paragraph (1), the Under Secretary shall ensure that the office designated has adequate staffing to carry out the responsibilities of the office under this section. (d) Application.--A covered entity desiring a grant under this section shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require. (e) Priority.--The Under Secretary shall, in carrying out this section, prioritize granting an application submitted by a covered entity that is located in a federally recognized area of economic distress. (f) Use of Funds.--A covered entity to which a grant is made under this section may use the grant funds to support the development, growth, or retention of minority business enterprises. (g) Procedures.--The Under Secretary shall establish procedures to-- (1) discourage and prevent waste, fraud, and abuse by applicants for, and recipients of, grants made under this section; and (2) ensure that grants are made under this section to a diverse array of covered entities, which may include-- (A) covered entities with a national presence; (B) community-based covered entities; (C) covered entities with annual budgets below $1,000,000; or (D) covered entities that principally serve low-income and rural communities. (h) Inspector General Audit.--Not later than 180 days after the date on which the Under Secretary begins making grants under this section, the Inspector General of the Department of Commerce shall-- (1) conduct an audit of grants made under this section, which shall seek to identify any discrepancies or irregularities with respect to those grants; and (2) submit to Congress a report regarding the audit conducted under paragraph (1). (i) Updates to Congress.--Not later than 90 days after the date on which the Under Secretary makes the designation required under subsection (c), and once every 30 days thereafter, the Under Secretary shall submit to Congress a report that contains-- (1) the number of grants made under this section during the period covered by the report; and (2) with respect to the grants described in paragraph (1)-- (A) the geographic distribution of those grants by State and county; (B) if applicable, demographic information with respect to the minority business enterprises served by the covered entities to which the grants were made; and (C) information regarding the industries of the minority business enterprises served by the covered entities to which the grants were made. TITLE V--MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL SEC. \_\_\_501. PURPOSE. The Under Secretary shall establish the Minority Business Enterprises Advisory Council (referred to in this title as the ``Council'') to advise and assist the Agency. SEC. \_\_\_502. COMPOSITION AND TERM. (a) Composition.--The Council shall be composed of 9 members of the private sector and 1 representative from each of not fewer than 10 Federal agencies that support or otherwise have duties that relate to business formation, including duties relating to labor development, monetary policy, national security, energy, ***agriculture***, transportation, and housing. (b) Chair.--The Under Secretary shall designate 1 of the private sector members of the Council as the Chair of the Council for a 1-year term. (c) Term.--The Council shall meet at the request of the Under Secretary and members shall serve for a term of 2 years. Members of the Council may be reappointed. SEC. \_\_\_503. DUTIES. (a) In General.--The Council shall provide advice to the Under Secretary by-- (1) serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged business concerns; (2) providing the Under Secretary with information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged business concerns; and (3) advising the Under Secretary regarding-- (A) any ***measures*** to better achieve the objectives of this division; and (B) problems and matters the Under Secretary refers to the Council. (b) Capacity.--Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code. (c) Termination.--Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C App.), the Council shall terminate on the date that is 5 years after the date of enactment of this Act. TITLE VI--FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS SEC. \_\_\_601. GENERAL DUTIES. The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns. SEC. \_\_\_602. PARTICIPATION OF FEDERAL DEPARTMENTS AND AGENCIES. The Under Secretary shall-- (1) consult with other Federal agencies and departments as appropriate to-- (A) develop policies, comprehensive plans, and specific program goals for the programs carried out under subtitle B of title I and title III; (B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this division are being achieved; and (C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this division; (2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under subtitle B of title I and title III to ensure consistency with program goals and to avoid duplication; and (3) convene, for purposes of coordination, meetings of the heads of such Federal agencies and departments, or their designees, the programs and activities of which may affect or contribute to the carrying out of this division. TITLE VII--ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS SEC. \_\_\_701. ADMINISTRATIVE POWERS. (a) In General.--In carrying out this division, the Under Secretary may-- (1) adopt and use a seal for the Agency, which shall be judicially noticed; (2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division; (3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division; (4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency; (5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies; (6) develop procedures under which the Under Secretary may evaluate the compliance of a recipient of assistance under this Act with the requirements of this Act; (7) deobligate assistance provided under this Act to a recipient that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending; and (8) provide that a recipient of assistance under this Act that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending, shall be ineligible to [[Page S5846]] receive assistance under this Act for a period determined by the Under Secretary, consistent with the considerations under section 180.865 of title 2, Code of Federal Regulations (or any successor regulation), beginning on the date on which the Under Secretary makes the applicable finding. (b) Use of Property.-- (1) In general.--Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division. (2) Terms, conditions, reservations, and restrictions.--The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1). SEC. \_\_\_702. FEDERAL ASSISTANCE. (a) In General.-- (1) Provision of federal assistance.--To carry out sections \_\_\_101, \_\_\_102, and \_\_\_103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements. (2) Notice.--Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including-- (A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available; (B) the types of Federal assistance that will, or may, be made available; (C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and (D) the methodology used by the Under Secretary to make allocations under subparagraph (C). (3) Consultation.--The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1). (b) Publicity.--In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section \_\_\_116. SEC. \_\_\_703. RECORDKEEPING. (a) In General.--Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division-- (1) the amount and nature of that assistance; (2) the disposition by the recipient of the proceeds of that assistance; (3) the total cost of the undertaking for which the assistance is given or used; (4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency; (5) the return on investment, as defined by the Under Secretary; and (6) any other record that will facilitate an effective audit with respect to the assistance. (b) Access by Government Officials.--The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center. SEC. \_\_\_704. REVIEW AND REPORT BY COMPTROLLER GENERAL. Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall-- (1) conduct a thorough review of the programs carried out under this division; and (2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include-- (A) an evaluation of the effectiveness of the programs in achieving the purposes of this division; (B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and (C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division. SEC. \_\_\_705. BIANNUAL REPORTS; RECOMMENDATIONS. (a) Biannual Report.--Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report. (b) Recommendations.--The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division. SEC. \_\_\_706. SEPARABILITY. If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment-- (1) shall not affect, impair, or invalidate-- (A) any other provision of this division; or (B) the application of this division to any other person or circumstance; and (2) shall be confined in its operation to-- (A) the provision of this division with respect to which the judgment is rendered; or (B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered. SEC. \_\_\_707. EXECUTIVE ORDER 11625. The powers and duties of the Agency shall be determined-- (1) in accordance with this division and the requirements of this division; and (2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise). SEC. \_\_\_708. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to the Under Secretary $110,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which-- (1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and (2) $20,000,000 shall be used in each such fiscal year to carry out title III. \_\_\_\_\_\_ SA 2479. Mrs. MURRAY (for herself, Mr. Durbin, Mrs. Feinstein, Mr. Padilla, Ms. Cantwell, and Mr. Kelly) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2687, line 22, insert ``Provided further, That, from funds made available under this heading in this Act, the Secretary shall provide an additional 23 percent of total project costs for any project described in subsection (d) or (e) of section 5309 of title 49, United States Code, that has a Full Funding Grant Agreement that was entered into under such subsection (d) or (e) on or after January 1, 2017, and that has received an allocation of funding in any of fiscal years 2019, 2020, and 2021:'' after ``fiscal year 2023:'' \_\_\_\_\_\_ SA 2480. Mr. LANKFORD (for Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 94, line 12, insert ``, and including a project authorized by Congress to be carried out by the Secretary of the Army'' after ``corridor''. On page 124, line 16, insert ``, and including a project authorized by Congress to be carried out by the Secretary of the Army'' after ``crossing''. On page 126, line 21, insert ``, and including a project authorized by Congress to be carried out by the Secretary of the Army'' after ``crossing''. On page 222, between lines 2 and 3, insert the following: SEC. 11136. PAYMENTS ON FEDERAL-AID PROJECTS UNDERTAKEN BY A FEDERAL AGENCY. Section 132 of title 23, United States Code, is amended-- (1) in subsection (a)-- (A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately; (B) in the matter preceding subparagraph (A) (as so redesignated), by striking the subsection designation and heading and all that follows through ``In a case'' and inserting the following: ``(a) Projects Undertaken by a Federal Agency.-- ``(1) In general.--Except as provided in paragraph (2), in a case''; and (C) by adding at the end the following: ``(2) Certain projects undertaken by the secretary of the army.-- ``(A) In general.--Subject to subparagraphs (B) through (D), in a case in which a proposed project described in paragraph (10) [[Page S5847]] or (11) of section 149(b), clause (iii) or (iv) of section 167(h)(5)(B), or clause (vii) or (viii) of section 117(d)(1)(A) is to be undertaken by the Secretary of the Army in accordance with an agreement between a State and the Secretary of the Army, the State may-- ``(i) direct the Secretary to transfer funds for the Federal share of the project directly to the Secretary of the Army; or ``(ii) make such deposit with, or payment to, the Secretary of the Army as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Secretary of the Army for the non-Federal share of the project. ``(B) Administration of funds.--Amounts transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii)-- ``(i) shall not be subject to the provisions of this title (other than this section); and ``(ii) shall be administered by the Secretary of the Army in accordance with the Water Resources Development Act of 1986 (33 U.S.C 2201 et seq.). ``(C) Federal and non-federal share.--Notwithstanding section 120, funds transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii) to the Secretary of the Army may be accepted and expended by the Secretary of the Army for the Federal and non-Federal share, respectively, of a project described in subparagraph (A). ``(D) Supplement; not supplant.--Amounts transferred under subparagraph (A) shall supplement, and not supplant, funds otherwise made available to the Secretary of the Army. ``(E) Modernization activities.--Amounts that are transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii) to the Secretary of the Army for a project involving modernization activities under section 159 of the Water Resources Development Act of 2020 (Public Law 116-260) shall not be eligible for reimbursement by the Secretary of the Army to the Secretary or to the State, respectively, to the extent such amounts are obligated by the Secretary of the Army for such project.''; and (2) in subsection (b)-- (A) by striking ``described in subsection (a)'' and inserting ``described in paragraph (1) or (2) of subsection (a)''; and (B) by striking ``under subsection (a)(2)'' and inserting ``under paragraph (1)(B) or (2)(A)(ii) of subsection (a)''. \_\_\_\_\_\_ SA 2481. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2700, strike line 17 and all that follows through page 2702, line 3. \_\_\_\_\_\_ SA 2482. Mr. WICKER (for himself and Mr. Warnock) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of title VII of division B, add the following: SEC. 270\_\_. WILLIAM T. COLEMAN, JR., FEDERAL BUILDING. (a) In General.--The headquarters building of the Department located at 1200 New Jersey Avenue, SE, in Washington, DC, shall be known and designated as the ``William T. Coleman, Jr., Federal Building''. (b) References.--Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ``William T. Coleman, Jr., Federal Building''. \_\_\_\_\_\_ SA 2483. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 40701 of division D, strike subsection (c) and insert the following: (c) Covered Activities.-- (1) In general.--Grants under subsection (b)(1) shall only be used for activities described in-- (A) section 402(g)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(g)(6)); (B) subsections (a) and (b) of section 403 of that Act (30 U.S.C 1233); (C) section 410 of that Act (30 U.S.C 1240); or (D) section 413(d) of that Act (30 U.S.C.1242(d)). (2) Application of certain requirements.-- (A) In general.--Notwithstanding any other provision of law, grants under subsection (b)(1) may be used for activities described in subparagraphs (A) and (D) of paragraph (1) without regard to whether the site of the activities is adjacent to a site that has been or will be reclaimed under paragraph (1) or (2) of section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1233(a)). (B) Acid mine drainage abatement and treatment.--Funds from a grant under subsection (b)(1) may be used for activities described in section 402(g)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(g)(6)) without regard to whether the activities are carried out within a qualified hydrologic unit (as defined in section 402(g)(6)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C 1232(g)(6)(B))). \_\_\_\_\_\_ SA 2484. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle A of title IV of division B, add the following: SEC. 241\_\_. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS. Section 163(e) of title 23, United States Code, is amended-- (1) by redesignating paragraph (3) as paragraph (4); and (2) by inserting after paragraph (2) the following: ``(3) Fiscal year 2022 and thereafter.-- ``(A) Reservation of funds.--Beginning on October 1, 2021, no amounts apportioned to a State under paragraphs (1) or (2) of section 104(b) may be spent in sanctuary jurisdictions. ``(B) Definition of sanctuary jurisdiction.-- ``(i) In general.--Except as provided under subparagraph (ii), for purposes of this paragraph, the term `sanctuary jurisdiction' means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from-- ``(I) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons; or ``(II) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons. ``(ii) Exception.--A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on the State or political subdivision having a policy under which officials of the State or political subdivision will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.''. \_\_\_\_\_\_ SA 2485. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end, add the following: DIVISION K--PROHIBITION ON USE OF FUNDS SEC. \_\_\_\_01. PROHIBITION ON USE OF FUNDS. No funds made available under this Act or an amendment made by this Act may be used for the Civilian Climate Corps established pursuant to Executive Order 14008 (86 Fed. Reg. 7619 (February 1, 2021); relating to tackling the climate crisis at home and abroad). \_\_\_\_\_\_ SA 2486. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, [[Page S5848]] Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2642, line 20, strike ``National Electric Vehicle Formula Program'' and insert ``National Electric Vehicle and Biofuel Infrastructure Formula Program''. On page 2642, line 23, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2643, line 3, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2643, line 8, insert ``or biofuel infrastructure'' after ``infrastructure''. On page 2643, line 9, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2643, line 22, insert ``Provided further, That of the funds distributed to each State under the previous proviso, each State may determine how to allocate such funds for electric vehicle charging infrastructure or biofuel infrastructure projects, respectively:'' after ``Code:''. On page 2644, line 19, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2646, line 15, insert ``or biofuel infrastructure'' after ``charging infrastructure''. [On page 2646, line 20, insert ``or fueling'' after ``the charging''.] On page 2646, line 21, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2646, line 25, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2647, line 8, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2647, line 14, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2647, line 24, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2648, line 1, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2648, line 5, insert ``or biofuel infrastructure'' after ``infrastructure''. On page 2648, line 12, insert ``or biofuel infrastructure'' before the semicolon. On page 2648, line 14, insert ``or biofuel infrastructure'' before the comma. On page 2648, line 22, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2649, line 7, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2649, line 9, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2649, line 14, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2649, line 17, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2649, line 21, insert ``or biofuel infrastructure'' before the comma. [On page 2649, line 25, insert ``or biofuel vehicle owners'' after ``owners''.] [On page 2650, line 1, insert ``or biofuel vehicles'' after ``electric vehicles''.] [On page 2650, line 2, insert ``or biofuel'' before ``required''.] On page 2650, line 3, insert ``or biofuel fueling stations'' before the comma. On page 2650, line 4, insert ``or biofuel fueling stations'' after ``charging stations''. [On page 2650, line 5, insert ``or biofuel'' after ``electric''.] On page 2650, line 6, insert ``or biofuel fueling stations'' after ``charging stations''. [On page 2650, line 7, insert ``or biofuel'' after ``electric''.] On page 2650, strike lines 13 and 14 and insert ``scenarios for electric and biofuel vehicles and electric vehicle charging stations or biofuel fueling stations: Provided further, That not later''. On page 2650, line 22, insert ``or biofuel infrastructure'' before ``under''. On page 2650, line 24, insert ``or biofuel infrastructure'' before ``under''. On page 2651, line 6, insert ``or biofuel infrastructure'' after ``charging infrastructure''. On page 2651, line 8, insert ``or biofuel infrastructure'' before ``locations''. [On page 2651, line 12, insert ``and biofuel infrastructure'' before ``corridors''.] On page 2651, line 15, insert ``or biofuel infrastructure'' before ``to support''. On page 2651, line 24, insert ``or biofuel infrastructure'' after ``charging infrastructure''. [On page 2651, line 25, insert ``and biofuel infrastructure'' before ``corridors''.] On page 2652, line 21, insert ``or biofuel infrastructure'' after ``charging infrastructure''. [On page 2654, line 4, insert ``or biofuel vehicle'' after ``electric vehicle''.] [On page 2655, line 7, insert ``or biofuel fueling stations'' after ``stations''.] [On page 2655, line 8, insert ``or biofuel fueling stations'' after ``stations''.] [On page 2655, line 11, insert ``or biofuel fueling stations'' after ``stations''.] \_\_\_\_\_\_ SA 2487. Mr. SULLIVAN (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2477, line 12, of the amendment, insert ``, including to establish the Marine Debris Foundation established by section 111(a) of the Save Our Seas 2.0 Act (33 U.S.C 4211(a))'' after ``removal''. \_\_\_\_\_\_ SA 2488. Mr. SULLIVAN (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2598, line 14, strike ``302(a)'' and insert ``302''. \_\_\_\_\_\_ SA 2489. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle A of title II of division B, add the following: SEC. 22108. SENSE OF THE SENATE REGARDING TRANSFER OF AMTRAK FUNDS. It is the sense of the Senate that, of the funds made available for Amtrak under this title for fiscal years 2022 through 2026-- (1) $1,000,000,000 of such funds should be transferred to the Secretary of Energy for uranium enrichment activities for each of fiscal years 2022 through 2026; and (2) $300,000,000 of such funds should be transferred to the Secretary of Energy for lithium extraction or purification activities for each of fiscal years 2022 through 2026. \_\_\_\_\_\_ SA 2490. Mr. CRUZ (for himself, Mr. Lujan, Mr. Cornyn, and Mr. Heinrich) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 443, lines 4 and 5, strike ``in the first sentence by striking'' and insert the following: ``in the first sentence-- (1) by inserting ``clauses (i) and (iv) of subsection (c)(38)(A),'' after ``subsection (c)(37),''; and (2) by striking \_\_\_\_\_\_ SA 2491. Ms. DUCKWORTH (for herself and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division I, insert the following: SEC. \_\_. FEDERAL CHARTER FOR THE NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION. (a) In General.--Chapter 1 of Subtitle I of title 49, United States Code, is amended by adding at the end the following new section: ``SEC. 118. NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION. ``(a) Federal Charter and Status.-- ``(1) In general.--The National Center for the Advancement of Aviation (in this section referred to as the `Center') is a Federally chartered entity. The Center is a private entity, not a department, agency, or instrumentality of the United States Government. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government. [[Page S5849]] ``(2) Perpetual existence.--Except as otherwise provided, the Center has perpetual existence. ``(b) Governing Body.-- ``(1) In general.--The Board of Directors (in this section referred to as the `Board') is the governing body of the Center. ``(2) Authority and powers.-- ``(A) In general.--The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center. ``(B) Powers of board.--The Board shall have the power to do the following: ``(i) Adopt and alter a corporate seal. ``(ii) Establish and maintain offices to conduct its activities. ``(iii) Enter into contracts. ``(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center. ``(v) Publish documents and other publications in a publicly accessible manner. ``(vi) Incur and pay obligations. ``(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center. ``(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section. ``(3) Membership of the board.-- ``(A) In general.--The Board shall have 11 Directors as follows: ``(i) Ex-officio membership.--The following individuals, or their designees, shall serve as ex-officio members of the Board: ``(I) The Administrator of the Federal Aviation Administration. ``(II) The Director of the William J. Hughes Technical Center within the Federal Aviation Administration. ``(III) The Director of the Mike Monroney Aeronautical Center within the Federal Aviation Administration. ``(ii) Appointments.-- ``(I) In general.--From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia-- ``(aa) the Secretary of Transportation shall appoint 5 members to the Board; ``(bb) the Secretary of Defense shall appoint 1 member to the Board; and ``(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board. ``(II) Terms.--The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed. To ensure subsequent appointments to the Board are staggered, of the 7 members first appointed under subclause (I), 2 shall be appointed for a term of 1 year, 2 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years. ``(III) Consideration.--When considering whom to appoint to the Board, the Secretary of Transportation and Secretary of Defense shall ensure the overall composition of the Board remains balanced between and within the fields of aviation, finance, and academia. ``(iii) Executive director.--The Executive Director of the Center shall be a member of the Board pursuant to paragraph (5)(D). ``(B) Vacancies.--A vacancy on the Board shall be filled in the same manner as the initial appointment. ``(4) Chairman of the board.--The Board shall choose a Chairman of the Board from among the members of the Board. ``(5) Administrative matters.-- ``(A) Meetings.-- ``(i) In general.--The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means. ``(ii) Open.-- ``(I) In general.--Except as provided in clause (II), a meeting of the Board shall be open to the public. ``(II) Exception.--A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed-- ``(aa) relate solely to the internal personnel rules and practices of the Center; ``(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential; ``(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted ***invasion*** of personal privacy; or ``(dd) are matters that are specifically exempted from disclosure by Federal or State law. ``(iii) Public announcement.--At least 1 week before a meeting, and as soon as practicable thereafter if there are any changes, the Board shall make a public announcement of the meeting that describes-- ``(I) the time, place, and subject matter of the meeting; ``(II) whether the meeting is to be open or closed to the public; and ``(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting. ``(iv) Record.--The Board shall keep a transcript of minutes from each Board meeting. Such transcript shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II). ``(B) Quorum.--A majority of members of the Board shall constitute a quorum. ``(C) Restriction.--No member of the Board shall participate in any proceeding, application, ruling or other determination, contract claim, scholarship award, controversy, or other matter in which the member, the member's employer or prospective employer, or the member's spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph shall be subject to applicable Federal and State laws and may be fined not more than $10,000, imprisoned for not more than 2 years, or both. ``(D) Executive director.--The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the `Executive Director') who shall also become a member of the Board. The Executive Director serves at the pleasure of the Board, under such terms and conditions as the Board shall establish and is subject to removal by the Board at its discretion. The Executive Director shall be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center. The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center. ``(c) Purpose of the Center.--The purpose of the Center is to provide a forum to facilitate collaboration and cooperation between aviation and aerospace private sector stakeholders, including general, business, and commercial aviation, education, labor, manufacturing, the Armed Forces, and other governmental, non-governmental, and international organizations, for the purpose of supporting and promoting civil and military aviation and aerospace in order to address the demands and challenges associated with ensuring a safe and vibrant national aviation system as identified by the Board. In furtherance of that purpose, the constitution and bylaws of the Center shall direct the Center to focus on the following: ``(1) The development and sustainability of a well- qualified, well-trained civil and military aviation and aerospace workforce. ``(2) The conduct of research and development of new aviation and aerospace training materials and products. ``(3) The coordination of the dissemination of grants for the development of aviation and aerospace oriented high school STEM education curriculum. ``(4) The facilitation of collaboration between institutions of higher education or other research institutions engaged in aviation, aerospace or related research or technical development, including those institutions designated as Centers of Excellence or Test Centers of the Federal Aviation Administration and aviation and aerospace stakeholders. ``(5) The engagement in other workforce development activities consistent with addressing the demands and challenges facing the aviation and aerospace industry. ``(d) Duties of Center.--In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties: ``(1) Support the development of aviation and aerospace education curricula, including syllabuses and lesson plans, for use by high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools that are designed to prepare students to enter the aviation or aerospace workforce by becoming aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of pilots or any of the aforementioned individuals working in the aviation or aerospace sector. ``(2) Support the professional development of educators using the curriculum described in paragraph (1) and subparagraphs (A) and (B) of subsection (e)(1) by organizing symposiums designed to assist educators who are teaching or who wish to teach the aviation curriculum. ``(3) Promote aviation and aerospace employment opportunities generally, including building awareness of youth oriented aviation and aerospace programs (such as the Civil Air Patrol, Young Eagles program, and Reserve Officers Training Corps) and establishing scholarships, apprenticeships, or mentorship programs for individuals, including individuals in economically disadvantaged areas or individuals who are underrepresented in the aviation industry and who wish to pursue a career in an aviation- or aerospace- related field. ``(4) Support of Armed Forces personnel seeking to transition to a career in civil aviation or an aerospace related field through outreach, training, apprenticeships, or other means. ``(5) Serve as a central repository for publicly available economic data, safety data, and research efforts related to the aviation and aerospace sectors in order to make available to the public information that highlights the economic impact of aviation and aerospace and information that would improve the safety of aviation and aerospace. The Center shall periodically, as appropriate, publicize an analysis of such data in an accessible format. In particular, the Center shall coordinate with existing FAA Centers of Excellence to do the following: [[Page S5850]] ``(A) Ensure research and development efforts conducted at Centers of Excellence of the Federal Aviation Administration are tracked, collected, and amplified across the aviation and aerospace community. ``(B) Provide a repository of pertinent recommendations or other action items from all Centers of Excellence for public review. ``(C) Serve as a collaborative forum for Centers of Excellence institution researchers, stakeholders, and other interested parties for the purpose of discussing research efforts. ``(6) Serve as a forum, through symposiums, conferences, and other means as appropriate, for cross-disciplinary collaboration among aviation and aerospace stakeholders to consider the near-term and long-term future of aviation and aerospace generally with respect to new training materials and products. ``(e) Grants.-- ``(1) In general.--In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center shall have the authority and ability to issue grants to organizations that have experience in, and knowledge of, creating, developing, and delivering or updating-- ``(A) high school aviation curricula, including syllabuses and lesson plans, that are designed to prepare students to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of out-of-practice pilots or any of the aforementioned individuals; or ``(B) aviation curricula, including syllabuses and lesson plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare students to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, or aviation maintenance technicians, or to refresh the knowledge of out-of-practice pilots or any of the aforementioned individuals. ``(2) Limitation.--No organization that receives a grant under this subsection shall sell or make a profit from the creation, development, delivery, or updating of aviation curricula. ``(f) Administrative Matters of the Center.-- ``(1) Detailees.-- ``(A) In general.--At the request of the Center, the head of any Federal agency or department may detail to the Center, on a reimbursable basis, any employee of the agency or department. ``(B) Civil service status.--The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege. ``(2) Names and symbols.--The Center may use proceeds derived from the Center's use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board of Directors in furtherance of the purpose and duties of the Center. ``(3) Gifts, grants, bequests, and devises.--The Center may accept, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center. ``(4) Voluntary services.--The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center. ``(g) Restrictions on the Center.-- ``(1) Profit.--The Center may not engage in business activity for profit. ``(2) Stocks and dividends.--The Center may not issue stock or declare or pay a dividend. ``(3) Political activities.--The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise promote the candidacy of, an individual seeking elective public office. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative ***process***. ``(4) Distribution of income or assets.--The assets of the Center may not inure to the benefit of a member of the Board, or an officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to an officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board. ``(5) Loans.--The Center may not make a loan to a member of the Board or an officer or employee of the Center. ``(6) No claim of governmental approval or authority.--The Center may not claim approval of Congress or of the authority of the United States for any of its activities. ``(h) Advisory Committee.-- ``(1) In general.--The Executive Director shall appoint members to an advisory committee subject to the approval by the Board. Members of the Board of the Center may not sit on the advisory committee. ``(2) Membership.--The advisory committee shall consist of 15 members who represent a balance of various aviation stakeholder groups. The advisory committee shall choose a Chairman and Vice Chairman of the advisory committee from among members of the advisory committee. Members of the advisory committee shall be appointed for a term of 5 years. ``(3) Duties.--The advisory committee shall-- ``(A) provide recommendations to the Board on an annual basis regarding the priorities for the Center's activities; ``(B) provide advice to the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center; ``(C) provide data and information to the Center to aid the Center in carrying out its duties; and ``(D) nominate United States citizens for consideration by the Board to be honored by the Center for their work in promoting aviation or aviation education in the United States. ``(4) Meetings.--The provisions for meetings of the Board under subsection (c)(1) shall apply to meetings of the advisory committee. ``(i) Working Groups.-- ``(1) In general.--The Board may establish and appoint the membership of working groups for a time and for a specific reason as necessary and appropriate. ``(2) Membership.--Any working group established by the Board shall have members representing a balance of various aviation stakeholder groups. Once established, the membership of such working group shall choose a Chairman from among the members of the working group. ``(3) Termination.--Any working group established by the Board under this subsection shall be constituted for a time period of not more than 3 years. ``(j) Records of Accounts.--The Center shall keep correct and complete records of accounts. ``(k) Duty To Maintain Tax-Exempt Status.--The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of that Code. ``(l) Annual Report.--The Center shall submit an annual report to Congress on the activities of the Center during the prior year. ``(m) Funding.--In order to carry out this section, notwithstanding any other provision of law, an amount equal to 5 percent of the interest from investment credited to the Airport and Airway Trust Fund shall be transferred annually as a direct lump sum payment on the first day of October to the Center to carry out this section and shall be available until expended without further act of appropriation.''. (b) Clerical Amendment.--The analysis for chapter 1 of subtitle 1 of title 49, United States Code, is amended by inserting after the item relating to section 117 the following: ``118. National Center for the Advancement of Aviation.''. \_\_\_\_\_\_ SA 2492. Mr. LANKFORD (for Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2486, line 17, insert ``Provided further, That in allocating funds under the previous proviso, the Secretary of the Army shall prioritize channel deepening projects:'' after ``projects:''. On page 1738, line 25, insert ``, including to be leveraged through performance contracting'' after ``expended''. At the end of title VIII of division D, add the following: SEC. 408\_\_\_\_. REGENERATIVE GRAZING DATA COLLECTION. (a) Definitions.--In this section: (1) Federal land.--The term ``Federal land'' means-- (A) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)); and (B) National Forest System land. (2) Program.--The term ``program'' means the pilot program established under subsection (b)(1). (3) Secretaries.--The term ``Secretaries'' means the Secretary of ***Agriculture*** (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the Bureau of Land Management), acting jointly. (b) Pilot Program for Use of Regenerative Grazing on Federal Land to Mitigate the Effects of Climate Change.-- (1) Establishment.--Not later than 1 year after the date of enactment of this Act, the Secretaries shall establish a pilot program to study the effectiveness of using grazing on Federal land to mitigate the effects of climate change. (2) Requirements.--In carrying out the program, the Secretaries shall-- (A) identify-- (i) a standard set of practices to study, such as carbon beneficial practices in the conservation practice standards of the Natural Resources Conservation Service, that support conservation goals, including-- (I) silvopasture; (II) practices that provide wildlife habitat benefits; [[Page S5851]] (III) practices that consider flexibility in season of use; (IV) forage and biomass management; (V) planned grazing; and (VI) range monitoring; and (ii) sufficient grazing allotments on a diverse mixture of ecosystems to identify how grazing is an effective tool to mitigate effects of climate change, including the ability to-- (I) improve soil health; (II) sequester carbon; (III) reduce wildfire risk; and (IV) improve watershed resilience and biodiversity; (B) in developing, implementing, and monitoring the program, consult with-- (i) relevant subject matter experts at the Forest Service; (ii) relevant subject matter experts at the Bureau of Land Management; (iii) the Chief of the Natural Resources Conservation Service; (iv) the Director of the United States Geological Survey; (v) ranchers and representatives of the ranching industry; (vi) representatives from grazing districts, associations, or boards; (vii) environmental and conservation nongovernmental organizations; (viii) institutions of higher education; and (ix) any other organization that the Secretaries determine to be appropriate. (3) Use of funds.--Funds made available to carry out the program may be used for-- (A) the conduct of research activities; (B) the provision of technical assistance to permittees; or (C) the construction of infrastructure necessary for implementing and analyzing regenerative grazing. (4) Report to congress.--Not later than 180 days after the date on which the Secretaries determine that a sufficient quantity of data has been collected under the program, the Secretaries shall submit to the Committee on Energy and Natural Resources and the Committee on ***Agriculture***, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on ***Agriculture*** of the House of Representatives and make publicly available on the websites of the Department of ***Agriculture*** and the Department of the Interior a report on the findings and data derived from the program, including whether and the extent to which the use of regenerative grazing improved the ability to mitigate the impacts of climate change. (5) Authorization of appropriations.--There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2023, to remain available until expended. \_\_\_\_\_\_ SA 2493. Mr. COONS (for himself and Mrs. Shaheen) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1738, line 25, insert ``, including to be leveraged through performance contracting'' after ``expended''. \_\_\_\_\_\_ SA 2494. Ms. LUMMIS (for herself and Mr. Wyden) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of title VIII of division D, add the following: SEC. 408\_\_\_\_. REGENERATIVE GRAZING DATA COLLECTION. (a) Definitions.--In this section: (1) Federal land.--The term ``Federal land'' means-- (A) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)); and (B) National Forest System land. (2) Program.--The term ``program'' means the pilot program established under subsection (b)(1). (3) Secretaries.--The term ``Secretaries'' means the Secretary of ***Agriculture*** (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the Bureau of Land Management), acting jointly. (b) Pilot Program for Use of Regenerative Grazing on Federal Land to Mitigate the Effects of Climate Change.-- (1) Establishment.--Not later than 1 year after the date of enactment of this Act, the Secretaries shall establish a pilot program to study the effectiveness of using grazing on Federal land to mitigate the effects of climate change. (2) Requirements.--In carrying out the program, the Secretaries shall-- (A) identify-- (i) a standard set of practices to study, such as carbon beneficial practices in the conservation practice standards of the Natural Resources Conservation Service, that support conservation goals, including-- (I) silvopasture; (II) practices that provide wildlife habitat benefits; (III) practices that consider flexibility in season of use; (IV) forage and biomass management; (V) planned grazing; and (VI) range monitoring; and (ii) sufficient grazing allotments on a diverse mixture of ecosystems to identify how grazing is an effective tool to mitigate effects of climate change, including the ability to-- (I) improve soil health; (II) sequester carbon; (III) reduce wildfire risk; and (IV) improve watershed resilience and biodiversity; (B) in developing, implementing, and monitoring the program, consult with-- (i) relevant subject matter experts at the Forest Service; (ii) relevant subject matter experts at the Bureau of Land Management; (iii) the Chief of the Natural Resources Conservation Service; (iv) the Director of the United States Geological Survey; (v) ranchers and representatives of the ranching industry; (vi) representatives from grazing districts, associations, or boards; (vii) environmental and conservation nongovernmental organizations; (viii) institutions of higher education; and (ix) any other organization that the Secretaries determine to be appropriate. (3) Use of funds.--Funds made available to carry out the program may be used for-- (A) the conduct of research activities; (B) the provision of technical assistance to permittees; or (C) the construction of infrastructure necessary for implementing and analyzing regenerative grazing. (4) Report to congress.--Not later than 180 days after the date on which the Secretaries determine that a sufficient quantity of data has been collected under the program, the Secretaries shall submit to the Committee on Energy and Natural Resources and the Committee on ***Agriculture***, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on ***Agriculture*** of the House of Representatives and make publicly available on the websites of the Department of ***Agriculture*** and the Department of the Interior a report on the findings and data derived from the program, including whether and the extent to which the use of regenerative grazing improved the ability to mitigate the impacts of climate change. (5) Authorization of appropriations.--There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2023, to remain available until expended. \_\_\_\_\_\_ SA 2495. Ms. KLOBUCHAR (for herself and Mr. Thune) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division H, insert the following: SEC. \_\_\_. CREDIT FOR SALE OR BLENDING OF ETHANOL FUELS. (a) In General.--Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section: ``SEC. 45U. CREDIT FOR SALE OR BLENDING OF ETHANOL FUELS. ``(a) In General.--For purposes of section 38, the ethanol fuel credit determined under this section for any taxable year is an amount equal to-- ``(1) in the case of an applicable taxpayer which is described in subsection (b)(1)(A)-- ``(A) for each gallon of E15 blended by such taxpayer, 5 cents, and ``(B) for each gallon of fuel blended by such taxpayer which contains more than 15 volume percent ethanol, 10 cents, and ``(2) subject to subsection (c), in the case of an applicable taxpayer which is described in subsection (b)(1)(B)-- ``(A) for each gallon of E15 sold by such taxpayer, 5 cents, and ``(B) for each gallon of fuel sold by such taxpayer which contains more than 15 volume percent ethanol, 10 cents. ``(b) Definitions.--For purposes of this section-- ``(1) Applicable taxpayer.--The term `applicable taxpayer' means-- ``(A) an oxygenate blender (as defined in section 1090.80 of title 40, Code of Federal Regulations), and ``(B) a retailer (as defined in paragraph (7) of section 101 of the Petroleum Marketing Practices Act (15 U.S.C 2801)). ``(2) E15.--The term `E15' means gasoline that is marketed and sold as E15 contains [[Page S5852]] more than 13 percent ethanol and no more than 15 percent ethanol by volume. ``(c) Election.-- ``(1) In general.-- ``(A) Election by oxygenate blender.--Subsection (a)(1) shall apply with respect to any gallon of fuel described in such subsection only if the applicable taxpayer described in subsection (b)(1)(A) elects to have such subsection apply with respect to such gallon of fuel. ``(B) Notification.--The applicable taxpayer described in subparagraph (A) shall provide notice of their election with respect to any gallon of fuel described in such subparagraph to any applicable taxpayer described in subsection (b)(1)(B) to which such fuel is sold, with such notice to be provided on or before the date of such sale. ``(2) Credit for retailer available only if not claimed by oxygenate blender.--Subsection (a)(2) shall apply with respect to any gallon of fuel described in such subsection only if the applicable taxpayer described in subsection (b)(1)(A) has not elected (pursuant to paragraph (1)) to apply subsection (a)(1) with respect to such gallon of fuel. ``(d) Refundable Credit for Small Retailers.--For purposes of this title, in the case of a retailer with not greater than 5 retail locations at the close of the taxable year, the credit allowed under subsection (a)(2) for such taxable year shall be treated as a credit allowable under subpart C (and not allowable under this subpart) for such taxable year. ``(e) Transfer of Credit.-- ``(1) In general.--Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if, with respect to the credit allowed under subsection (a) for any taxable year, the applicable taxpayer elects the application of this subsection for such taxable year with respect to all (or any portion specified in such election) of such credit, the eligible entity specified in such election, and not the applicable taxpayer, shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof). ``(2) Eligible entity.--For purposes of this subsection, the term `eligible entity' means any person within the supply chain for fuel described in such section (a).''. (b) Credit to Be Part of General Business Credit.-- Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking ``plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ``, plus'', and by adding at the end the following new paragraph: ``(34) the credit for sale or blending of ethanol fuels under section 45U to which subsection (d) of such section does not apply.''. (c) Conforming Amendment.--The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item: ``Sec. 45U. Credit for sale or blending of ethanol fuels.''. (d) Effective Date.--The amendments made by this section shall apply to fuel blended or sold after December 31, 2021. \_\_\_\_\_\_ SA 2496. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 331, between lines 23 and 24, insert the following: ``(3) Regional innovation pilot.-- ``(A) In general.--In addition to eligible projects under paragraphs (1) and (2), a metropolitan planning organization may use amounts suballocated under subsection (e) for innovative strategies to reduce transportation emissions, including associated infrastructure improvements that will increase the share of nonmotorized trips and improve the efficiency of existing surface transportation infrastructure to address carbon reduction. ``(B) Notice.--Not later than 120 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall provide notice and guidance for interested metropolitan planning organizations to participate in activities under subparagraph (A). ``(C) Exclusion.--In carrying out activities under subparagraph (A), a metropolitan planning organization may not use amounts made available to carry out that subparagraph for a project that increases net capacity for vehicular travel. \_\_\_\_\_\_ SA 2497. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 338, between lines 7 and 8, insert the following: ``(7) Selection of projects.-- ``(A) In general.--Subject to subparagraph (B), the applicable metropolitan planning organization shall determine the programming and expenditure of amounts that a State is required to obligate under clauses (i) and (ii) of paragraph (1)(A). ``(B) State role.--The State may ensure that projects selected by a metropolitan planning organization under subparagraph (A) are eligible projects under this section. \_\_\_\_\_\_ SA 2498. Mr. WYDEN (for himself, Ms. Lummis, Mr. Toomey, and Mr. Cruz) submitted an amendment intended to be proposed to amendment SA2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2437, strike lines 9 through 21 and insert the following: (d) Rule of Construction.-- (1) Definition of broker.--Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of-- (A) validating distributed ledger transactions, (B) selling hardware or software for which the sole function is to permit a person to control private keys which are used for accessing digital assets on a distributed ledger, or (C) developing digital assets or their corresponding protocols for use by other persons, provided that such other persons are not customers of the person developing such assets or protocols. (2) Brokers and treatment of digital assets.--Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to-- (A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or (B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code. SEC. 80604. SENSE OF CONGRESS. It is the sense of Congress that nothing in the amendments made by section 80603 shall be construed to have any effect on the Securities Act of 1933 (15 U.S.C 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C 78a et seq.). SEC. 80605. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19. \_\_\_\_\_\_ SA 2499. Mr. KELLY (for himself, Ms. Sinema, Ms. Rosen, Ms. Cortez Masto, and Mr. Cornyn) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2621, line 3, insert after ``2026:'' the following: ``Provided further, That for funds made available under this heading in this Act for planning, preparation, or design of eligible projects, the Secretary may consider whether the project will provide new or improved Interstate highway connections between not less than 2 metropolitan areas with a population of not less than 500,000:''. \_\_\_\_\_\_ SA 2500. Mr. GRASSLEY (for himself and Ms. Klobuchar) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division F, add the following: TITLE VI--STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS SEC. 60601. STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS. (a) Eligibility of Projects That Receive State Funding.-- Title VII of the Rural Electrification Act of 1936 (7 U.S.C 950cc et seq.) [[Page S5853]] is amended by adding at the end the following: ``SEC. 704. ELIGIBILITY OF PROJECTS THAT RECEIVE STATE FUNDING. ``In administering any broadband or telecommunications program, the Secretary, acting through the Administrator of the Rural Utilities Service, shall not determine that a project is ineligible for funding because the project has received funding from a State.''. (b) State Funds to Satisfy Matching Requirements.-- (1) In general.--Subject to paragraph (2), for purposes of any matching funds requirement under any program administered by the Secretary of ***Agriculture***, acting through the Administrator of the Rural Utilities Service, an applicant for funding under that program may use funds received from a State program (including funds received by a State from the Federal Government) to satisfy the matching funds requirement. (2) Sunset.--This subsection shall cease to be effective on October 1, 2023. \_\_\_\_\_\_ SA 2501. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2485, line 13, strike ``$11,615,000,000'' and insert ``$16,615,000,000''. On page 2489, line 22, insert ``Provided further, That of the amount provided under this heading in this Act, $5,000,000,000, to remain available until expended, shall be for South Florida ecosystem restoration: Provided further, That the amounts made available for South Florida ecosystem restoration shall be appropriated from amounts in the Treasury not otherwise appropriated:'' after ``in this Act:''. \_\_\_\_\_\_ SA 2502. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 31, strike lines 12 through 17. Beginning on page 547, strike line 17 and all that follows through page 550, line 11, and insert the following: (e) Conforming Amendment.--Section 167 of title \_\_\_\_\_\_ SA 2503. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 31, strike lines 1 through 5. On page 31, line 6, strike ``(D)'' and insert ``(C)''. On page 31, line 12, strike ``(E)'' and insert ``(D)''. Beginning on page 386, strike line 1 and all that follows through page 392, line 9. \_\_\_\_\_\_ SA 2504. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In division F, strike title III. \_\_\_\_\_\_ SA 2505. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 748 of the amendment, between lines 2 and 3, insert the following: (3) includes-- (A) a cost-benefit analysis of the use of Amtrak to cross the northern border, relative to other non-government subsidized options; and (B) an explanation for why any United States taxpayer dollars should be used to fund transportation in a foreign country. (C) the amount of money the extension would lose annually. \_\_\_\_\_\_ SA 2506. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division J, insert the following: Sec. \_\_\_. (a) Except as provided in subsection (b), none of the funds made available by this Act may be used to transport an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C 1101(a))) who is unlawfully present in the United States and who-- (1) has not been tested for COVID-19 during the preceding 10-day period; (2) has not been fully vaccinated against COVID-19; or (3) has symptoms of COVID-19. (b) Funds made available by this Act may be used to transport an alien described in subsection (a) for purposes of removal or deportation. \_\_\_\_\_\_ SA 2507. Mr. CRAPO (for himself, Mr. Wyden, Mr. Risch, and Ms. Baldwin) submitted an amendment intended to be proposed to amendment SA2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 41202(b) of division D, strike paragraph (2) and insert the following: (2) Election; submission of results.--Section 102(b)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7112(b)(1)) is amended-- (A) in subparagraph (A), by striking ``and August 1'' and inserting ``and September 30''; and (B) by adding at the end the following: ``(E) Election for fiscal year 2021.--Notwithstanding subparagraph (A), for fiscal year 2021, the election described in that subparagraph shall be made at the discretion of each affected county by September 30, 2021 (or as soon thereafter as the Secretary concerned determines is practicable), in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.''. (3) Duration of election.--Section 102(b)(2)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7112(b)(2)(A)) is amended, in the first sentence, by striking ``to receive a share of the 25-percent payment or 50-percent payment, as applicable,''. (4) Expenditure rules for eligible counties.--Section 102(d)(3) of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7112(d)(3)) is amended by adding at the end the following: ``(E) Election for fiscal year 2021.--Notwithstanding subparagraph (A), for fiscal year 2021, the Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2021 (or as soon thereafter as the Secretary concerned determines is practicable).''. (5) Distribution of payments to eligible counties.--Section 103(d)(2) of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7113(d)(2)) is amended by striking ``2020'' and inserting ``2023''. \_\_\_\_\_\_ SA 2508. Mr. CRAPO (for himself, Mr. Wyden, Mr. Merkley, and Mr. Risch) submitted an amendment intended to be proposed to amendment SA2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division G, add the following: TITLE XII--FOREST MANAGEMENT FOR RURAL STABILITY SEC. 71201. SHORT TITLE. This title may be cited as the ``Forest Management for Rural Stability Act''. [[Page S5854]] SEC. 71202. FEDERAL CHARTER FOR FOREST AND REFUGE COUNTY FOUNDATION AND ESTABLISHMENT OF NATURAL RESOURCES PERMANENT FUND. (a) Federal Charter for Forest and Refuge County Foundation.--Subtitle III of title 36, United States Code, is amended by inserting after chapter 3001 the following: ``CHAPTER 3002--FOREST AND REFUGE COUNTY FOUNDATION ``Sec. ``300201. Definitions. ``300202. Establishment. ``300203. Status and applicable laws. ``300204. Board of Directors. ``300205. Bylaws and duties. ``300206. Authority of Corporation. ``300207. Establishment of Natural Resources Permanent Fund. ``Sec. 300201. Definitions ``In this chapter: ``(1) Agency head.--The term `agency head' means-- ``(A) the Secretary of the Treasury; ``(B) the Chief of the Forest Service; ``(C) the Director of the Bureau of Land Management; and ``(D) the Director of the United States Fish and Wildlife Service. ``(2) Board.--The term `Board' means the Board of Directors of the Corporation. ``(3) Chairperson.--The term `Chairperson' means the Chairperson of the Board. ``(4) Corporation.--The term `Corporation' means the Forest and Refuge County Foundation established by section 300202. ``(5) County payment; full funding amount; state payment.-- The terms `county payment', `full funding amount', and `State payment' have the meanings given those terms in section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102). ``(6) Eligible county.-- ``(A) In general.--The term `eligible county' means-- ``(i) a county that is eligible for a payment under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.), with respect to an account established by paragraph (1) or (2) of section 300207(b); or ``(ii) a county that is eligible for a payment under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), with respect to the account established by section 300207(b)(3). ``(B) Exclusion.--The term `eligible county' does not include a county that has elected to opt out of distributions from the Fund under section 300207(e)(4)(A). ``(7) Fund.--The term `Fund' means the Natural Resources Permanent Fund established by section 300207(a). ``(8) Highest historic payment.--The term `highest historic payment' means-- ``(A) with respect to the Forest Service Account of the Fund, an amount equal to the total amount of State payments received under section 101(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111(a)) for fiscal year 2008 (as adjusted to reflect changes during the period beginning on October 1, 2008, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor); and ``(B) with respect to the Bureau of Land Management Account of the Fund, an amount equal to the total amount of county payments received under section 101(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111(b)) for fiscal year 2006 (as adjusted to reflect changes during the period beginning on October 1, 2006, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor). ``(9) Manager.--The term `manager' means the manager of investments employed by the Board pursuant to section 300205(c)(3). ``(10) Resource advisory committee.--The term `resource advisory committee' means-- ``(A) a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7125) (as in effect on the day before the date of enactment of this chapter); and ``(B) an advisory council established pursuant to section 309(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1739(a)). ``(11) Secretary concerned.--The term `Secretary concerned' means-- ``(A) the Secretary of ***Agriculture***, with respect to the account established by section 300207(b)(1); and ``(B) the Secretary of the Interior, with respect to an account established by paragraph (2) or (3) of section 300207(b). ``Sec. 300202. Establishment ``There is established a federally chartered, nonprofit corporation, to be known as the `Forest and Refuge County Foundation', which shall be incorporated in the State of Oregon. ``Sec. 300203. Status and applicable laws ``(a) Non-Federal Entity.--The Corporation is not-- ``(1) a department, agency, or instrumentality of the United States Government; or ``(2) subject to title 31. ``(b) Liability.--The United States Government shall not be liable for the actions or inactions of the Corporation. ``(c) Nonprofit Corporation.--The Corporation shall have and maintain the status of the Corporation as a nonprofit corporation exempt from taxation under the Internal Revenue Code of 1986. ``Sec. 300204. Board of Directors ``(a) Authority.--The powers of the Corporation shall be vested in a Board of Directors that governs the Corporation. ``(b) Membership.-- ``(1) Composition.--The Board shall be composed of 11 members, of whom-- ``(A) 3 shall be appointed by the Chief of the Forest Service; ``(B) 2 shall be appointed by the Director of the Bureau of Land Management; and ``(C) 6 shall be appointed by the Secretary of the Treasury. ``(2) Qualifications.--In making appointments under paragraph (1), the agency heads shall-- ``(A) appoint members who represent the various regions of the United States; and ``(B) ensure that the membership of the Board is-- ``(i) apolitical; and ``(ii) fairly balanced in terms of-- ``(I) the points of view represented; and ``(II) the functions to be performed by the Board, by appointing-- ``(aa) 3 members who are county elected officials, as of the date of appointment of the members, of whom-- ``(AA) 1 shall be an elected official of a county that contains Federal land described in section 3(7)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102(7)(A)); ``(BB) 1 shall be an elected official of a county that contains Federal land described in section 3(7)(B) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102(7)(B)); and ``(CC) 1 shall be an elected official of a county that is eligible for a payment under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)); ``(bb) 1 member to represent rural economic development interests; ``(cc) 6 members with expert experience in fund management or finance; and ``(dd) 1 member to represent education interests. ``(3) Prohibition.--A member of the Board, other than a member described in paragraph (2)(B)(ii)(II)(aa), shall not hold an office, position, or employment in any political party. ``(4) Date.--The appointments of the members of the Board shall be made not later than 90 days after the date of enactment of this chapter. ``(c) Chairperson.-- ``(1) In general.--The Chairperson of the Board shall be selected from among the members of the Board by a majority vote of the members. ``(2) Term of service.--The Chairperson of the Board-- ``(A) shall serve for a term of not longer than 4 years; and ``(B) may be reelected to serve an additional term, subject to the condition that the Chairperson may serve for not more than 2 consecutive terms. ``(d) Terms.-- ``(1) In general.--The term of the members of the Board shall be 6 years, except that the agency heads shall designate staggered terms for the members initially appointed to the Board. ``(2) Reappointment.--A member of the Board may be reappointed to serve an additional term, subject to the condition that the member may serve for not more than 2 consecutive terms. ``(e) Vacancy.--A vacancy on the Board shall be filled-- ``(1) by not later than 90 days after the date on which the vacancy occurs; and ``(2) in the manner in which the original appointment was made. ``(f) Transitions.--Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected. ``(g) Meetings and Quorum.-- ``(1) Meetings.-- ``(A) In general.--The Board shall meet-- ``(i) not less frequently than once each calendar year; and ``(ii)(I) at the call of-- ``(aa) the Chairperson; or ``(bb) 3 or more members; or ``(II) as otherwise provided in the bylaws of the Corporation. ``(B) Initial meeting.--Not later than 150 days after the date of enactment of this chapter, the Board shall hold an initial meeting of the Board. ``(2) Quorum.--A quorum of the Board, consisting of a majority of the members of the Board, shall be required to conduct any business of the Board. ``(3) Approval of board actions.--Except as otherwise provided, the threshold for approving Board actions shall be as set forth in the bylaws of the Corporation. ``(h) Reimbursement of Expenses.-- ``(1) In general.--A voting member of the Board-- ``(A) shall serve without pay; but ``(B) subject to paragraph (2), may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by the member in the performance of duties for the Corporation. ``(2) Maximum amount.--The amount of reimbursement under paragraph (1)(B) may not exceed the amount that would be authorized under section 5703 of title 5 for the payment [[Page S5855]] of expenses and allowances for an individual employed intermittently in the Federal Government service. ``Sec. 300205. Bylaws and duties ``(a) In General.--The Board shall adopt, and may amend, the bylaws of the Corporation. ``(b) Bylaws.--The bylaws of the Corporation shall include, at a minimum-- ``(1) the duties and responsibilities of the Board; and ``(2) the operational procedures of the Corporation. ``(c) Duties and Responsibilities of Board.--The Board shall be responsible for actions of the Corporation, including-- ``(1)(A) employing individuals at the Corporation to provide investment management services; or ``(B) retaining the services of investment management services providers; ``(2) employing individuals at the Corporation to provide accounting and administrative services; ``(3) employing a manager of investments to manage the amounts authorized to be invested by the Board in accordance with subsection (d); ``(4) entering into a contract with 1 or more banking or trust entities to act as the custodian of the assets of the Fund; and ``(5) engaging other appropriate professional service providers to support the Board and the employees of the Board in carrying out the duties and responsibilities of the Board under this chapter. ``(d) Authority of Manager.--Subject to the direction of the Board, the manager shall have control over the amounts under the jurisdiction of the Board in the same manner as if the manager owned those amounts. ``Sec. 300206. Authority of Corporation ``Except as otherwise provided in this chapter, the Corporation, acting through the manager, shall have the authority-- ``(1) to manage the Fund; ``(2) to make investments of amounts in the Fund under section 300207(d); ``(3) to make distributions from the Fund under section 300207(e)(2); and ``(4) to review certifications submitted by participating counties under section 303(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7143(a)). ``Sec. 300207. Establishment of Natural Resources Permanent Fund ``(a) Establishment.--There is established within the Corporation a permanent fund, to be known as the `Natural Resources Permanent Fund', consisting of-- ``(1) amounts deposited in the accounts under subsection (b); ``(2) amounts deposited by an eligible county or State under subsection (c)(1); ``(3) amounts credited to the Fund under subsection (d)(3); and ``(4) amounts appropriated to the Fund under paragraph (1) of subsection (i), subject to paragraph (2) of that subsection. ``(b) Accounts.--Within the Fund, there are established the following accounts: ``(1) The Forest Service Account, consisting of the amounts transferred under section 71203(b)(2) of the Forest Management for Rural Stability Act. ``(2) The Bureau of Land Management Account, consisting of the amounts transferred under subsections (c)(2) and (d)(2) of section 71203 of the Forest Management for Rural Stability Act. ``(3) The United States Fish and Wildlife Service Account, consisting of the amounts transferred under section 71203(e)(2) of the Forest Management for Rural Stability Act. ``(4) The Voluntary County Savings Account, consisting of voluntary contributions of additional funds transferred under subsection (c)(2)(A)(i). ``(c) Voluntary Contributions of Additional Funds.-- ``(1) In general.--Subject to paragraph (2), the Corporation may at any time accept from eligible counties and States voluntary contributions of amounts to be deposited in the Fund, for investment by the Corporation, in accordance with this chapter. ``(2) Limitation.--Any amounts contributed under paragraph (1)-- ``(A) shall be-- ``(i) transferred to the Voluntary County Savings Account; and ``(ii) maintained within a segregated account in that Account for each contributing county; and ``(B) may only be distributed to the eligible county or State that deposited the amounts, in accordance with this chapter and paragraph (3). ``(3) Distributions.--Distributions to an eligible county or a State under paragraph (2)(B)-- ``(A) shall be made by not later than 30 days after the date of receipt of a written request of the applicable eligible county or State; ``(B) shall not be subject to any restrictions or limitations associated with distributions made from an account established by paragraph (1), (2), or (3) of subsection (b); and ``(C) may only be used for a governmental purpose that complies with the budget laws of the applicable State. ``(d) Investments of Fund.-- ``(1) Investment policy.-- ``(A) In general.--Not later than 180 days after the date of enactment of this chapter, the Board shall develop an investment policy for the investment of amounts in the Fund. ``(B) Requirement.--For purposes of the investment policy developed under subparagraph (A), the Corporation shall-- ``(i) seek to achieve at least a 5-percent rate of return on investments of the Fund, net of inflation; and ``(ii) adopt asset management strategies that are consistent with the standard of care established under the Uniform Prudent Management of Institutional Funds Act of 2007 (D.C Code 44-1631 et seq.). ``(C) Periodic updates.--The Corporation shall-- ``(i) not less frequently than annually, review the investment policy developed under subparagraph (A); and ``(ii) based on a review conducted under clause (i), modify the investment policy as the Corporation determines to be appropriate. ``(2) Investment services.--For purposes of investing amounts in the Fund, the Corporation may-- ``(A) employ individuals at the Corporation to provide investment management services; or ``(B) retain the services of investment management services providers. ``(3) Income.--Income from any investments of amounts from an account within the Fund shall be credited to the applicable account within the Fund. ``(e) Expenditures From Fund.-- ``(1) Availability of funds.--Beginning in fiscal year 2024, for each fiscal year, the Corporation shall make available for distribution in accordance with this subsection 4.5 percent of amounts in each account within the Fund established by paragraph (1), (2), or (3) of subsection (b), as determined by the Corporation, based on-- ``(A) for fiscal years 2024, 2025, and 2026, the average fiscal year-end balance of the applicable account; and ``(B) thereafter, the average fiscal year-end balance of the applicable account during the 3-year period preceding the date of the determination. ``(2) Distributions.-- ``(A) Forest service account and bureau of land management account.-- ``(i) In general.--Beginning in fiscal year 2024, for each fiscal year, of the amounts in each of the Forest Service and the Bureau of Land Management Accounts within the Fund available for distribution for the fiscal year, as determined under paragraph (1)-- ``(I) 85 percent shall be used to make payments to eligible States and eligible counties in accordance with title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111 et seq.) and clause (ii); and ``(II) 15 percent shall be used to make payments to eligible States and eligible counties in accordance with title III of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7141 et seq.). ``(ii) Calculation and distribution of authorized payments.-- ``(I) Availability.--Not later than 14 days after the beginning of each fiscal year, the Corporation shall submit to the Secretary concerned a description of the amount available in each of the Forest Service and the Bureau of Land Management Accounts within the Fund available to make payments for the fiscal year, as determined under paragraph (1), to-- ``(aa) eligible States under subsection (a) of section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111), with respect to the Forest Service Account; and ``(bb) eligible counties under subsection (b) of that section, with respect to the Bureau of Land Management Account. ``(II) Calculation.--Not later than 14 days after the date on which the Corporation submits the information under subclause (I), based on the information provided under that subclause and the amounts otherwise available to the Secretary concerned for the fiscal year to make payments to eligible counties under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.), as determined by the Secretary concerned, the Secretary concerned shall, based on the formulas for authorized payments established under that Act, calculate and submit to the Corporation the authorized payment amount for each eligible county, including-- ``(aa) the amount of the authorized payment for each eligible county to be paid from the applicable account in the Fund; and ``(bb) the amount of the authorized payment to be paid for each eligible county using amounts made available under section 402 of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7152). ``(III) Distribution.--Subject to subparagraphs (C) and (D), not later than 40 days after the date on which the Secretary concerned submits the information to the Corporation under subclause (II)-- ``(aa) the Corporation shall-- ``(AA) distribute from the Forest Service Account within the Fund to States, for redistribution to the eligible counties, the amount of the authorized payment to be paid to eligible counties within the State under section 101(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111(a)), as determined under subclause (II)(aa), to be used for the purposes authorized under title I or III of that Act (16 U.S.C 7111 et seq.); ``(BB) distribute from the Bureau of Land Management Account within the Fund to the eligible counties the amount of the authorized payment to be paid to eligible counties under section 101(b) of the Secure Rural [[Page S5856]] Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111(b)), as determined under subclause (II)(aa), to be used for the purposes authorized under title I or III of that Act (16 U.S.C 7111 et seq.); and ``(CC) submit to the Secretary concerned a description of the amounts distributed under subitems (AA) and (BB); and ``(bb) except as provided in subparagraph (C)(ii)(II), the Secretary concerned shall pay to eligible counties, and to the State for redistribution to eligible counties, the amount of the authorized payments under subclause (II)(bb). ``(B) United states fish and wildlife service account.-- ``(i) In general.--Beginning in fiscal year 2024, for each fiscal year, amounts in the United States Fish and Wildlife Service Account within the Fund available for distribution for the fiscal year, as determined under paragraph (1), shall be used to make payments to eligible counties, in accordance with section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)) and clause (ii). ``(ii) Calculation and distribution of authorized payments.-- ``(I) Availability.--Not later than 14 days after the beginning of each fiscal year, the Corporation shall submit to the Secretary concerned a description of the amount available in United States Fish and Wildlife Service Account within the Fund available to make authorized payments to eligible counties for the fiscal year under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), as determined under paragraph (1). ``(II) Calculation.--Not later than 14 days after the date on which the Corporation submits the information under subclause (I), based on the information provided under that subclause and the amounts otherwise available to the Secretary concerned for the fiscal year to make payments to eligible counties under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), as determined by the Secretary concerned, the Secretary concerned shall, based on the formulas for authorized payments established under that Act, calculate and submit to the Corporation the authorized payment amount for each eligible county, including-- ``(aa) the amount of the authorized payment for each eligible county to be paid from the United States Fish and Wildlife Service Account within the Fund; and ``(bb) the amount of the authorized payment to be paid for each eligible county using amounts made available under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)). ``(III) Distribution.--Subject to subparagraphs (C) and (D), not later than 40 days after the date on which the Secretary concerned submits the information to the Corporation under subclause (II)-- ``(aa) the Corporation shall-- ``(AA) distribute from the United States Fish and Wildlife Service Account within the Fund to the eligible counties the amount of the authorized payment to be paid from that Account to eligible counties, as determined under subclause (II)(aa), to be used for the purposes authorized under section 401(c)(5)(C) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)(5)(C)); and ``(BB) submit to the Secretary concerned a description of the amounts distributed under subitem (AA); and ``(bb) except as provided in subparagraph (C)(ii)(II), the Secretary concerned shall pay to the eligible counties the amount to be paid for eligible counties under subclause (II)(bb). ``(C) Minimum payment amount.-- ``(i) In general.--Notwithstanding subparagraphs (A) and (B), the minimum amount of a payment to be distributed to a State or eligible county under subitem (AA) or (BB) of subparagraph (A)(ii)(III)(aa) or subparagraph (B)(ii)(III)(aa)(AA) for a fiscal year shall be the amount of the payment authorized to be made to the State or eligible county for fiscal year 2017 under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) or section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), as applicable (as adjusted to reflect changes during the period beginning on October 1, 2017, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor). ``(ii) Obligation of secretary.--The Secretary concerned-- ``(I) shall only make a payment to a State or eligible county under subparagraph (A)(ii)(III)(bb) or (B)(ii)(III)(bb) for a fiscal year if the Secretary concerned determines that the amount of the payment to be distributed from the Fund to the State or eligible county under subitem (AA) or (BB) of subparagraph (A)(ii)(III)(aa) or subparagraph (B)(ii)(III)(aa)(AA) is less than the minimum payment amount required under clause (i); and ``(II) if the Secretary concerned determines that the amount of a payment to be distributed to a State or eligible county under subitem (AA) or (BB) of subparagraph (A)(ii)(III)(aa) or subparagraph (B)(ii)(III)(aa)(AA) would exceed the minimum payment amount required under clause (i), shall not make the payment otherwise required under subparagraph (A)(ii)(III)(bb) or (B)(ii)(III)(bb), as applicable, for the fiscal year. ``(D) Maximum payment amount.-- ``(i) In general.--Notwithstanding subparagraphs (A) and (B), in any case in which the total amount of payments to be distributed by the Corporation to States or eligible counties, as applicable, from an account within the Fund for a fiscal year, as calculated under subparagraph (A)(ii)(II)(aa) or (B)(ii)(II)(aa), as applicable, would exceed the applicable highest historic payment, the Corporation shall reduce the total amount to be distributed under subitem (AA) or (BB) of subparagraph (A)(ii)(III)(aa) or subparagraph (B)(ii)(III)(aa)(AA), as applicable, to the amount of the applicable highest historic payment. ``(ii) Effect of meeting maximum.--For any fiscal year for which amounts in the Fund are sufficient to ensure that each State and eligible county receives from an account within the Fund for a fiscal year, as calculated under subparagraph (A)(ii)(II)(aa) or (B)(ii)(II)(aa), as applicable, distributions equal to the applicable highest historic payment, such that the distributions from the account are reduced under clause (i), the States and eligible counties shall receive, in addition to those payments from the Fund, any payments authorized for the State or eligible county under-- ``(I) the sixth paragraph under the heading `forest service' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the `Weeks Law') (36 Stat. 963, chapter 186; 16 U.S.C 500); ``(II) subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605); ``(III) the first section of the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C 2621); or ``(IV) section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)). ``(3) Administrative expenses.-- ``(A) In general.--Beginning in fiscal year 2024, for each fiscal year, of the total amounts in the Fund, there shall be made available to the Corporation from the Fund for the payment of administrative expenses described in subparagraph (B)-- ``(i) if the total amounts in the Fund as of the date of the determination is not less than $100,000,000, an amount equal to the lesser of-- ``(I) an amount equal to not more than 0.5 percent of the total amounts in the Fund, as of that date; and ``(II) $30,000,000 (as adjusted to reflect changes during the period beginning on October 1, 2021, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor); and ``(ii) if the total amounts in the Fund as of the date of the determination is less than $100,000,000, an amount equal to not more than 1.0 percent of the total amounts in the Fund, as of that date. ``(B) Use.--Amounts made available for administrative expenses under subparagraph (A) may be used by the Corporation-- ``(i) to ensure that amounts in Fund are managed in a manner consistent with the asset management strategies adopted under subsection (d)(1); ``(ii) to pay other administrative costs relating to the Fund, including the costs of managing the Fund, conducting audits of the Fund, and complying with reporting requirements relating to the Fund; and ``(iii) to reimburse members of the Board for actual and necessary traveling and subsistence expenses, in accordance with section 300204(h). ``(4) Elections to opt out and opt in.-- ``(A) Opting out.-- ``(i) In general.--Not later than October 1, 2026, a county described in clause (i) or (ii) of section 300201(6)(A) may make a 1-time election to opt out of distributions from the Fund under this chapter by submitting to the Secretary concerned a written notice of the election. ``(ii) Effect.--Subject to subparagraph (B), an election under clause (i) to opt out of distributions from the Fund shall be applicable for-- ``(I) the fiscal year during which the notice under that clause is submitted; and ``(II) each subsequent fiscal year. ``(iii) No effect on other payments.--An election by a county to opt out of distributions from the Fund under clause (i) shall not affect the eligibility of the county to receive any payment authorized for the county under-- ``(I) the sixth paragraph under the heading `forest service' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the `Weeks Law') (36 Stat. 963, chapter 186; 16 U.S.C 500); ``(II) subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605); ``(III) the first section of the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C 2621); or [[Page S5857]] ``(IV) section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)). ``(iv) Treatment.--A county described in clause (i) or (ii) of section 300201(6)(A) that has not submitted to the Secretary concerned a written notice of an election to opt out of distributions from the Fund under clause (i) shall be deemed to have opted in to those distributions. ``(B) Notice to opt in.--A county that has elected to opt out of distributions from the Fund under subparagraph (A) may opt back in to the distributions for all subsequent fiscal years by submitting to the Secretary concerned, by not later than the date that is 2 years after the date on which the county submits the written notice under subparagraph (A)(i), a notice of the intent of the county to opt back in. ``(f) Reports.-- ``(1) Quarterly reports.--Not later than 90 days after the date of enactment of this chapter and every 90 days thereafter, the Corporation shall submit to the Secretary of the Treasury a quarterly report that describes, with full transparency, for the period covered by report-- ``(A) the assets of the Fund, including a description of the investment policy used for the Fund; and ``(B) the performance of investments in the Fund. ``(2) Annual report.--Annually, the Corporation shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and make publically available in an online searchable database in a machine-readable format, a report describing the activities of the Corporation for the period covered by the report, including, at a minimum, information relating to-- ``(A) the growth of the Fund; and ``(B) applicable sources of revenue. ``(g) Annual Audits.--Not later than 1 year after the date of enactment of this chapter and annually thereafter, the Inspector General of the Department of the Treasury shall conduct an audit of the Fund. ``(h) Oversight.--The Inspector General of the Department of the Treasury shall conduct periodic reviews of the exercise by the Corporation of the fiduciary and statutory duties of the Corporation. ``(i) Funding.-- ``(1) In general.--Beginning in fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund 110 percent of such sums as are necessary to ensure that the required minimum payment amounts under subsection (e)(2)(C)(i) can be provided. ``(2) Allocation among accounts.--The amounts appropriated to the Fund under paragraph (1) shall be allocated among the Forest Service Account, the Bureau of Land Management Account, and the United States Fish and Wildlife Service Account in a manner that ensures that-- ``(A) the amount allocated to the Forest Service Account is determined in accordance with the ratio that-- ``(i) the total amount of State payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) for fiscal year 2017; bears to ``(ii) an amount equal to the sum of-- ``(I) the full funding amount for the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) for fiscal year 2017; and ``(II) the total amount of payments to counties under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), for fiscal year 2017; ``(B) the amount allocated to the Bureau of Land Management Account is determined in accordance with the ratio that-- ``(i) the total amount of county payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) for fiscal year 2017; bears to ``(ii) an amount equal to the sum of-- ``(I) the full funding amount for the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) for fiscal year 2017; and ``(II) the total amount of payments to counties under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), for fiscal year 2017; and ``(C) the amount allocated to the United States Fish and Wildlife Service Account is determined in accordance with the ratio that-- ``(i) the total amount of payments to counties under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)) for fiscal year 2017; bears to ``(ii) an amount equal to the sum of-- ``(I) the full funding amount for the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.) for fiscal year 2017; and ``(II) the total amount of payments to counties under section 401(c) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), for fiscal year 2017. ``(j) Agency Reporting.-- ``(1) In general.--Not later than 1 year after the date of enactment of this chapter and annually thereafter, the Secretary of ***Agriculture*** and the Secretary of the Interior shall submit to the Corporation information describing activities on Federal land described in subparagraphs (A) and (B), respectively, of section 3(7) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102(7)), on a county-by-county basis, for the period covered by the report, including information regarding-- ``(A) timber sales and associated acres treated, volumes sold and harvested, and revenues generated, including, at a minimum-- ``(i) commercial treatment; and ``(ii) precommercial thinning; ``(B) stewardship projects, including, at a minimum-- ``(i) commercial treatment; ``(ii) prescribed fire; and ``(iii) precommercial thinning; ``(C) road work; ``(D) reforestation and associated acres treated, including, at a minimum-- ``(i) commercial treatment; ``(ii) prescribed fire; and ``(iii) precommercial thinning; ``(E) habitat created; ``(F) culverts replaced; and ``(G) miles of stream restoration. ``(2) Publication.--Promptly after receipt of the information under paragraph (1), the Corporation shall make the information publically available in an online searchable database in a machine-readable format.''. (b) Clerical Amendment.--The table of chapters for subtitle III of title 36, United States Code, is amended by inserting after the item relating to chapter 3001 the following: ``3002. Forest and Refuge County Foundation 300201''................... SEC. 71203. TRANSFER OF AMOUNTS TO FUND. (a) Definition of Eligible Nonelecting County.--In this section, the term ``eligible nonelecting county'' means-- (1) in subsections (b), (c), and (d), a county that-- (A) is eligible for a payment under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7101 et seq.); and (B) has not elected to opt out of distributions from the Natural Resources Permanent Fund under section 300207(e)(4)(A) of title 36, United States Code; and (2) in subsection (e), a county that-- (A) is eligible for a payment under section 401(c) of the Act of June 15, 1935 (commonly known as the ``Refuge Revenue Sharing Act'') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)); and (B) has not elected to opt out of distributions from the Natural Resources Permanent Fund under section 300207(e)(4)(A) of title 36, United States Code. (b) Suspension of Payments Under Act of May 23, 1908, and Act of March 1, 1911.--Except as provided in section 300207(e)(2)(D)(ii) of title 36, United States Code, for fiscal year 2024 and each fiscal year thereafter-- (1) all payments authorized for eligible nonelecting counties under the sixth paragraph under the heading ``forest service'' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the ``Weeks Law'') (36 Stat. 963, chapter 186; 16 U.S.C 500), shall be suspended; and (2) the Secretary of the Treasury shall transfer to the Forest Service Account within the Natural Resources Permanent Fund established by section 300207(b)(1) of title 36, United States Code, amounts equal to the amounts that would have otherwise been distributed as payments to eligible nonelecting counties under the sixth paragraph under the heading ``forest service'' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the ``Weeks Law'') (36 Stat. 963, chapter 186; 16 U.S.C 500). (c) Suspension of Payments Under Act of August 28, 1937.-- Except as provided in section 300207(e)(2)(D)(ii) of title 36, United States Code, for fiscal year 2024 and each fiscal year thereafter-- (1) all payments authorized for eligible nonelecting counties under subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605), shall be suspended; and (2) the Secretary of the Treasury shall transfer to the Bureau of Land Management Account within the Natural Resources Permanent Fund established by section 300207(b)(2) of title 36, United States Code, amounts equal to the amounts that would have otherwise been distributed as payments to eligible nonelecting counties under subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605). (d) Suspension of Payments Under Act of May 24, 1939.-- Except as provided in section 300207(e)(2)(D)(ii) of title 36, United States Code, for fiscal year 2024 and each fiscal year thereafter-- (1) all payments authorized for eligible nonelecting counties under the first section of the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C 2621), shall be suspended; and (2) the Secretary of the Treasury shall transfer to the Bureau of Land Management Account within the Natural Resources Permanent Fund established by section 300207(b)(2) of title 36, United States Code, amounts equal to the amounts that would have otherwise been distributed as payments to eligible nonelecting counties under the [[Page S5858]] first section of the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C 2621). (e) Suspension of Payments Under Refuge Revenue Sharing Act.--Except as provided in section 300207(e)(2)(D)(ii) of title 36, United States Code, for fiscal year 2024 and each fiscal year thereafter-- (1) all payments authorized for eligible nonelecting counties under section 401(c) of the Act of June 15, 1935 (commonly known as the ``Refuge Revenue Sharing Act'') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), shall be suspended; and (2) the Secretary of the Treasury shall transfer to the United States Fish and Wildlife Service Account within the Natural Resources Permanent Fund established by section 300207(b)(3) of title 36, United States Code, amounts equal to the amounts that would have otherwise been distributed as payments to eligible nonelecting counties under section 401(c) of the Act of June 15, 1935 (commonly known as the ``Refuge Revenue Sharing Act'') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)). SEC. 71204. AMENDMENTS TO SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000. (a) Definitions.--Section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102) is amended-- (1) in paragraph (1)(B), by striking ``and paragraph (8)(A)''; (2) in paragraph (2)-- (A) in subparagraph (A)(ii)-- (i) by inserting ``of'' before ``acres''; and (ii) by inserting ``described in paragraph (7)(A)'' after ``Federal land''; and (B) in subparagraph (B)(ii), by striking ``and paragraph (9)(B)(i)''; (3) in paragraph (4)-- (A) in subparagraph (A), by striking ``and'' at the end; (B) in subparagraph (B), by striking the period at the end and inserting ``; and''; and (C) by adding at the end the following: ``(C) has not elected to opt out of distributions from the Natural Resources Permanent Fund under section 300207(e)(4)(A) of title 36, United States Code.''; (4) by striking paragraphs (8) and (9) and inserting the following: ``(8) 50-percent adjusted share.--The term `50-percent adjusted share' means the quotient obtained by dividing-- ``(A) the number equal to the total of all 50-percent payments received by an eligible county during the eligibility period; by ``(B) the number equal to the sum of all 50-percent payments received by all eligible counties during the eligibility period.''; (5) in paragraph (11) (as amended by section 41202(a))-- (A) in subparagraph (E), by striking ``and'' at the end; (B) in subparagraph (F)-- (i) by striking ``fiscal year 2021 and each fiscal year thereafter'' and inserting ``each of fiscal years 2021 through 2023''; and (ii) by striking the period at the end and inserting ``; and''; and (iii) by adding at the end the following: ``(G) for fiscal year 2024 and each fiscal year thereafter-- ``(i) for purposes of the calculations under section 101(a), an amount equal to the greater of-- ``(I) the amount distributed from the Forest Service Account within the Natural Resources Permanent Fund under section 300207(e)(2)(A) of title 36, United States Code; and ``(II) the total amount of all State payments for fiscal year 2017 (as adjusted to reflect changes during the period beginning on October 1, 2017, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor); and ``(ii) for purposes of the calculations under section 101(b), an amount equal to the greater of-- ``(I) the amount distributed from the Bureau of Land Management Account within the Natural Resources Permanent Fund under section 300207(e)(2)(A) of title 36, United States Code; and ``(II) the total amount of all county payments for fiscal year 2017 (as adjusted to reflect changes during the period beginning on October 1, 2017, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor).''; (6) in paragraph (12)-- (A) in subparagraph (A), by inserting ``containing Federal land described in paragraph (7)(A)'' after ``eligible county''; and (B) in subparagraph (B), by inserting ``containing Federal land described in paragraph (7)(A)'' after ``eligible counties''; and (7) by redesignating paragraphs (10) through (17) as paragraphs (9) through (16), respectively. (b) Permanent Authorization; Source of Payment Amounts.-- (1) Calculation of payments.--Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7111) (as amended by section 41202(b)(1)) is amended-- (A) in subsection (a), in the matter preceding paragraph (1), by striking ``of fiscal years'' and all that follows through ``the Secretary of ***Agriculture***'' and inserting ``fiscal year, the Secretary of ***Agriculture***''; and (B) in subsection (b), in the matter preceding paragraph (1), by striking ``of fiscal years'' and all that follows through ``the Secretary of the Interior'' and inserting ``fiscal year, the Secretary of the Interior''. (2) Elections.--Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7112(b)) is amended-- (A) in paragraph (1)-- (i) in subparagraph (A), by inserting ``through fiscal year 2023'' after ``second fiscal year thereafter''; and (ii) by adding at the end the following: ``(E) Fiscal year 2024 and thereafter.--For fiscal year 2024 and each fiscal year thereafter-- ``(i) the election otherwise required by subparagraph (A) shall not apply; and ``(ii) each affected county shall receive payments in accordance with chapter 3002 of title 36, United States Code, unless the affected county elects to opt out of distributions under section 300207(e)(4)(A) of that title.''; (B) in paragraph (2)(B), by striking ``through fiscal year 2015 and for each of fiscal years 2017 through 2020''; and (C) by striking paragraph (3) and inserting the following: ``(3) Source of payment amounts.-- ``(A) In general.--With respect to an eligible State or eligible county that has not elected to opt out of distributions under section 300207(e)(4)(A) of title 36, United States Code, the payment under this section for a fiscal year shall be derived from-- ``(i) distributions to be paid under section 300207(e)(2)(A)(ii)(III)(aa) of title 36, United States Code; and ``(ii) to the extent that amounts made available under clause (i) are insufficient, any amounts that are appropriated to carry out this Act, to be distributed in accordance with section 300207(e)(2)(A)(ii)(III)(bb) of title 36, United States Code. ``(B) Exception.--An eligible State or eligible county that has elected to opt out of distributions under section 300207(e)(4)(A) of title 36, United States Code-- ``(i) shall not receive any payment under this section; and ``(ii) may receive payments only under, as applicable-- ``(I) the sixth paragraph under the heading `forest service' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the `Weeks Law') (36 Stat. 963, chapter 186; 16 U.S.C 500); ``(II) subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605); and ``(III) the first section of the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C 2621).''. (3) Notification of election.--Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7112(d)(1)) is amended-- (A) in subparagraph (A), by striking ``subparagraph (D)'' and inserting ``subparagraphs (D) and (G)''; and (B) by adding at the end the following: ``(G) Fiscal year 2024 and thereafter.--For fiscal year 2024 and each fiscal year thereafter-- ``(i) the allocation of funds required under subparagraph (A) shall not be required; ``(ii) of the amounts received for the fiscal year-- ``(I) 85 percent shall be expended in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended; and ``(II) 15 percent shall be expended on county projects in accordance with title III; and ``(iii) the elections otherwise required by subparagraphs (B), (C), and (D), or considered to be made under paragraph (3)(B), as applicable, shall not apply or be required for payments made for the fiscal year.''. (4) Distribution of payments to eligible counties.--Section 103(d)(2) of the Secure Rural Schools and Community Self- Determination Act of 2000 (16 U.S.C 7113(d)(2)) (as amended by section 41202(b)(2)) is amended-- (A) by striking ``and for each'' and inserting ``, for each''; and (B) by inserting ``, and for fiscal year 2024 and each fiscal year thereafter'' before the period at the end. (5) Termination of authority.--Title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7141 et seq.) is amended by striking section 305 (as redesignated by section 41202(g)(1)). (c) Repeal of Authority to Conduct Special Projects on Federal Land.-- (1) In general.--Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7121 et seq.) is repealed. (2) Conforming amendments.-- (A) Section 102(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7112(d)) is amended-- (i) in paragraph (1)-- (I) in subparagraph (B)-- (aa) by striking clause (i); (bb) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and (cc) in clause (ii) (as so redesignated), by striking ``clauses (i) and (ii)'' and inserting ``clause (i)''; (II) in subparagraph (C)-- (aa) by striking clause (i); (bb) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and (cc) in clause (ii) (as so redesignated), by striking ``clauses (i) and (ii)'' and inserting ``clause (i)''; and (III) in subparagraphs (E) and (F), by striking ``paragraph (3)(B)'' each place it appears and inserting ``paragraph (2)(B)''; (ii) by striking paragraph (2); [[Page S5859]] (iii) by redesignating paragraph (3) as paragraph (2); and (iv) in subparagraph (B)(ii) of paragraph (2) (as so redesignated), by inserting ``(as in effect on the day before the date of enactment of the Forest Management for Rural Stability Act)'' after ``204(a)(5)''. (B) Section 302(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7142(b)) is amended-- (i) in paragraph (1), by striking ``; and'' at the end and inserting a period; (ii) in the matter preceding paragraph (1), by striking ``shall--'' and all that follows through ``publish'' in paragraph (1) and inserting ``shall publish''; and (iii) by striking paragraph (2). (C) Title IV of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7151 et seq.) is amended by striking section 403 (16 U.S.C 7153) and inserting the following: ``SEC. 403. TREATMENT OF FUNDS. ``Funds made available under section 402 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.''. (D) Section 603(b)(1)(C)(ii)(II) of the Healthy Forests Restoration Act of 2003 (16 U.S.C 6591b(b)(1)(C)(ii)(II)) is amended by inserting ``(as in effect on the day before the date of enactment of the Forest Management for Rural Stability Act'') before the period at the end. (E) Section 4003(b)(2)(B)(ii) of the Omnibus Public Land Management Act of 2009 (16 U.S.C 7303(b)(2)(B)(ii)) is amended by striking ``500 note)'' and inserting ``7125) (as in effect on the day before the date of enactment of the Forest Management for Rural Stability Act)''. (3) Effective date.--The amendments made by this subsection are effective on October 1, 2024. (d) Use of Funds.--Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7142(a)) (as amended by section 41202(e)) is amended-- (1) in paragraph (2)(A), by striking ``on Federal land''; (2) in paragraph (4), by striking ``and'' at the end; (3) in paragraph (5)(B), by striking the period at the end and inserting a semicolon; and (4) by adding at the end the following: ``(6) for job training or job creation activities; ``(7) for projects approved by-- ``(A) a resource advisory committee (as defined in section 300201 of title 36, United States Code); or ``(B) a forest collaborative; ``(8) for natural resource conservation projects; ``(9) for forest health treatments; ``(10) for economic development activities; ``(11) for transportation infrastructure projects on county road systems that serve Federal land; ``(12) to plan, develop, or carry out projects on Federal land that-- ``(A) are consistent with applicable Federal laws (including regulations) and forest plans; ``(B) create private sector jobs, generate county revenue, or provide merchantable forest products; and ``(C) may include-- ``(i) forest health treatments; ``(ii) implementation of work under a Master Stewardship Agreement; ``(iii) implementation of work under a good neighbor agreement (as defined in section 8206(a) of the ***Agricultural*** Act of 2014 (16 U.S.C 2113a(a))); or ``(iv) forest road replacement, rehabilitation, or reconstruction; or ``(13) to provide or expand access to-- ``(A) broadband telecommunications services at local schools; or ``(B) the technology and connectivity necessary for students to use a digital learning tool at or outside of a local school campus.''. (e) Certification.--Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7143) is amended-- (1) in subsection (a), by striking ``February 1'' and all that follows through ``Secretary concerned'' and inserting ``February 1 of each calendar year beginning after a calendar year during which not less than $35,000 of county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Forest and Refuge County Foundation established by section 300202 of title 36, United States Code,''; and (2) in subsection (b)-- (A) by striking ``Secretary concerned shall'' and inserting ``Forest and Refuge County Foundation shall''; and (B) by striking ``Secretary concerned determines'' and inserting ``Foundation determines''. (f) Funding.--Title IV of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7151 et seq.) is amended by striking section 402 (16 U.S.C 7152) and inserting the following: ``SEC. 402. FUNDING. ``(a) In General.--On October 1 of each fiscal year, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary concerned such sums as are necessary to carry out this Act, to remain available until expended. ``(b) Receipt and Acceptance.--The Secretary concerned shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.''. SEC. 71205. TIMELINE FOR RESOURCE ADVISORY COMMITTEE EXPENDITURES. (a) Definitions.--In this section: (1) Participating county; project funds.--The terms ``participating county'' and ``project funds'' have the meanings given those terms in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7121) (as in effect on the day before the date of enactment of this Act). (2) Resource advisory committee.--The term ``resource advisory committee'' means a resource advisory committee (as defined in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7121) (as in effect on the day before the date of enactment of this Act)). (3) Secretary concerned.--The term ``Secretary concerned'' has the meaning given the term in section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7102). (b) Timeline.--Notwithstanding any other provision of law, if a resource advisory committee has any unobligated project funds available on the date described in section 207(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C 7127(a)) (as in effect on the day before the date of enactment of this Act), those project funds-- (1) shall remain available for obligation until the date that is 2 years after the date on which the resource advisory committee has a quorum; and (2) shall not be obligated except in accordance with a project proposal that-- (A) is submitted by the resource advisory committee to the Secretary concerned in accordance with section 203 of that Act (16 U.S.C 7123) (as in effect on the day before the date of enactment of this Act); and (B) is approved by the Secretary concerned in accordance with section 204 of that Act (16 U.S.C 7124) (as in effect on the day before the date of enactment of this Act). (c) Return of Unobligated Funds.--Any project funds that remain unobligated after the date that is 2 years after the date on which the applicable resource advisory committee has a quorum shall be returned to the Treasury of the United States. SEC. 71206. FUNDING FOR REFUGE REVENUE SHARING ACT. (a) Source of Payments to Counties.--Section 401(c) of the Act of June 15, 1935 (commonly known as the ``Refuge Revenue Sharing Act'') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)), is amended adding at the end the following: ``(6) Source of payments to counties.--Notwithstanding any other provision of this section, for fiscal year 2024 and each fiscal year thereafter, with respect to counties that have not elected to opt out of distributions under section 300207(e)(4)(A) of title 36, United States Code, instead of making the payments to the applicable counties required under paragraphs (1) and (2) from the fund, the payments shall be derived from-- ``(A) distributions to be paid under section 300207(e)(2)(B)(ii)(III)(aa)(AA) of title 36, United States Code; and ``(B) to the extent that amounts made available under subparagraph (A) are insufficient, any amounts that are appropriated under subsection (d), to be distributed in accordance with section 300207(e)(2)(B)(ii)(III)(bb) of title 36, United States Code.''. (b) Funding.--Section 401 of the Act of June 15, 1935 (commonly known as the ``Refuge Revenue Sharing Act'') (49 Stat. 383, chapter 261; 16 U.S.C 715s), is amended by striking subsection (d) and inserting the following: ``(d) Funding for Payments.-- ``(1) In general.--On October 1 of each fiscal year, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary such sums as are necessary to make payments under paragraphs (1) and (2) of subsection (c) to counties, after taking into account-- ``(A) amounts in the fund available for the payments for the fiscal year; and ``(B) amounts made available for payments from the National Resources Permanent Fund established by section 300207(a) of title 36, United States Code, for the fiscal year. ``(2) Receipt and acceptance.--The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.''. SEC. 71207. EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION. (a) In General.--Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 905(g)(1)(A)) is amended by inserting after ``Payments to Social Security Trust Funds (28-0404-0-1-651).'' the following: ``Payments to States and eligible counties from the National Resources Permanent Fund established by section 300207(a) of title 36, United States Code.''. (b) Applicability.--The amendment made by this section shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 900 et seq.) on or after the date of enactment of this Act. [[Page S5860]] SEC. 71208. CALCULATION OF CERTAIN PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM. Section 6903(b) of title 31, United States Code, is amended by adding at the end the following: ``(3) For purposes of calculating payments under this subsection, a payment to a unit of general local government from the Natural Resources Permanent Fund established by section 300207(a) of title 36 shall be treated as follows: ``(A) Payments from the Forest Service Account established under section 300207(b)(1) of title 36 shall be treated as payments made pursuant to the sixth paragraph under the heading `forest service' in the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C 500), and section 13 of the Act of March 1, 1911 (commonly known as the `Weeks Law') (36 Stat. 963, chapter 186; 16 U.S.C 500). ``(B) Payments made from the Bureau of Land Management Account established under section 300207(b)(2) of title 36 shall be treated as payments made pursuant to subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C 2605). ``(C) Payments made from the United States Fish and Wildlife Account established under section 300207(b)(3) of title 36 shall be treated the same as payments made pursuant to section 401(c)(2) of the Act of June 15, 1935 (commonly known as the `Refuge Revenue Sharing Act') (49 Stat. 383, chapter 261; 16 U.S.C 715s(c)(2)).''. \_\_\_\_\_\_ SA 2509. Mr. BOOKER (for himself, Mr. Carper, and Ms. Duckworth) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of the amendment, add the following: DIVISION \_\_--ENVIRONMENTAL JUSTICE GRANT PROGRAMS SEC. \_\_. ENVIRONMENTAL JUSTICE GRANT PROGRAMS. (a) Environmental Justice Grants.--The Administrator of the Environmental Protection Agency is authorized to carry out-- (1) the Environmental Justice Small Grants Program and the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program, as those programs are in existence on the date of enactment of this Act; and (2) the Community Action for a Renewed Environment grant programs I and II, as in existence on January 1, 2012. (b) Authorization of Appropriations.--There are authorized to be appropriated to carry out the programs described in subsection (a)-- (1) $50,000,000 for fiscal year 2022; and (2) such sums as may be necessary for each fiscal year thereafter. \_\_\_\_\_\_ SA 2510. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Strike section 11315 of division A. Strike section 11317 of division A. Strike section 11318 of division A. Strike section 40206 of division D. Strike section 40806 of division D. Strike section 40807 of division D. \_\_\_\_\_\_ SA 2511. Mr. BLUMENTHAL (for himself, Mr. Markey, Mr. Murphy, Mr. Van Hollen, Mrs. Gillibrand, Ms. Warren, and Mr. Booker) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2672, line 10, strike ``$6,000,000,000'' and insert ``$16,000,000,000''. On page 2672, line 13, strike ``$1,200,000,000''and insert ``$3,200,000,000''. On page 2672, line 15, strike ``$1,200,000,000''and insert ``$3,200,000,000''. On page 2672, line 16, strike ``$1,200,000,000''and insert ``$3,200,000,000''. On page 2672, line 18, strike ``$1,200,000,000''and insert ``$3,200,000,000''. On page 2672, line 20, strike ``$1,200,000,000''and insert ``$3,200,000,000''. On page 2681, line 5, strike ``$36,000,000,000'' and insert ``$56,000,000,000''. On page 2681, line 7, strike ``$7,200,000,000'' and insert ``$11,200,000,000''. On page 2681, line 9, strike ``$7,200,000,000'' and insert ``$11,200,000,000''. On page 2681, line 11, strike ``$7,200,000,000'' and insert ``$11,200,000,000''. On page 2681, line 12, strike ``$7,200,000,000'' and insert ``$11,200,000,000''. On page 2681, line 14, strike ``$7,200,000,000'' and insert ``$11,200,000,000''. On page 2681, line 18, strike ``$24,000,000,000'' and insert ``$44,000,000,000''. \_\_\_\_\_\_ SA 2512. Mr. MERKLEY (for himself and Mr. Wyden) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle A of title I of division A, add the following: SEC. 111\_\_\_\_. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE SAFETY IMPROVEMENTS. (a) Definitions.--In this section: (1) Covered public authority.--The term ``covered public authority'' means a public authority with jurisdiction over a toll facility located within-- (A) a National Scenic Area; and (B) the National Trail System. (2) National scenic area.--The term ``National Scenic Area'' means an area of the National Forest System federally designated as a National Scenic Area in recognition of the outstanding natural, scenic, and recreational values of the area. (3) National trail system.--The term ``National Trail System'' means an area described in section 3 of the National Trails System Act (16 U.S.C 1242). (4) Public authority; toll facility.--The terms ``public authority'' and ``toll facility'' have the meanings such terms would have if such terms were included in chapter 1 of title 23, United States Code. (b) Exemption From Certain Requirements.--Notwithstanding any provision of title 23, United States Code, or any regulation issued by the Secretary, section 129(a)(3) of that title shall not apply to a covered public authority that receives funding under that title for pedestrian and bike safety improvements. (c) No Toll.--A covered public authority may not charge a toll, fee, or other levy for the use of an improvement described in subsection (b). (d) Effective Date.-- (1) In general.--A covered public authority shall be eligible for an exemption under subsection (b) during the 10- year period beginning on the date of enactment of this Act. (2) Applicability of exemption.--Any exemption granted under section this shall remain in effect after the effective date described in paragraph (1). \_\_\_\_\_\_ SA 2513. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1663, line 7, strike ``electric vehicles'' and insert ``automobiles''. On page 1663, lines 11 and 12, strike ``electric vehicles'' and insert ``internal combustion engine vehicles, including oil exploration and drilling''. \_\_\_\_\_\_ SA 2514. Mr. MERKLEY (for himself and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In paragraph (1) of the matter under the heading ``State and Tribal Assistance Grants'' under the heading ``ENVIRONMENTAL PROTECTION AGENCY'' in title VI of division J, strike the second and third provisos and insert ``Provided further, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act: Provided further, That, notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds provided under this paragraph in this Act, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form [[Page S5861]] of assistance agreements with 100 percent forgiveness of principal or grants, or any combination of these:''. In paragraph (2) of the matter under the heading ``State and Tribal Assistance Grants'' under the heading ``ENVIRONMENTAL PROTECTION AGENCY'' in title VI of division J, strike the second and third provisos and insert ``Provided further, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: Provided further, That, notwithstanding the requirements of section 1452(f) of the Safe Drinking Water Act, for the funds provided under this paragraph in this Act, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants, or any combination of these:''. In paragraph (3) of the matter under the heading ``State and Tribal Assistance Grants'' under the heading ``ENVIRONMENTAL PROTECTION AGENCY'' in title VI of division J, strike the third proviso and insert ``Provided further, That funds provided under this paragraph in this Act deposited into Drinking Water State Revolving Funds shall be provided to eligible recipients as assistance agreements with 100 percent principal forgiveness or as grants (or a combination of these):''. \_\_\_\_\_\_ SA 2515. Mr. MERKLEY (for himself and Ms. Murkowski) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2585, line 6, strike ``three'' and insert ``four''. On page 2587, line 3, strike ``three'' and insert ``four''. On page 2589, line 2, strike ``three'' and insert ``four''. On page 2590, line 15, strike ``three'' and insert ``four''. On page 2592, line 6, strike ``three'' and insert ``four''. On page 2597, line 4, strike ``three'' and insert ``five''. On page 2616, line 24, insert ``Federal'' before ``salaries,''. \_\_\_\_\_\_ SA 2516. Mr. COONS (for himself, Mr. Scott of South Carolina, Mr. Warnock, Mr. Tillis, Mr. Booker, and Mrs. Hyde-Smith) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division A, add the following: TITLE V--IGNITE HBCU EXCELLENCE ACT SEC. 15001. SHORT TITLE. This title may be cited as the ``Institutional Grants for New Infrastructure, Technology, and Education for HBCU Excellence Act'' or the ``IGNITE HBCU Excellence Act''. SEC. 15002. GRANTS FOR THE LONG-TERM IMPROVEMENT OF HBCUS. (a) In General.--The Secretary shall award grants to eligible entities, on a competitive basis, to support long- term improvements to the facilities of such entities in accordance with this title. (b) Application.--To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including-- (1) to the extent possible, the information necessary for the Secretary to make the determinations under subsection (c); (2) a description of the projects that such eligible entity plans to carry out with the grant, and how such projects will advance the long-term goals of the entity; and (3) an explanation of how such projects will reduce risks to the health, welfare, and safety of students, staff, administrators, faculty, researchers, and guests at such eligible entity. (c) Priority.--In awarding grants under this section, the Secretary-- (1) shall give priority to eligible entities that-- (A) demonstrate the greatest need to improve campus facilities, as determined by a comparison of factors identified by the Secretary, which may include-- (i) consideration of threats posed by the proximity of such facilities to toxic sites; (ii) the vulnerability of such facilities to natural disasters and environmental risks; (iii) the median age of such facilities, including the facilities that such eligible entities will use grant funds to improve; (iv) the extent to which student enrollment exceeds physical and instructional capacity; (v) the condition of major systems in such facilities such as heating, ventilation, air conditioning, electrical, water, and sewer systems; (vi) the condition of roofs, windows, and doors of such facilities; (vii) other critical health and safety conditions; (viii) the number and condition of facilities in significant disrepair; and (ix) the total amount of deferred maintenance of such facilities; (B) demonstrate the most limited capacity to raise funds for the long-term improvement of campus facilities, as determined by an assessment of-- (i) the current and historic ability of the eligible entity to raise funds for construction, renovation, modernization, and major repair projects for campus; (ii) whether the eligible entity has been able to issue bonds or receive other funds to support school construction projects; and (iii) the bond rating of the eligible entity; (C) enroll the highest percentages of students who are eligible to receive a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C 1070a et seq.), and whose families qualify for other Federal need-based aid; (D) are public institutions facing declining State support or investment; or (E) demonstrate an effort to seek support from public and private entities for projects carried out with a grant awarded under this title; and (2) may give priority to eligible entities-- (A) that lack access to high-speed broadband and will use the grant funds to improve access to high-speed broadband sufficient to support digital learning in accordance with section 15003(a)(6); or (B) at which the highest degree that is predominantly awarded to students is an associate's degree. (d) Geographic Distribution.--The Secretary shall ensure that grants under this section are awarded to eligible entities in a manner that reflects the geographic distribution of such entities in the United States. (e) Technical Assistance.--The Secretary, directly or by grant or contract, may provide technical assistance to eligible entities to prepare the entities to qualify, apply for, and maintain a grant, under this title. (f) Relationship to HBCU Capital Financing Program.-- (1) In general.--The Secretary may take into consideration whether an eligible entity has received a loan under a loan agreement made under part D of title III of the Higher Education Act of 1965 (20 U.S.C 1066 et seq.) when-- (A) reviewing grant applications under this section; (B) determining priority under subsection (c); and (C) determining the amount awarded for a grant under this title. (2) Priority.--With respect to paragraph (1)(B), the Secretary may-- (A) determine that an eligible entity should not receive priority under subsection (c) if such entity has received a loan under a loan agreement made under part D of title III of the Higher Education Act of 1965 (20 U.S.C 1066 et seq.); and (B) determine that an eligible entity should receive higher priority under subsection (c) if such entity has not received a loan under a loan agreement made under part D of title III of the Higher Education Act of 1965 (20 U.S.C 1066 et seq.). SEC. 15003. GRANT USES. (a) Permitted Uses.--Except as provided in subsection (b), an eligible entity that receives a grant under this title shall use such grant funds to carry out at least one of the following activities: (1) Construct, modernize, renovate, or retrofit the campus facilities of such entity, which may include-- (A) providing for the improvement of existing, or the establishment of new, instructional program spaces, laboratories, or research facilities relating to fields of science, technology, engineering, the arts, mathematics, health, ***agriculture***, education, medicine, law, and other disciplines; (B) constructing or improving roads or other transportation infrastructure on campus, for which the eligible entity is responsible; (C) establishing or improving the use of campus facilities for the purpose of community-based partnerships that provide students and community members with academic, health, career, and social services; and (D) preserving facilities with historic significance, and facilities that house historic or cultural artifacts. (2) Purchase or modernize vehicle fleets owned and operated by such entity that are used primarily for the purpose of facilitating campus accessibility and student academic activities. (3) Carry out major repairs to the facilities or other physical plants of such entity, including deferred maintenance projects. (4) Acquire and install academic and residential furniture, fixtures, and instructional research-related equipment and technology in the campus facilities of such entity. (5) For the purpose of facilitating the construction of new campus facilities funded with a grant under this title-- [[Page S5862]] (A) purchase or otherwise acquire title to land to serve as a permanent site for such facilities; and (B) to the extent that other public or private funds are insufficient-- (i) prepare land for the construction of such facilities; and (ii) pay other preconstruction costs relating to the development of such facilities. (6) Install or extend the life and usability of basic systems and components of campus facilities, which may include-- (A) high-speed broadband internet infrastructure sufficient to support digital and technology-based learning; (B) high-capacity, middle-mile broadband networks, and campus-wide broadband networks, including 5G and future network generations; (C) fiber, cyber, and telecommunications infrastructure, including small cells; (D) heating, ventilation, and air conditioning (HVAC) or other indoor air quality systems; (E) support for last-mile service for rural campuses when other means of providing this support is unavailable; and (F) other infrastructure to support the success of operations and other digital and technology needs. (7) Strengthen the safety and security of the campus of such entity by improving or utilizing design elements, principles, and technology that-- (A) guarantee layers of security throughout the such campus; and (B) uphold the function of such campus as a learning and teaching environment. (8) Reduce current or anticipated overcrowding in the campus facilities. (9) Ensure that the building envelopes of the campus facilities-- (A) protect occupants and interiors of such facilities from natural elements; and (B) are structurally sound and secure. (10) Improve energy and water efficiency to lower the costs of energy and water consumption in campus facilities. (11) With respect to campus facilities, reduce or eliminate the presence of-- (A) toxins and chemicals, including mercury, radon, polychlorinated biphenyls, lead, and asbestos; (B) mold and mildew; (C) rodents and pests; or (D) biological, radiological, and other waste related to research. (12) Ensure the safety of drinking water at the tap and water used for meal preparation in campus facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants. (13) Bring campus facilities into compliance with applicable fire, health, and safety codes and regulations. (14) Make existing campus facilities accessible to individuals with disabilities through compliance with-- (A) the Americans with Disabilities Act of 1990 (42 U.S.C 12101 et seq.); and (B) section 504 of the Rehabilitation Act of 1973 (29 U.S.C 794). (b) Prohibited Uses.--An eligible entity that receives a grant under this title may not use such grant funds for-- (1) payment of routine and predictable maintenance costs, minor repairs, and utility bills; (2) any facility that is-- (A) primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; (B) primarily used for or associated with sectarian instruction or religious worship; or (3) the purchase or support of any communications equipment or service (as defined in section 9 of the Secure and Trusted Networks Act of 2019 (47 U.S.C 1608)) that poses a risk to national security. (c) Supplement Not Supplant.--An eligible entity shall use a grant received under this title only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds. (d) Encouraging Partnerships.--The Secretary shall encourage partnerships between eligible entities and public and private entities to-- (1) provide additional funding; and (2) assist in carrying out the activities under this title. SEC. 15004. REQUIREMENTS FOR HAZARD-RESISTANCE AND ENERGY AND WATER CONSERVATION. An eligible entity that receives a grant under this title shall ensure that any new construction, modernization, or renovation project carried out with such grant funds meets or exceeds the following requirements: (1) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based model building code. (2) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based model energy conservation code. (3) Performance criteria under the WaterSense program, established under section 324B of the of the Energy Policy and Conservation Act (42 U.S.C 6294b), applicable to such projects within a nationally recognized, consensus-based model code. SEC. 15005. USE OF SMALL BUSINESS CONCERNS. In carrying out projects funded with a grant under this title, an eligible entity shall seek to procure contracts from small business concerns owned and controlled by veterans (including service-disabled veterans), qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women. SEC. 15006. RESERVATION FOR ADMINISTRATIVE AND OTHER ACTIVITIES. (a) Reservation.--An eligible entity that receives a grant under this title may reserve a total of not more than five percent of the amount of such grant to-- (1) develop the facilities master plan required under subsection (b); (2) carry out activities to-- (A) protect the health of students, staff, administrators, faculty, researchers, and guests during the construction or modernization of the campus facilities of such entity; and (B) mitigate excessive noise caused by activities carried out under this title; (3) pay personnel to carry out administrative work relating to the grant program; and (4) pay other reasonable administrative costs associated with the grant program. (b) Facilities Master Plan.-- (1) In general.--Not later than 180 days after receiving a grant under this title, an eligible entity shall submit to the Secretary a comprehensive 10-year facilities master plan. (2) Elements.--The facilities master plan required under paragraph (1) shall include, with respect to the eligible entity submitting such plan, a description of-- (A) the extent to which the campus facilities-- (i) meet the educational needs of students; and (ii) support the educational mission and vision of such entity; (B) the physical condition of the campus facilities; (C) the current health, safety, and environmental conditions of the campus facilities, including-- (i) indoor air quality; (ii) the presence of hazardous and toxic substances and chemicals on or near such facilities; (iii) the safety of drinking water at the tap and water used for meal preparation, including the level of lead and other contaminants in such water; (iv) energy and water efficiency; (v) excessive noise in academic spaces; and (vi) other health, safety, and environmental conditions that would impact the health, safety, and learning ability of students; (D) the actual and anticipated impact of current and future student enrollment levels (as of the date of application) on the design of current and future campus facilities, as well as the financial implications of such enrollment levels; (E) the dollar amount and percentage of funds such entity will dedicate to capital construction projects, including-- (i) any funds in the budget of such entity that will be dedicated to such projects; and (ii) any funds not in such budget that will be dedicated to such projects, including any funds available to the eligibility entity as the result of a bond issue or the Historically Black College and University Capital Financing Program under part D of title III of the Higher Education Act of 1965 (20 U.S.C 1066 et seq.); and (F) the dollar amount and percentage of funds such entity will dedicate to the maintenance and operation of campus facilities, including-- (i) any funds in the budget of such entity that will be dedicated to the maintenance and operation of such facilities; and (ii) any funds not in the budget of such entity that will be dedicated to the maintenance and operation of such facilities. (3) Consultation.--In developing the facilities master plan, the eligible entity demonstrate that it conducted meaningful consultation with diverse stakeholders, which may include-- (A) staff and other institutional leaders; (B) custodial and maintenance staff; (C) emergency first responders; (D) campus facilities directors; (E) students and families; (F) community residents, including those directly affected by actions undertaken as a result of utilizing grant funds; (G) government entities; (H) local charitable foundations; (I) local employers; (J) Indian Tribes, as applicable; and (K) other such individuals and entities. SEC. 15007. HBCU CAPITAL FINANCING LOAN DISBURSEMENT AND FORGIVENESS. (a) In General.--Each time an institution of higher education receives a disbursement of a loan amount under a covered closed loan agreement, the Secretary shall repay-- (1) the outstanding balance of principal, interest, fees, and costs on such loan amount (as of the date of such disbursement) under the covered closed loan agreement; and (2) any reimbursement (including reimbursements of escrow and return of fees and deposits) relating to the covered closed loan agreement that are usual and customary when the loan is paid off by the institution. (b) Covered Closed Loan Agreement.--In this section, the term ``covered closed loan agreement'' means each of the following: (1) A closed loan agreement-- (A) executed before the date of enactment of the Consolidated Appropriations Act, 2021 (Public Law 116-260); (B) made under part D of title III of the Higher Education Act of 1965 (20 U.S.C 1066 et seq.); and [[Page S5863]] (C) that provides for loan amounts that have not been disbursed as of the date of enactment of the Consolidated Appropriations Act, 2021 (Public Law 116-260). (2) A closed loan agreement-- (A) authorized under section 3512 of the CARES Act (20 U.S.C 1001 note); and (B) made for the deferment of balances that have not been disbursed as of the date of enactment of the Consolidated Appropriations Act, 2021 (Public Law 116-260). SEC. 15008. REPORTS. (a) Department of Education Report.-- (1) In general.--Not later than 2 years after the date of the enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the projects carried out with grant funds awarded under this title. (2) Elements.--The report required under paragraph (1) shall include-- (A) with respect to projects carried out by eligible entities with grant funds awarded under this title, an assessment of-- (i) the types of such projects; (ii) the square footage of the improvements made by such projects, disaggregated by-- (I) total square footage; and (II) square footage per each eligible entity; (iii) the total cost of each such project; (iv) the cost described in clause (iii), disaggregated by the cost of-- (I) planning; (II) design; (III) construction; (IV) site purchase; and (V) improvements; (v) the geographic distribution of such projects; and (vi) the demographic composition of the student population served by such projects, disaggregated by-- (I) race and ethnicity; and (II) the number and percentage of students enrolled at such entities who are eligible to receive a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C 1070a et seq.); (B) an evaluation of a sample of grant recipients, selected by the Secretary taking into account size and geographic location of each grantee, to determine how such recipients are using the grant and the effectiveness of the activities carried out with the grant; and (C) an analysis of compliance with the requirement in section 15003(c). (b) Comptroller General Study Report.-- (1) Study required.--Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of the grant program under this title. (2) Elements.--The study conducted under paragraph (1) shall include-- (A) an examination of program implementation challenges; and (B) an assessment of whether any changes are needed to make grants under this title more accessible to eligible entities with fiscal challenges to help them raise capital for infrastructure projects. (3) Report.--After the completion of the study under paragraph (1), the Comptroller General shall submit to the appropriate congressional committees a report on the results of the study, including any recommendations to the Secretary for improvements to the implementation of the grant program under this title. SEC. 15009. DEFINITIONS. In this title: (1) Eligible entity.--The term ``eligible entity'' means-- (A) a part B institution, as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C 1061(2)); or (B) a Historically Black Graduate Professional School identified in section 326(e) of such Act (20 U.S.C 1063b(e)). (2) Secretary.--The term ``Secretary'' means the Secretary of Education. (3) State.--The term ``State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C 1003). SEC. 15010. EFFECTIVE DATE. This title shall take effect on the date of enactment of this Act. SEC. 15011. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated such sums as may be necessary to carry out this title for each of fiscal years 2022 through 2027. \_\_\_\_\_\_ SA 2517. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Strike section 40801 of division D and insert the following: SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM. (a) Establishment.--Public Law 88-657 (16 U.S.C 532 et seq.) (commonly known as the ``Forest Roads and Trails Act'') is amended by adding at the end the following: ``SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM. ``(a) Establishment.--The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the `Program'). ``(b) Activities.--In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology-- ``(1) restore passages for fish and other aquatic species by-- ``(A) improving, repairing, or replacing culverts and other infrastructure; and ``(B) removing barriers, as the Secretary determines appropriate, from the passages; ``(2) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that-- ``(A) prevents motor vehicle use, as appropriate to conform to route designations; ``(B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources; ``(C) reduces or eliminates the need for road maintenance; and ``(D) preserves the roads for future use; ``(3) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d); ``(4) relocate National Forest System roads and trails-- ``(A) to increase resilience to extreme weather events, flooding, and other natural disasters; and ``(B) to respond to changing resource conditions and public input; ``(5) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and nonmotorized recreation, to the extent the use is compatible with the management status of the road or trail; ``(6) decommission temporary roads-- ``(A) that were constructed before the date of enactment of this section-- ``(i) for emergency operations; or ``(ii) to facilitate a resource extraction project; ``(B) that were designated as a temporary road by the Secretary; and ``(C)(i) in violation of section 10(b) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1608(b)), on which vegetation cover has not been reestablished; or ``(ii) that have not been fully decommissioned; and ``(7) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters. ``(c) Project Selection.-- ``(1) Project eligibility.-- ``(A) In general.--The Secretary may only fund under the Program a project described in paragraph (2) or (3) of subsection (b) if the Secretary previously and separately-- ``(i) solicited public comment for changing the management status of the applicable National Forest System road or trail-- ``(I) to close the road or trail to access; and ``(II) to minimize impacts to natural resources; and ``(ii) has closed the road or trail to access as described in clause (i)(I). ``(B) Requirement.--Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C 1011a). ``(2) Annual selection of projects for funding.--The Secretary shall-- ``(A) establish a ***process*** for annually selecting projects for funding under the Program, consistent with the requirements of this section; ``(B) solicit and consider public input regionally in the ranking of projects for funding under the Program; ``(C) give priority for funding under the Program to projects that would-- ``(i) protect or improve water quality in public drinking water source areas; ``(ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or ``(iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and ``(D) publish on the website of the Forest Service-- ``(i) the selection ***process*** established under subparagraph (A); and ``(ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year. ``(d) Implementation.--In implementing the Program, the Secretary shall ensure that-- ``(1) the system of roads and trails on the applicable unit of the National Forest System-- ``(A) is adequate to meet any increasing demands for timber, recreation, and other uses; ``(B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services; ``(C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable; ``(D) reflects long-term funding expectations; and [[Page S5864]] ``(E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and ``(2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan. ``(e) Savings Clause.--A decision to fund a project under the Program shall not affect any determination made previously or to be made in the future by the Secretary with regard to road or trail closures.''. (b) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary of ***Agriculture*** to carry out section 8 of Public Law 88-657 (commonly known as the ``Forest Roads and Trails Act'') $250,000,000 for the period of fiscal years 2022 through 2026. \_\_\_\_\_\_ SA 2518. Mr. CORNYN (for himself and Mr. Kaine) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division C, insert the following: SEC. 300\_\_. URBANIZED AREAS. (a) Extension of Treatment of Urbanized Areas.--Section 21101 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123; 132 Stat. 103) is amended by striking ``and 2020'' and inserting ``2020, 2021, and 2022''. (b) Census Discretion.--Section 5324 of title 49, United States Code (as amended by section 30011), is amended by adding at the end the following: ``(g) Census Discretion.-- ``(1) Definitions.--In this subsection: ``(A) Disaster-related population decrease.--The term `disaster-related population decrease', with respect to an urbanized area, means that-- ``(i) the population of the urbanized area decreases to be less than 50,000 individuals, as determined in a decennial census after the decennial census in which the area was designated as an urbanized area; and ``(ii) the decrease described in clause (i) is a result of a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C 5170). ``(B) Urbanized area.--The term `urbanized area' means an area designated in a decennial census as an urbanized area by the Secretary of Commerce. ``(2) Election.--On request by the Governor of a State in which an urbanized area that experiences a disaster-related population decrease is located, the Secretary may elect for the purposes of this chapter, including for purposes of making apportionments under this chapter, to continue to treat the area as an urbanized area with the same population and land area as the area had in the most recent decennial census in which it was designated as an urbanized area by the Secretary of Commerce.''. \_\_\_\_\_\_ SA 2519. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 231, line 3, insert ``, including how the decision of the State to continue to accept Federal Pandemic Unemployment Compensation under section 2104 of the CARES Act (15 U.S.C 9023) has impacted the workforce'' after ``State''. \_\_\_\_\_\_ SA 2520. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2126, strike lines 5 through 12 and insert the following: (1) $10,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended; (2) for the award of grants under subsection (d)-- (A) $50,000,000 for fiscal year 2022; and (B) $60,000,000 for each of fiscal years 2023 through 2026; and On page 2143, line 6, strike ``$250,000,000'' and insert ``$60,000,000''. Beginning on page 2471, strike line 20 and all that follows through page 2473, line 9, and insert the following: digital equity (including transfer of funds) For an additional amount for ``Digital Equity'', $600,000,000, to remain available until expended, for competitive grants as authorized under sections 60304 and 60305 of division F of this Act: Provided, That of the amount provided under this heading in this Act-- (1) $120,000,000, to remain available until expended, shall be made available for fiscal year 2022, of which $10,000,000 is for the award of grants under section 60304 (c)(3) of division F of this Act, $50,000,000 is for the award of grants under section 60304(d) of division F of this Act, and $60,000,000 is for the award of grants under section 60305 of division F of this Act; (2) $120,000,000, to remain available until expended, shall be made available for fiscal year 2023, of which $60,000,000 is for the award of grants under section 60304(d) of division F of this Act and $60,000,000 is for the award of grants under section 60305 of division F of this Act; (3) $120,000,000, to remain available until expended, shall be made available for fiscal year 2024, of which $60,000,000 is for the award of grants under section 60304(d) of division F of this Act and $60,000,000 is for the award of grants under section 60305 of division F of this Act; (4) $120,000,000, to remain available until expended, shall be made available for fiscal year 2025, of which $60,000,000 is for the award of grants under section 60304(d) of division F of this Act and $60,000,000 is for the award of grants under section 60305 of division F of this Act; and (5) $120,000,000, to remain available until expended, shall be made available for fiscal year 2026, of which $60,000,000 is for the award of grants under section 60304(d) of division F of this Act and $60,000,000 is for the award of grants under section 60305 of division F of this Act: \_\_\_\_\_\_ SA 2521. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: After section 2, insert the following: SEC. 3. EFFECTIVE DATE. (a) In General.--A provision described in subsection (b), including an amendment made by such provision, shall not take effect until the head of the relevant Federal agency certifies that the provision and the amendments made by that provision would not increase the reliance of the United States on foreign nations for critical resources, including cobalt, copper, nickel, lithium, manganese, or graphite. (b) Provisions Described.--The provisions referred to in subsection (a) are the following: (1) Section 11109. (2) Section 11129. (3) Section 11401. (4) Section 11403. (5) Section 25005. (6) Section 25006. (7) Section 40107. (8) Section 40112. (9) Section 40207. (10) Section 40431. (11) Any appropriations made available under division J for electric vehicles or electric vehicle charging infrastructure. \_\_\_\_\_\_ SA 2522. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle E of title III of division D, add the following: SEC. 403\_\_\_. KEYSTONE XL AUTHORIZATION. (a) Authorization.--TransCanada Keystone Pipeline, L.P , may construct, connect, operate, and maintain the pipeline facilities at the international border of the United States and Canada at Phillips County, Montana, for the import of oil from Canada to the United States described in the Presidential Permit of March 29, 2019 (84 Fed. Reg. 13101). (b) No Presidential Permit Required.--No Presidential permit (or similar permit) under Executive Order 13867 (3 U.S.C 301 note; relating to the issuance of permits with respect to facilities and land transportation crossings at the international boundaries of the United States), Executive Order 12038 (42 U.S.C 7151 note; relating to the transfer of certain functions to the Secretary of Energy), Executive Order 10485 (15 U.S.C 717b note; relating to the performance of functions respecting electric power and [[Page S5865]] natural gas facilities located on United States borders), or any other Executive order shall be required for the construction, connection, operation, or maintenance of the pipeline facilities described in subsection (a). \_\_\_\_\_\_ SA 2523. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2149, lines 11 and 12, strike ``sex, gender identity, sexual orientation,''. \_\_\_\_\_\_ SA 2524. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division I, insert the following: SEC. \_\_. RESTRICTIONS ON THE USE OF FUNDING. Notwithstanding any other provision of law, none of the funds made available by this Act, including any amendments made by this Act, may be used to issue vaccine passports, vaccines passes, or other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status to a third party, or to otherwise publish or share any individual's COVID-19 vaccination record or similar health information. \_\_\_\_\_\_ SA 2525. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Strike section 40105 of division D. \_\_\_\_\_\_ SA 2526. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of section 90007, add the following: (i) Shuttered Venue Operator Grants.--All unobligated balances from amounts made available under the heading ``Small Business Administration--Shuttered Venue Operators'' and under section 5005(a) of the American Rescue Plan Act (Public Law 117-2) to carry out section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260) are permanently rescinded. \_\_\_\_\_\_ SA 2527. Ms. WARREN (for herself, Ms. Hirono, Ms. Klobuchar, Mr. Markey, Ms. Smith, Ms. Rosen, Ms. Cortez Masto, Mr. Wyden, Mr. Booker, Ms. Baldwin, Mr. Schatz, and Mr. King) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division F, insert the following: SEC. \_\_\_\_\_. ESTABLISHMENT OF NEW 2.5 GHZ TRIBAL PRIORITY WINDOW. (a) Commission Defined.--In this section, the term ``Commission'' means the Federal Communications Commission. (b) New Tribal Priority Window.--The Commission shall-- (1) not later than 30 days after the date of enactment of this Act, establish a new Tribal priority window for the 2.5 gigahertz band, under the same terms and conditions as the Tribal priority window established in the Report and Order in the matter of Transforming the 2.5 GHz Band adopted by the Commission on July 10, 2019 (FCC 19-62), for any portions of the band-- (A) that remain available for assignment in accordance with that Report and Order; and (B) for which the Commission did not receive an application during the Tribal priority window established in that Report and Order; and (2) accept applications in the new window established under paragraph (1) during the period that-- (A) begins on the date on which the window is established; and (B) ends on the date that is 180 days after the date on which the window is established, or such later date as the Commission considers appropriate. (c) Exception From Certain Procedural Requirements.--To the extent that the Commission determines that section 553 of title 5, United States Code, chapter 6 of that title (commonly known as the ``Regulatory Flexibility Act''), subchapter I of chapter 35 of title 44, United States Code (commonly known as the ``Paperwork Reduction Act''), or any other provision of law would prevent the Commission from establishing the new Tribal priority window by the date required under paragraph (1) of subsection (b) or from beginning to accept applications in that window as required under paragraph (2)(A) of that subsection, that provision shall not apply to any action taken by the Commission, or any rule or order issued by the Commission, to establish that window or to begin accepting applications in that window (as the case may be). \_\_\_\_\_\_ SA 2528. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2593, line 21, insert ``Provided further, That the limitation in the preceding proviso shall not apply to amounts made available under this paragraph in this Act that the Environmental Protection Agency provides as grants or contracts to external entities that provide technical assistance, outreach, and engagement:'' after ``administration:''. \_\_\_\_\_\_ SA 2529. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1461, lines 23 and 24, strike ``and recycling''. Beginning on page 1462, strike line 3 and all that follows through page 1463, line 18 and insert the following: (A) property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal (as those terms are defined in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C 17191)) resources, or enhanced geothermal systems (as defined in that section); (B) fuel cells, microturbines, or energy storage systems and components; (C) electric grid modernization equipment or components; (D) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications); (E)(i) light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes; (ii) technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and (iii) charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes; and (F)(i) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and (ii) technologies, components, and materials for those vehicles. On page 1465, lines 2 and 3, strike ``or recycling facility for the production or recycling, as applicable,'' and inserting ``facility for the production''. On page 1465, strike lines 12 through 21 and insert the following: (I) low- or zero-carbon ***process*** heat systems; (II) technology relating to energy efficiency in industrial ***processes***; or (III) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary; \_\_\_\_\_\_ SA 2530. Mr. BROWN (for himself, Mr. Cassidy, and Mr. Casey) submitted [[Page S5866]] an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division I, add the following: SEC. 90009. NEGOTIATIONS WITH RESPECT TO IMPORTATION OF GRAIN-ORIENTED ELECTRICAL STEEL FOR USE IN THE PRODUCTION OF ELECTRIC GRID TRANSFORMERS. (a) In General.--The United States Trade Representative shall immediately seek to enter into negotiations with Canada and Mexico to ensure that-- (1) the national security of the United States is not impaired by the importation into the United States of grain- oriented electrical steel in the form of core parts, cores, or laminations for use in the production of electric grid transformers; and (2) Canada and Mexico are not being used as pass-through countries for other countries engaged in the dumping (as defined in section 771 of the Tariff Act of 1930 (19 U.S.C 1677)) of such steel. (b) Reports Required.-- (1) In general.--Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the date described in paragraph (2), the Trade Representative shall submit to Congress a report on the status of the negotiations described in subsection (a). (2) Date described.--The date described in this paragraph is the date on which the President certifies to Congress that Canada and Mexico have agreed to ***measures*** that will prevent the importation in the United States of grain-oriented electrical steel in the form of core parts, cores, or laminations from impairing the national security of the United States. \_\_\_\_\_\_ SA 2531. Mr. CRUZ (for himself and Mr. Kelly) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 11104, strike subsection (c) and insert the following: (c) Adjustments to Certain State Apportionment Amounts.-- Section 104 of title 23, United States Code, is amended by striking subsection (c) and inserting the following: ``(c) Calculation of Amounts.-- ``(1) State share.--For fiscal year 2022 and each fiscal year thereafter, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176, and to carry out section 134 shall be determined as follows: ``(A) Initial amount.--The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State, which shall be equal to the proportion that-- ``(i) the amount of apportionments that the State received for fiscal year 2012; bears to ``(ii) the amount of those apportionments received by all States for that fiscal year. ``(B) Adjustments to amounts.-- ``(i) In general.--The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than an amount equal to-- ``(I) 95 percent of the applicable percentage; multiplied by ``(II) the total amount of funds available for apportionment. ``(ii) Applicable percentage.--For purposes of this subparagraph, the applicable percentage shall be an amount, expressed as a percentage, equal to the quotient of-- ``(I) the estimated tax payments attributable to highway users in the State that were paid into the Highway Trust Fund (other than the Mass Transit Account) for the most recent fiscal year for which data are available; divided by ``(II) the estimated total tax payments attributable to users in all States that were paid into the Highway Trust Fund (other than the Mass Transit Account) for that fiscal year. ``(2) State apportionment.--On October 1 of each fiscal year described in paragraph (1), the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176, and to carry out section 134 in accordance with paragraph (1).''. \_\_\_\_\_\_ SA 2532. Ms. HASSAN (for herself and Ms. Ernst) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place, insert the following: SEC. \_\_\_. SAVING FEDERAL FUNDS BY AUTHORIZING CHANGES TO THE COMPOSITION OF CIRCULATING COINS. (a) In General.--Section 5112 of title 31, United States Code, is amended by adding at the end the following: ``(bb) Composition of Circulating Coins.-- ``(1) In general.--Notwithstanding any other provision of law, and subject to the other provisions of this subsection, the Director of the United States Mint (referred to in this subsection as the `Director'), in consultation with the Secretary, may modify the metallic composition of circulating coins to a new metallic composition (including by prescribing reasonable manufacturing tolerances with respect to those coins) if a study and analysis conducted by the United States Mint, including solicitation of input, including input on acceptor tolerances and requirements, from industry stakeholders who could be affected by changes in the composition of circulating coins, indicates that the modification will-- ``(A) reduce costs incurred by the taxpayers of the United States; ``(B) be seamless, which shall mean the same diameter and weight as United States coinage being minted on the date of enactment of this subsection and that the coins will work interchangeably in most coin acceptors using electromagnetic signature technology; and ``(C) have as minimal an adverse impact as possible on the public and stakeholders. ``(2) Notification to congress.--On the date that is at least 90 legislative days before the date on which the Director begins making a modification described in paragraph (1), the Director shall submit to Congress notice that-- ``(A) provides a justification for the modification, including the support for that modification in the study and analysis required under paragraph (1) with respect to the modification; ``(B) describes how the modification will reduce costs incurred by the taxpayers of the United States; ``(C) certifies that the modification will be seamless, as described in paragraph (1)(B); and ``(D) certifies that the modification will have as minimal an adverse impact as possible on the public and stakeholders. ``(3) Congressional authority.--The Director may begin making a modification proposed under this subsection not earlier than the date that is 90 legislative days after the date on which the Director submits to Congress the notice required under paragraph (2) with respect to that modification, unless Congress, during the period of 90 legislative days beginning on the date on which the Director submits that notice-- ``(A) finds that the modification is not justified in light of the information contained in that notice; and ``(B) enacts a joint resolution of disapproval of the proposed modification. ``(4) Procedures.--For purpose of paragraph (3)-- ``(A) a joint resolution of disapproval is a joint resolution the matter after the resolving clause of which is as follows: `That Congress disapproves the modification submitted by the Director of the United States Mint.'; and ``(B) the procedural rules in the House of Representatives and the Senate for a joint resolution of disapproval described in that paragraph shall be the same as provided for a joint resolution of disapproval under chapter 8 of title 5.''. (b) Determination of Budgetary Effects.--The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ``Budgetary Effects of PAYGO Legislation'' for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage. \_\_\_\_\_\_ SA 2533. Mr. PETERS (for himself and Mr. Lujan) submitted an amendment intended to be proposed to [[Page S5867]] amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 24220 of title IV of division B, add at the end the following: (f) Short Title.--This section may be cited as the ``Honoring Abbas Family Legacy to Terminate Drunk Driving Act'' or the ``HALT Drunk Driving Act''. \_\_\_\_\_\_ SA 2534. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 96, line 23, strike ``and'' at the end. On page 97, strike line 3 and insert the following: State has been awarded a grant under this section; and ``(7) prioritizing projects on high priority corridors designated under section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032; 133 Stat. 3018).''; \_\_\_\_\_\_ SA 2535. Mr. SHELBY (for himself, Mr. Wicker, Mr. Inhofe, Mr. Rounds, and Mr. Tillis) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division J, add the following: TITLE X DEPARTMENT OF DEFENSE General Provisions--Infrastructure Funding reduction of backlog of facility infrastructure projects Sec. 1001. For an additional amount for ``Defense Infrastructure Fund'', $4,000,000,000, of which $1,300,000,000 shall be for each of the Departments of the Army, the Navy, and the Air Force, and $100,000,000 shall be for the Defense Health Agency, to remain available until September 30, 2026, to reduce the backlog of facility infrastructure maintenance projects of the Department of Defense: Provided, That any project carried out with amounts provided in this section shall comply with the requirements under section 2811 of title 10, United States Code: Provided further, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). modernization of test and training ranges of department of defense Sec. 1002. For an additional amount for ``Defense Infrastructure Fund'', $4,000,000,000, to remain available until September 30, 2032, to modernize the test and training ranges of the Department of Defense, including projects included in the report required under section 2806 of the Military Construction Authorization Act for Fiscal Year 2018 (Division B of Public Law 115-91; 10 U.S.C 222a note) for test and evaluation activities: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). remediation of perfluoralkyl substances and polyfluoroalkyl substances Sec. 1003. For an additional amount for ``Defense Infrastructure Fund'', $1,500,000,000, to remain available until September 30, 2026, to remediate perfluoralkyl substances and polyfluoroalkyl substances at installations owned by the Department of Defense: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). high-priority military construction requirements Sec. 1004. For an additional amount for ``Defense Infrastructure Fund'', $2,000,000,000, to remain available until September 30, 2026, to meet high-priority military construction requirements: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). depot modernization Sec. 1005. For an additional amount for ``Defense Infrastructure Fund'', $4,500,000,000, to remain available until September 30, 2032, for depot modernization: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). ammunition plant modernization Sec. 1006. For an additional amount for ``Defense Infrastructure Fund'', $2,500,000,000, to remain available until September 30, 2026, to modernize ammunition plants: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). fifth-generation wireless networking technologies Sec. 1007. For an additional amount for ``Defense Infrastructure Fund'', $2,500,000,000, to remain available until September 30, 2026, to provide fifth-generation wireless networking technologies to installations owned by the Department of Defense: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). navy and coast guard shipyard infrastructure improvement Sec. 1008. (a) Appropriation.-- (1) In general.--For an additional amount for ``Defense Infrastructure Fund'', $25,350,000,000, to remain available until expended, to improve, in accordance with subsection (b), the Navy and Coast Guard shipyard infrastructure of the United States. (2) Supplement not supplant.--Amounts appropriated under paragraph (1) shall supplement and not supplant other amounts appropriated or otherwise made available for the purpose described in paragraph (1). (3) Emergency designation.--The amount appropriated under paragraph (1) is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). (b) Use of Funds.-- (1) In general.--As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall make the amounts appropriated under subsection (a) directly available to the Secretary of the Navy and the Secretary of Homeland Security for obligation and expenditure in accordance with paragraph (2). (2) Allocation of funds.--The amounts appropriated under subsection (a) shall be allocated as follows: (A) $21,000,000,000 for Navy public shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards. (B) $2,000,000,000 for Navy private new construction shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards. (C) $2,000,000,000 for Navy private repair shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards. (D) $350,000,000, which shall be transferred to the Department of Homeland Security, for Coast Guard Yard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by the shipyard. (3) Projects in addition to other construction projects.-- Construction projects undertaken using amounts appropriated under subsection (a) shall be in addition to and separate from any military construction program authorized by any Act to authorize appropriations for a fiscal year for military activities of the Department of Defense and for military construction. (c) Definitions.--In this section: (1) Coast guard yard.--The term ``Coast Guard Yard'' means the Coast Guard Yard in Baltimore, Maryland. (2) Navy public shipyard.--The term ``Navy public shipyard'' means the following: (A) The Norfolk Naval Shipyard, Virginia. (B) The Pearl Harbor Naval Shipyard, Hawaii. (C) The Portsmouth Naval Shipyard, Maine. (D) The Puget Sound Naval Shipyard, Washington. (3) Navy private new construction shipyard.--The term ``Navy private new construction shipyard''-- [[Page S5868]] (A) means any shipyard in which one or more combatant or support vessels included in the most recent plan submitted under section 231 of title 10, United States Code, are being built or are planned to be built; and (B) includes vendors and suppliers of the shipyard building or planning to build a combatant or support vessel. (4) Navy private repair shipyard.--The term ``Navy private repair shipyard''-- (A) means any shipyard that performs or is planned to perform maintenance or modernization work on a combatant or support vessel included in the most recent plan submitted under section 231 of title 10, United States Code; and (B) includes vendors and suppliers of the shipyard performing or planning to perform maintenance or modernization work on a combatant or support vessel. defense activities of department of energy Sec. 1009. For an additional amount for ``Defense Infrastructure Fund'', $3,850,000,000, which shall be transferred to the Secretary of Energy, to remain available until September 30, 2026, for construction of enabling infrastructure at Los Alamos National Laboratory, construction of training facilities at Los Alamos National Laboratory and the Savannah River Site, general enabling infrastructure at the National Nuclear Security Administration, decommissioning and decontamination of equipment contaminated by PF-4, demolition of equipment at the Mixed-Oxide Fuel Fabrication Facility, design work for lithium and tritium facilities, and deferred maintenance at the National Nuclear Security Administration: Provided, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)). transfer of funds Sec. 1010. Amounts provided in this title may be transferred by the Secretary of Defense from the Defense Infrastructure Fund to the appropriate service account for the same purpose as the funds were appropriated. Such transfers shall not be taken into account for purposes of the limitations on transfers included in a National Defense Authorization Act or a Defense Appropriations Act for a fiscal year. spending plans Sec. 1011. (a) Department of Defense.--Not later than 30 days before the beginning of any fiscal year in which amounts appropriated under sections 1001 through 1008 will be spent, the Secretary of Defense shall submit to the congressional defense committees a spending plan for such amounts, set forth by line number, sub-activity group, and program element number. (b) Department of Energy.--Not later than 30 days before the beginning of any fiscal year in which amounts appropriated under section 1009 will be spent, the Secretary of Energy shall submit to the congressional defense committees a spending plan for such amounts, set forth by congressional control. (c) Congressional Defense Committees Defined.--In this section, the term ``congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code. \_\_\_\_\_\_ SA 2536. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of title XII of division D, add the following: SEC. 412\_\_. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUES. (a) Definition of Qualified Outer Continental Shelf Revenues.--Section 102(9)(A) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C 1331 note; Public Law 109- 432) is amended-- (1) in clause (i)(II), by striking ``and'' after the semicolon; (2) in clause (ii)-- (A) in the matter preceding subclause (I), by striking ``fiscal year 2017 and each fiscal year thereafter'' and inserting ``each of fiscal years 2017 through 2021''; and (B) in subclause (III), by striking the period and inserting ``; and''; and (3) by adding at the end the following: ``(iii) in the case of fiscal year 2022 and each fiscal year thereafter, all rentals, royalties, bonus bids, and other sums due and payable to the United States received on or after October 1, 2021, from leases entered into on or after October 1, 2000 for-- ``(I) the 181 Area; ``(II) the 181 South Area; and ``(III) the 2002-2007 planning area.''. (b) Disposition of Qualified Outer Continental Shelf Revenues.-- (1) In general.--Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C 1331 note; Public Law 109-432) is amended-- (A) in paragraph (1), by striking ``50'' and inserting ``37.5''; and (B) in paragraph (2)-- (i) in the matter preceding subparagraph (A), by striking ``50'' and inserting ``62.5''; (ii) in subparagraph (A), by striking ``75'' and inserting ``80''; and (iii) in subparagraph (B), by striking ``25'' and inserting ``20''. (2) Limitations on amount of distributed qualified outer continental shelf revenues.--Section 105(f) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C 1331 note; Public Law 109-432) is amended-- (A) in paragraph (1)-- (i) in subparagraph (A), by adding ``and'' after the semicolon; (ii) in subparagraph (B), by striking ``; and'' and inserting a period; and (iii) by striking subparagraph (C); and (B) in paragraph (2), by striking ``2055'' and inserting ``2021''. (c) Exemption of Certain Payments From Sequestration.-- (1) In general.--Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 905(g)(1)(A)) is amended by inserting after ``Payments to Social Security Trust Funds (28-0404-0-1-651).'' the following: ``Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432; 43 U.S.C 1331 note) (014-5535-0-2-302).''. (2) Applicability.--The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 900 et seq.) on or after the date of enactment of this Act. \_\_\_\_\_\_ SA 2537. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division I, insert the following: SEC. \_\_\_\_. RESTORING TRAVEL AT THE UNITED STATES-CANADA BORDER. (a) In General.--Not later than 10 days after the date of the enactment of this Act, the Secretary of Homeland Security shall expand the list of permitted essential travel into the United States at land ports of entry along the United States- Canada border to include the following categories: (1) An individual traveling to visit a member, who is a United States citizen or permanent resident, of the immediate or extended family of such individual. (2) An individual traveling to visit property, including boats, within the United States owned or leased by such individual. (3) An individual traveling to the United States to attended business meetings or site-visits. (4) An individual traveling directly to a United States airport to board a flight to a United States or international destination. (b) Plan for Full Reopening.--Not later than 20 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress and begin implementation of a plan to fully restore nonessential travel into the United States at land ports of entry along the United States-Canada border. (c) Applicability.--This section applies to only those restrictions (and the related relief sought in accordance with this section) in place pursuant to section 318(b)(2) of the Tariff Act of 1930 (19 U.S.C 1318(b)(2)) at land ports of entry along the United States-Canada border due to the COVID-19 public health emergency as in effect on the date of the enactment of this Act. \_\_\_\_\_\_ SA 2538. Ms. ROSEN (for herself and Mr. Young) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 782, line 24, insert ``owned or'' after ``privately''. \_\_\_\_\_\_ SA 2539. Ms. ROSEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: [[Page S5869]] At the end of section 40803 of division D, add the following: (l) Wildfire Air Quality Monitoring in Rural Communities.-- (1) In general.--Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall award grants to eligible communities to purchase nonregulatory, portable air sensors that would complement, but not replace, existing regulatory air quality programs and requirements. (2) Priority.--In awarding grants under paragraph (1), the Administrator of the Environmental Protection Agency shall give priority to-- (A) remote and rural communities-- (i) that do not have regulatory air sensors; or (ii) in which air quality monitoring is absent or limited; and (B) communities affected by wildfires and wildfire smoke. (3) Authorization of appropriations.--There are authorized to be appropriated such sums as are necessary to carry out this subsection. \_\_\_\_\_\_ SA 2540. Ms. ROSEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1614, line 19, insert ``hardrock mining,'' before ``or coal mining''. On page 1616, strike lines 1 through 9 and insert the following: (d) Consultation.--The Secretary shall consult with the Director of the Office of Surface Mining Reclamation and Enforcement and the Administrator of the Environmental Protection Agency, acting through the Office of Brownfields and Land Revitalization-- (1) to determine whether it is necessary to promulgate regulations or issue guidance in order to prioritize and expedite the siting of clean energy projects on current and former mine land sites; and (2) to convene utilities, nonprofit organizations, researchers, and other stakeholders-- (A) to explore the most effective avenues available to address transmission and distribution system upgrades needed to develop the sites described in paragraph (1); and (B) to identify and evaluate current barriers to clean energy development, including mine closure plans and reclamation requirements, and recommend revisions to such requirements that can facilitate clean energy deployment on mine sites while protecting the environment. On page 1617, between lines 6 and 7, insert the following: SEC. 40344. RE-POWERING AMERICA'S LAND INITIATIVE. (a) In General.--The Administrator of the Environmental Protection Agency (referred to in this section as the ``Administrator'') shall establish the RE-Powering America's Land Initiative as a program within the Environmental Protection Agency in order to encourage the development of clean energy projects on current and former mine land and brownfield sites. (b) Requirements.--In carrying out the program under subsection (a), the Administrator shall-- (1) inform eligible entities applying for a multipurpose brownfield grant of the option to develop a clean energy project on a brownfield site; (2) provide technical and programmatic assistance to eligible entities, including data mapping, solar siting, and feasibility studies; (3) integrate parcel-level, spatially explicit data into the existing Re-Powering inventory of mine land and brownfield sites to facilitate and streamline identification and evaluation of suitable sites; and (4) engage with States and local entities to promote awareness of the program. \_\_\_\_\_\_ SA 2541. Mr. BRAUN (for himself and Mr. Schatz) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division C, add the following: SEC. 3\_\_\_\_. AFFORDABLE HOUSING INCENTIVES IN CAPITAL INVESTMENT GRANTS. Section 5309 of title 49, United States Code (as amended by section 30005(a)), is amended-- (1) in subsection (g)-- (A) in paragraph (2)(B)-- (i) in clause (i) by striking ``; and'' and inserting a semicolon; (ii) in clause (ii) by striking the period and inserting ``; and''; and (iii) by adding at the end the following: ``(iii) allow a weighting of up to five percentage points greater to the criteria relating to economic development under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, and up to five percentage points lesser to the lowest scoring criteria under either such subsection, if the applicant demonstrates substantial effort to preserve or encourage affordable housing near the project by-- ``(I) providing documentation of policies that allow for the approval of multi-family housing, single room occupancy units, and accessory dwelling units without a discretionary review ***process***; ``(II) providing local capital sources for transit-oriented development; or ``(III) other methods, as determined appropriate by the Secretary.''; (B) in paragraph (3)-- (i) in subparagraph (C) by striking ``and'' at the end; (ii) by redesignating subparagraph (D) as subparagraph (E); and (iii) by inserting after subparagraph (C) the following: ``(D) in the case of a warrant that applies to the criteria relating to economic development under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), the applicant that requests the use of such warrant has completed and submitted a housing feasibility assessment; and''; and (C) by adding at the end the following: ``(9) Definition.--In this subsection, the term `housing feasibility assessment' means an analysis of the physical, legal, and financial viability of developing additional housing along a project corridor.''; and (2) in subsection (l)(4)-- (A) in subparagraph (B) by striking ``; or'' and inserting a semicolon; (B) in subparagraph (C) by striking the period at the end and inserting ``; or''; and (C) by adding at the end the following: ``(D) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C 3141), except that-- ``(i) such proceeds are used in conjunction with the planning or development of affordable housing; and ``(ii) such affordable housing is located within one-half of a mile of a new defined station.''. \_\_\_\_\_\_ SA 2542. Mr. MARKEY (for himself and Mr. Merkley) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 40401 of division D, strike subsection (d). \_\_\_\_\_\_ SA 2543. Mr. CORNYN (for himself, Mr. Padilla, Ms. Baldwin, Mr. Casey, Mr. Tillis, Ms. Cortez Masto, Ms. Cantwell, Mr. Kennedy, Ms. Lummis, Mr. Wicker, Mrs. Murray, and Mr. Kelly) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division I, insert the following: SEC. \_\_. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS. (a) In General.--Title VI of the Social Security Act (42 U.S.C 801 et seq.) is amended-- (1) in section 602-- (A) in subsection (a)(1), by inserting ``(except as provided in subsection (c)(4))'' after ``December 31, 2024''; and (B) in subsection (c)-- (i) in paragraph (1), in the matter preceding subparagraph (A), by striking ``paragraph (3)'' and inserting ``paragraphs (3) and (4)''; and (ii) by adding at the end the following new paragraph: ``(4) Authority to use funds for certain infrastructure projects.-- ``(A) In general.--Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section or a transfer pursuant to section 603(c)(4) may use funds provided under such payment or transfer for projects described in subparagraph (B), including-- ``(i) in the case of a project described in clause (i), (xiv), (xv), or (xviii) of that subparagraph, to satisfy a non-Federal share requirement applicable to such a project; and ``(ii) in the case of a project described in clause (xv) of that subparagraph, to repay a [[Page S5870]] loan provided under the program described in that clause. ``(B) Projects described.--A project referred to in subparagraph (A) is any of the following: ``(i) A project that receives a grant under section 117 of title 23, United States Code. ``(ii) A project eligible under section 119 of title 23, United States Code. ``(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act. ``(iv) A project eligible under section 133 of title 23, United States Code. ``(v) An activity to carry out section 134 of title 23, United States Code. ``(vi) A project eligible under section 148 of title 23, United States Code. ``(vii) A project eligible under section 149 of title 23, United States Code. ``(viii) A project eligible under section 165 of title 23, United States Code. ``(ix) A project eligible under section 167 of title 23, United States Code. ``(x) A project eligible under section 173 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act. ``(xi) A project eligible under section 202 of title 23, United States Code. ``(xii) A project eligible under section 203 of title 23, United States Code. ``(xiii) A project eligible under section 204 of title 23, United States Code. ``(xiv) A project that receives a grant under the program for national infrastructure investments (commonly known as the `Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program'). ``(xv) A project that receives credit assistance under the TIFIA program under chapter 6 of title 23, United States Code. ``(xvi) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code. ``(xvii) A project that receives a grant under section 5307 of title 49, United States Code. ``(xviii) A project that receives a grant under section 5309 of title 49, United States Code. ``(xix) A project that receives a grant under section 5311 of title 49, United States Code. ``(xx) A project that receives a grant under section 5337 of title 49, United States Code. ``(xxi) A project that receives a grant under section 5339 of title 49, United States Code. ``(xxii) A project that receives a grant under section 6703 of title 49, United States Code, as added by the Infrastructure Investment and Jobs Act. ``(xxiii) A project that receives a grant under title I of the Housing and Community Development Act of 1974 (42 U.S.C 5301 et seq.). ``(xxiv) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading `highway infrastructure program' under the heading `Federal Highway Administration' under the heading `DEPARTMENT OF TRANSPORTATION' under title VIII of division J of the Infrastructure Investment and Jobs Act. ``(C) Limitations; application of requirements.-- ``(i) Limitation on amounts to be used for infrastructure projects.--Subject to clause (ii), the total amount that a State, territory, or Tribal government may use from a payment made under this section or a transfer pursuant to section 603(c)(4) for uses described in subparagraph (A) shall not exceed 25 percent of such payment or transfer. ``(ii) Waiver of limitation.--At the request of a State, territory, or Tribal government, the Secretary may allow the State, territory, or Tribal government to use up to 50 percent of a payment made under this section or a transfer pursuant to section 603(c)(4) for a use described in subparagraph (A) if any of the following criteria are met (as determined by the Secretary): ``(I) The projects involved are of significant economic importance to the State, territory, or Tribal government. ``(II) The projects involved would enhance employment opportunities for the State, territory, or Tribal government. ``(III) The projects involved would enhance the health and safety of the public. ``(IV) The projects involved would enhance protections for the environment. ``(V) The projects involved would enhance the capacity of the metropolitan city, State, territory, or Tribal government to respond to the COVID-19 crisis. ``(VI) The State, territory, or Tribal government suffered a reduction in revenue (as determined under the interim final rule issued by the Secretary on May 17, 2021, entitled `Coronavirus State and Local Fiscal Recovery Funds' (86 Fed. Reg. 26786)) of greater than 10 percent in calendar year 2020. ``(iii) Limitation on operating expenses.--Funds provided under a payment made under this section or a transfer pursuant to section 603(c)(4) shall not be used for operating expenses of a project described in clauses (xvii) through (xxi) of subparagraph (B). ``(iv) Application of requirements.--Except as otherwise provided in this section-- ``(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section or transferred pursuant to section 603(c)(4) that are used for a project described in clause (xxiii) of subparagraph (B) that relates to broadband infrastructure; and ``(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C 4321 et. seq) shall apply to funds provided under a payment made under this section or transferred pursuant to section 603(c)(4) that are used for projects described in subparagraph (B). ``(D) Availability.--Funds provided under a payment made under this section or transferred pursuant to section 603(c)(4) to a State, territory, or Tribal government shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''; and (2) in subsection 603-- (A) in subsection (a), by inserting ``(except as provided in subsection (c)(5))'' after ``December 31, 2024''; and (B) in subsection (c)-- (i) in paragraph (1), in the matter preceding subparagraph (A), by striking ``paragraphs (3) and (4)'' and inserting ``paragraphs (3), (4), and (5)''; and (ii) by adding at the end the following new paragraph: ``(5) Authority to use funds for certain infrastructure projects.-- ``(A) In general.--Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(4), including-- ``(i) in the case of a project described in clause (i), (xiv), (xv), or (xviii) of that subparagraph, to satisfy a non-Federal share requirement applicable to such a project; and ``(ii) in the case of a project described in clause (xv) of that subparagraph, to repay a loan provided under the program described in that clause. ``(B) Limitations; application of requirements.-- ``(i) Limitation on amounts to be used for infrastructure projects.--Subject to clause (ii), the total amount that a metropolitan city, nonentitlement unit of local government, or county may use from a payment made under this section for uses described in subparagraph (A) shall not exceed 25 percent of such payment. ``(ii) Waiver of limitation.--At the request of a metropolitan city, nonentitlement unit of local government, or county, the Secretary may allow the metropolitan city, nonentitlement unit of local government, or county to use up to 50 percent of a payment made under this section for uses described in subparagraph (A) if any of the following criteria are met (as determined by the Secretary): ``(I) The projects involved are of significant economic importance to the metropolitan city, nonentitlement unit of local government, or county. ``(II) The projects involved would enhance employment opportunities for the metropolitan city, nonentitlement unit of local government, or county. ``(III) The projects involved would enhance the health and safety of the public. ``(IV) The projects involved would enhance protections for the environment. ``(V) The projects involved would enhance the capacity of the metropolitan city, nonentitlement unit of local government, or county to respond to the COVID-19 crisis. ``(VI) The metropolitan city, nonentitlement unit of local government, or county suffered a reduction in revenue (as determined under the interim final rule issued by the Secretary on May 17, 2021, entitled `Coronavirus State and Local Fiscal Recovery Funds' (86 Fed. Reg. 26786)) of greater than 10 percent in calendar year 2020. ``(iii) Limitation on operating expenses.--Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xvii) through (xxi) of section 602(c)(4)(B). ``(iv) Application of requirements.--Except as otherwise provided in this section-- ``(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used for a project described in clause (xxiii) of section 602(c)(4)(B) that relates to broadband infrastructure; and ``(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in section 602(c)(4)(B). ``(C) Availability.--Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''. (b) Technical Amendments.--Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C 802(c)(3), 803(c)(3)) are each amended by striking ``paragraph (17) of''. (c) Department of the Treasury Administrative Expenses.-- [[Page S5871]] (1) In general.--Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the ``Secretary'') for administrative expenses pursuant to the provisions specified in paragraph (2) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of-- (A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136); (B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260); (C) the American Rescue Plan Act (Public Law 117-2); or (D) title VI of the Social Security Act (42 U.S.C 801 et seq.). (2) Provisions specified.--The provisions specified in this paragraph are the following: (A) Sections 4003(f) and 4112(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136). (B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260). (C) Sections 3201(a)(2)(B), 3206(d)(1)(A), and 7301(b)(5) of the American Rescue Plan Act of 2021 (Public Law 117-2). (D) Section 602(a)(2) of the Social Security Act (42 U.S.C 802(a)(2)). \_\_\_\_\_\_ SA 2544. Mr. LANKFORD (for himself, Mr. Daines, Mr. Inhofe, Mr. Sasse, Ms. Ernst, and Mr. Braun) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Beginning on page 2090, strike line 7 and all that follows through page 2150, line 13. \_\_\_\_\_\_ SA 2545. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division J, insert the following: Sec. \_\_\_. (a) Except as provided in subsection (c), none of the funds made available by this Act may be used to transport an alien described in subsection (b) from a location at which the alien is held in the custody of the Secretary of Homeland Security, or other Federal or State custody, to a location at which the alien would be paroled or otherwise released from such custody. (b) An alien described in this subsection is an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C 1101(a))) who-- (1) is unlawfully present in the United States; and (2)(A)(i) has not been tested for COVID-19 during the preceding 10-day period; or (ii) has been tested for COVID-19 during the preceding 10- day period and received a positive test result; (B) has not been fully vaccinated against COVID-19; or (C) has symptoms of COVID-19. (c) Funds made available by this Act may be used to transport an alien described in subsection (b) for purposes of removal or deportation. \_\_\_\_\_\_ SA 2546. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Beginning on page 2322, strike line 16 and all that follows through page 2323, line 4, and insert the following: (B) in the case of manufactured products, that-- (i) the manufactured product was manufactured in the United States; (ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 75 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (iii) in case of electronic products, the cost of the components of the electronic product mined, produced, or manufactured in the United States is greater than 80 percent of the total cost of all components of the electronic product; and \_\_\_\_\_\_ SA 2547. Mr. BLUMENTHAL (for himself, Mr. Warner, Mr. Kaine, and Mrs. Blackburn) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division I, insert the following: SEC. 90\_\_\_. GRANTS FOR CERTAIN MINOR LEAGUE BASEBALL CLUBS. (a) In General.--The Administrator shall, subject to the availability of appropriations, make covered grants to eligible entities in accordance with this section. (b) Authority.--The Associate Administrator for the Office of Disaster Assistance of the Small Business Administration shall coordinate and formulate policies relating to the administration of covered grants. (c) Certification of Need.--An eligible entity applying for a covered grant shall submit a good faith certification that the uncertainty of current economic conditions makes necessary the grant to support the ongoing operations of the eligible entity. (d) Multiple Business Entities.--The Administrator shall treat each eligible entity as an independent, non-affiliated entity for the purposes of this section. (e) Grant Terms.-- (1) Number of grants.-- (A) In general.--Except as provided in subparagraph (B), an eligible entity may receive only 1 covered grant. (B) Supplemental grant.--The Administrator may make a second covered grant to an eligible entity if, as of June 30, 2021, the gross revenues of such eligible entity for calendar year 2021 as of such date are not more than 30 percent of the gross revenues of such eligible entity for the corresponding period of 2019, or, if the gross revenues of the eligible entity were negatively impacted by a natural disaster or weather disruption in 2019, not more than 30 percent of the average gross revenues of the eligible entity during the first 6 months of 2016, 2017, and 2018, due to the COVID-19 pandemic. (2) Amount.-- (A) In general.--Except as provided in subparagraph (B), a covered grant shall be in an amount equal to the lesser of-- (i) the amount equal to 45 percent of the gross revenues of the eligible entity for 2019, or, if the gross revenues of the eligible entity were negatively impacted by a natural disaster or weather disruption in 2019, equal to 45 percent of the average annual gross revenues of the eligible entity over the 3-year period from 2016 through 2018, which shall include the gross revenues of all subsidiaries and other related entities that are consolidated with the gross revenues of the eligible entity in a financial statement prepared in accordance with generally accepted accounting principles for such eligible entity for such year; or (ii) $10,000,000. (B) Supplement grant amount.--A covered grant made pursuant to paragraph (1)(B) shall be in an amount equal to 50 percent of the first covered grant received by the eligible entity. (3) Grant aggregate maximum.--The total amount of covered grants received by an eligible entity may not exceed $10,000,000. (4) Use of funds.-- (A) Timing.-- (i) Expenses incurred.-- (I) In general.--Except as provided in subclause (II), amounts received under a covered grant may only be used for expenses incurred during the period beginning on March 1, 2020 and ending on December 31, 2021. (II) Extension for supplemental grants.--If an eligible entity receives a grant under paragraph (1)(B), amounts received under a covered grant may be used for costs incurred during the period beginning on March 1, 2020 and ending September 30, 2022. (ii) Expenditure.-- (I) In general.--Except as provided in subclause (II), an eligible entity shall return to the Administrator any amounts received under a covered grant that are not expended on or before the date that is 1 year after the date of disbursement of the covered grant. (II) Extension for supplemental grants.--If an eligible entity receives a grant under paragraph (1)(B), the eligible entity shall return to the Administrator any amounts received under any covered grant that are not expended on or before the date that is 18 months after the date of disbursement of the first covered grant received by the eligible entity. (B) Allowable expenses.--An eligible entity may use amounts received under a covered grant for-- (i) payroll costs; (ii) payments on any covered rent obligation or other obligation to a public entity from whom the primary venue of the eligible entity is leased or licensed; [[Page S5872]] (iii) any covered utility payment; (iv) payments of interest or principal due on any covered mortgage obligation; (v) payments of interest or principal due on any indebtedness or debt instrument incurred in the ordinary course of business that is a liability of the eligible entity and was in place or incurred prior to February 15, 2020; (vi) covered worker protection expenditures; (vii) payments made to independent contractors, as reported on Form-1099 MISC, not to exceed a total of $100,000 in annual compensation for any individual employee of an independent contractor; and (viii) other ordinary and necessary business expenses, including-- (I) maintenance expenses; (II) administrative costs, including fees and licensing costs; (III) State and local taxes and fees; (IV) operating leases in effect as of February 15, 2020; (V) payments required for insurance on any insurance policy; (VI) settling existing debts with vendors; and (VII) advertising, production, transportation, and capital expenditures relating to the primary venue of the eligible entity or events held at such venue, except that a grant under this section may not be used primarily for such expenditures. (C) Prohibited expenses.--An eligible entity may not use amounts received under a grant under this section-- (i) to purchase real estate; (ii) for payments of interest or principal for loans originated after February 15, 2020; (iii) to invest or re-lend funds; (iv) for contributions or expenditures to, or on behalf of, any political party, party committee or candidate for elective office; or (v) for any other use as may be reasonably prohibited by the Administrator. (f) Increased Oversight.--The Administrator shall increase oversight of eligible entities receiving covered grants, which may include the following: (1) Documentation.--Additional documentation requirements that are consistent with the eligibility and other requirements under this section, including requiring an eligible entity that receives a grant under this section to retain records that document compliance with the requirements for grants under this section-- (A) with respect to employment records, for the 4-year period following receipt of the grant; and (B) with respect to other records, for the 3-year period following receipt of the grant. (2) Reviews of use.--Reviews of the use of the grant proceeds by an eligible entity to ensure the compliance with requirements established under this section and by the Administrator, including that the Administrator may-- (A) review and audit grants under this section; and (B) in the case of fraud of other material noncompliance with respect to a grant under this section-- (i) require repayment of misspent funds; or (ii) pursue legal action to collect funds. (g) Oversight and Audit Plan.-- (1) In general.--Not later than 45 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details-- (A) the policies and procedures of the Administrator for conducting oversight and audits of covered grants; and (B) the metrics that the Administrator shall use to determine which covered grants will be audited pursuant to subsection (f). (2) Report.--Not later than 60 days after the date of enactment of this Act, and each month thereafter until the date that is 1 year after the date on which all amounts appropriated to make covered grants have been expended, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the oversight and audit activities of the Administrator under this subsection, which shall include-- (A) the total number of covered grants approved and disbursed; (B) the total amount of covered grants received by each eligible entity; (C) the number of active investigations and audits of covered grants; (D) the number of completed reviews and audits of covered grants, including a description of any findings of fraud or other material non-compliance; and (E) any substantial changes made to the oversight and audit plan submitted under paragraph (1). (h) Tax Treatment of Covered Loans.-- (1) In general.--For the purposes of the Internal Revenue Code of 1986-- (A) no covered grant shall be included in the gross income of the eligible entity that receives such covered grant; (B) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by subparagraph (A); and (C) in the case of a partnership or S corporation that receives such a covered grant-- (i) any amount excluded from income by reason of subparagraph (A) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986; and (ii) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in clause (i) for purposes of section 705 of the Internal Revenue Code of 1986. (2) Applicability.--Paragraph (1) shall apply to taxable years ending after the date of enactment of this Act. (i) Funding.--Notwithstanding any provision of covered law, from any funds appropriated under such a law that have not been obligated as of the date of enactment of this Act and are no longer being used to carry out the activities under such a law, the remaining funds or $550,000,000, whichever is greater, but in any case not more than $550,000,000, shall be allocated to the Administrator to carry out this section, of which not more than $50,000,000 shall be allocated to Independent Professional Baseball Clubs. (j) Definitions.--In this section: (1) Administrator.--The term ``Administrator'' means the Administrator of the Small Business Administration. (2) Covered grants.--The term ``covered grant'' means a grant made under this section to an eligible entity. (3) Covered law.--The term ``covered law'' means-- (A) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123); (B) the Families First Coronavirus Response Act (Public Law 116-127); (C) the CARES Act (Public Law 116-136); (D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620); (E) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116-260); or (F) the American Rescue Plan Act of 2021 (Public Law 117- 2). (4) Covered mortgage obligation; covered rent obligation; covered utility payment; covered worker protection expenditure.--The terms ``covered mortgage obligation'', ``covered rent obligation'', ``covered utility payment'', and ``covered worker protection expenditure'' have the meanings given those terms in section 7A(a) of the Small Business Act (15 U.S.C 636m(a)). (5) Eligible entity.--The term ``eligible entity'' means any Minor League Baseball Club or Independent Professional Baseball Club that meets the following requirements: (A) The Minor League Baseball Club or Independent Professional Baseball Club was operating in the ordinary course of business on February 29, 2020. (B) The gross revenues of the Minor League Baseball Club or Independent Professional Baseball Club in calendar year 2020 were not more than 25 percent of the gross revenues of the Minor League Baseball Club or Independent Professional Baseball Club in calendar year 2019, or, if the gross revenues of the Minor League Baseball Club or Independent Professional Baseball Club were negatively impacted by a natural disaster or weather disruption in 2019, not more than 25 percent of the average annual gross revenues of the Minor League Baseball Club or Independent Professional Baseball Club over the 3-year period from 2016 through 2018, as determined by the Administrator using the accrual method of accounting and excluding any amounts received any amounts received under the CARES Act (15 U.S.C 9001 et seq.), an amendment to such Act, the Consolidated Appropriations Act, 2021 (Public Law 116-260), or any subsequent COVID Relief package. (C) At the time the Minor League Baseball Club or Independent Professional Baseball Club submits the certification required under subsection (c), the Minor League Baseball Club or Independent Professional Baseball Club is open, or intends to reopen, for the primary purpose of conducting baseball games. (D) The Minor League Baseball Club or Independent Professional Baseball Club is not majority owned, directly or indirectly, by Major League Baseball, a Major League Baseball Club, or one or more persons who have a greater than 10 percent ownership interest in a Major League Baseball Club. (6) Independent professional baseball club.--The term ``Independent Professional Baseball Club'' means a professional baseball team, including a professional baseball team that is a corporation, limited liability company, or a partnership or operated as a sole proprietorship, that-- (A) operates for profit or as a nonprofit organization; (B) is located in the United States; and (C) as of February 29, 2020, was a member of-- (i) the American Association of Professional Baseball; (ii) the Atlantic League of Professional Baseball; (iii) the Canadian American Association of Professional Baseball; (iv) the Empire Professional Baseball League; (v) the Frontier League; (vi) the Pacific Association of Professional Baseball Clubs; (vii) the Pecos League of Professional Baseball Clubs; (viii) the United Shore Professional Baseball League; or (ix) the Western League. (7) Minor league baseball club.--The term ``Minor League Baseball Club'' means a [[Page S5873]] professional baseball team, including a professional baseball team that is a corporation, limited liability company, or a partnership or operated as a sole proprietorship, that-- (A) operates for profit or as a nonprofit organization; (B) is located in the United States; and (C)(i) as of February 29, 2020, was a member of a league that was a member of the National Association of Professional Baseball Leagues, Inc.; or (ii) has been offered and is operating or has agreed to operate under-- (I) a Player Development License granted by MLB Professional Development Leagues, LLC; or (II) a license granted by Appalachian League, Inc. (8) Payroll costs.--The term ``payroll costs'' has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C 636(a)(36)(A)). \_\_\_\_\_\_ SA 2548. Mr. BENNET (for himself and Mr. Hoeven) proposed an amendment to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows: At the end of title VIII of division D, add the following: SEC. 408\_\_\_\_\_. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM. (a) Definitions.--In this section: (1) Chiefs.--The term ``Chiefs'' means the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service. (2) Eligible activity.--The term ``eligible activity'' means an activity-- (A) to reduce the risk of wildfire; (B) to protect water quality and supply; or (C) to improve wildlife habitat for at-risk species. (3) Program.--The term ``Program'' means the Joint Chiefs Landscape Restoration Partnership program established under subsection (b)(1). (4) Secretary.--The term ``Secretary'' means the Secretary of ***Agriculture***. (5) Wildland-urban interface.--The term ``wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C 6511). (b) Establishment.-- (1) In general.--The Secretary shall establish a Joint Chiefs Landscape Restoration Partnership program to improve the health and resilience of forest landscapes across National Forest System land and State, Tribal, and private land. (2) Administration.--The Secretary shall administer the Program by coordinating eligible activities conducted on National Forest System land and State, Tribal, or private land across a forest landscape to improve the health and resilience of the forest landscape by-- (A) assisting producers and landowners in implementing eligible activities on eligible private or Tribal land using the applicable programs and authorities administered by the Chief of the Natural Resources Conservation Service under title XII of the Food Security Act of 1985 (16 U.S.C 3801 et seq.), not including the conservation reserve program established under subchapter B of chapter 1 of subtitle D of that title (16 U.S.C 3831 et seq.); and (B) conducting eligible activities on National Forest System land or assisting landowners in implementing eligible activities on State, Tribal, or private land using the applicable programs and authorities administered by the Chief of the Forest Service. (c) Selection of Eligible Activities.--The appropriate Regional Forester and State Conservationist shall jointly submit to the Chiefs on an annual basis proposals for eligible activities under the Program. (d) Evaluation Criteria.--In evaluating and selecting proposals submitted under subsection (c), the Chiefs shall consider-- (1) criteria including whether the proposal-- (A) reduces wildfire risk in a municipal watershed or the wildland-urban interface; (B) was developed through a collaborative ***process*** with participation from diverse stakeholders; (C) increases forest workforce capacity or forest business infrastructure and development; (D) leverages existing authorities and non-Federal funding; (E) provides measurable outcomes; or (F) supports established State and regional priorities; and (2) such other criteria relating to the merits of the proposals as the Chiefs determine to be appropriate. (e) Outreach.--The Secretary shall provide-- (1) public notice on the websites of the Forest Service and the Natural Resources Conservation Service describing-- (A) the solicitation of proposals under subsection (c); and (B) the criteria for selecting proposals in accordance with subsection (d); and (2) information relating to the Program and activities funded under the Program to States, Indian Tribes, units of local government, and private landowners. (f) Exclusions.--An eligible activity may not be carried out under the Program-- (1) in a wilderness area or designated wilderness study area; (2) in an inventoried roadless area; (3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or (4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan. (g) Accountability.-- (1) Initial report.--Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing recommendations to Congress relating to the Program, including a review of-- (A) funding mechanisms for the Program; (B) staff capacity to carry out the Program; (C) privacy laws applicable to the Program; (D) data collection under the Program; (E) monitoring and outcomes under the Program; and (F) such other matters as the Secretary considers to be appropriate. (2) Additional reports.--For each of fiscal years 2022 and 2023, the Chiefs shall submit to the Committee on ***Agriculture***, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on ***Agriculture*** and the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects. (h) Funding.-- (1) Authorization of appropriations.--There is authorized to be appropriated to the Secretary to carry out the Program $90,000,000 for each of fiscal years 2022 and 2023. (2) Additional funds.--In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs' Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program. (3) Duration of availability.--Funds made available under paragraph (1) shall remain available until expended. (4) Distribution of funds.--Of the funds made available under paragraph (1)-- (A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service; (B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and (C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service-- (i) to carry out eligible activities; or (ii) for other purposes, such as technical assistance, project development, or local capacity building. \_\_\_\_\_\_ SA 2549. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division H, insert the following: TITLE VII--QUALIFIED COMMUNITY COLLEGE BONDS SEC. 80701. SHORT TITLE. This title may be cited as the ``Community College Infrastructure Act of 2021''. SEC. 80702. TAX CREDIT FOR QUALIFIED COMMUNITY COLLEGE BONDS. (a) In General.--Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after subpart G the following new subpart: ``Subpart H--Qualified Community College Bonds ``SEC. 54. QUALIFIED COMMUNITY COLLEGE BONDS. ``(a) Qualified Community College Bonds.--For purposes of this subchapter, the term `qualified community college bond' means any bond issued as part of an issue if-- ``(1) 95 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified community college, ``(2) the bond is issued by a State or local government in consultation with the jurisdictions of which such college is located, and ``(3) the issuer-- ``(A) designates such bond for purposes of this section, and ``(B) certifies that it has the written approval of the governing body for such bond issuance. ``(b) Limitation on Amount of Bonds Designated.-- ``(1) National limitation.--There is a national community college bond limitation of $400,000,000 for each calendar year. ``(2) Allocation of limitation.-- ``(A) In general.--The national community college bond limitation for a calendar year shall be allocated by the Secretary [[Page S5874]] among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). ``(B) Limitation per state.--For purposes of subparagraph (A), a State may not receive an allocation of more than 5 percent of the national community college bond limitation in any calendar year. ``(C) Allocations to governing bodies.-- ``(i) In general.--The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State to the appropriate governing bodies within such State. ``(ii) Priority for allocations.-- ``(I) Largest metropolitan statistical area.--For purposes of this subparagraph, the State education agency shall, as applicable, ensure that the governing body for a proposed qualified community college which will serve the residents of the largest metropolitan statistical area within such State which does not contain an institution described in subsection (c)(2)(A) receives an allocation equal to the lesser of-- ``(aa) one-third of the total allocation to the State under subparagraph (A), or ``(bb) the allocation amount requested by such governing body. ``(II) Additional priorities for allocation.--For purposes of making allocations under this subparagraph, the State education agency shall give priority to any governing body which has or will have-- ``(aa) a partnership, including a dual or concurrent enrollment program (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801)), with local high schools, ``(bb) a partnership with four-year institutions of higher education, including a credit-transfer agreement or articulation agreement (as defined in section 486A(a) of the Higher Education Act of 1965 (20 U.S.C 1093a(a))), for students at the qualified community college, or ``(cc) a partnership with a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C 3102). ``(3) Designation subject to limitation amount.--The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified community college shall not exceed the limitation amount allocated to the governing body of such college under paragraph (2)(C) for such calendar year. ``(4) Carryover of unused limitation.-- ``(A) In general.--If for any calendar year-- ``(i) the limitation amount for any State, exceeds ``(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified community colleges within such State, the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. ``(B) Limitation on carryover.--Any carryover of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis. ``(C) Allocation of unused carryover amount.-- ``(i) In general.--Any unused carryover amount of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year, with such allocations to be in addition to the amounts allocated pursuant to paragraph (2)(A). ``(ii) Formula for allocation.--The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused carryover amounts of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j). ``(iii) Definitions.--For purposes of this subparagraph: ``(I) Unused carryover amount.--The term `unused carryover amount' means the amount of any carryover of a limitation amount allocated to a State which has expired pursuant to subparagraph (B). ``(II) Qualified state.--The term `qualified State' means, with respect to any calendar year, a State-- ``(aa) which allocated its limitation amount for the preceding calendar year to governing bodies within such State (as described in paragraph (2)(C)), and ``(bb) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under this subparagraph. ``(c) Definitions.--For purposes of this section: ``(1) Governing body.--The term `governing body' means-- ``(A) the board of trustees or other governing organization of a qualified community college, or ``(B) a State or local government (or any political subdivision thereof), or any combination of school districts or municipalities, which participate or propose to participate in the establishment and operation of a qualified community college. ``(2) Qualified community college.-- ``(A) In general.--The term `qualified community college' means a public institution of higher education-- ``(i) at which the highest degree that is predominantly awarded to students is an associate's degree (including 2- year tribally controlled colleges under section 316 of the Higher Education Act of 1965 (20 U.S.C 1059c) and public 2- year State institutions of higher education), ``(ii) which is or will be established by and operated under the supervision of a governing body in conjunction with the State and local governments whose residents will be served by such institution, and ``(iii) which is located within a qualified area. ``(B) Qualified area.--For purposes of this paragraph, the term `qualified area' means-- ``(i) a city or metropolitan statistical area for which there is no institution described in subparagraph (A)(i) within a 40-mile radius, ``(ii) a county which-- ``(I) does not contain any institution described in such subparagraph, or ``(II) has an unemployment rate equal to or greater than 110 percent of the national average (as determined by the Secretary of Labor based on the most recent available data), and ``(iii) a low-income community (as defined in section 45D(e)). ``(3) Qualified purpose.--The term `qualified purpose' means-- ``(A) establishing and operating a qualified community college, ``(B) expanding an existing qualified community college to a qualified area, ``(C) constructing, rehabilitating, repairing, upgrading, enhancing, or expanding any facility owned or to be used by a qualified community college to carry out the educational purposes (including instructional and research purposes) of such college, ``(D) providing equipment for use by students at a qualified community college, ``(E) investing in online resources or broadband access projects to deliver qualified community college services to qualified areas, or developing course materials for education to be provided by a qualified community college, provided that such uses do not collectively account for more than 10 percent of the amount allocated under subsection (b)(2)(C) to the governing body for such college, ``(F) training professors and other school personnel at a qualified community college, provided that such use does not account for more than 5 percent of the amount allocated under subsection (b)(2)(C) to the governing body for such college, and ``(G) constructing, rehabilitating, repairing, upgrading, enhancing, or expanding any on-campus facility to be used by a qualified community college to provide childcare to students and staff, provided that such use does not account for more than 10 percent of the amount allocated under subsection (b)(2)(C) to the governing body for such college. ``(d) Application of Certain Labor Standards to Projects Financed With Qualified Community Bonds.-- ``(1) In general.--Each laborer and mechanic employed by a contractor or subcontractor in the performance of construction, alteration, or repair work financed in whole, or in part, with the proceeds of any qualified community college bond issued after the date of enactment of the Community College Infrastructure Act of 2021 shall be paid wages at rates not less than those prevailing on work of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. ``(2) Authority.--The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C App.) and section 3145 of title 40, United States Code.''. (b) Conforming Amendment.--The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subpart G the following: ``subpart h--qualified community college bonds''. SEC. 80703. CREDIT TO HOLDERS AND ISSUERS OF QUALIFIED COMMUNITY COLLEGE BONDS. (a) Allowance of Credit.-- (1) In general.--Section 54A of the Internal Revenue Code of 1986, as in effect on the day before repeal by Public Law 115-97, is revived. (2) Credit limited to qualified community college bonds.-- Section 54A(d) of such Code is amended-- (A) by striking paragraph (1) and inserting the following: ``(1) Qualified tax credit bond.--The term `qualified tax credit bond' means a qualified community college bond which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).'', and (B) in paragraph (2), by striking subparagraph (C) and inserting the following: ``(C) Qualified purpose.--For purposes of this paragraph, the term `qualified purpose' means a purpose specified in section 54(c)(3).''. (b) Credit Allowed to Issuer.-- (1) In general.--Section 6431 of the Internal Revenue Code of 1986, as in effect on the day before repeal by Public Law 115-97, is revived. (2) Conforming amendments.-- (A) Section 6431(f) of such Code, as revived by paragraph (1), is amended by striking [[Page S5875]] paragraphs (2) and (3) and inserting the following: ``(2) Specified tax credit bond.--For purposes of this subsection, the term `specified tax credit bond' means any qualified tax credit bond (as defined in section 54A(d)(1)) if the issuer of such bond makes an irrevocable election to have this subsection apply.''. (B) Subparagraph (A) of section 6211(b)(4) of the Internal Revenue Code of 1986 is amended by striking ``and 6428A'' and inserting ``6428A, and 6431''. SEC. 80704. GREEN BUILDING PRACTICES. (a) In General.--In carrying out a new construction or renovation project using any available project proceeds from the issuance of any qualified community college bond (as defined in subsection (a) of section 54 of the Internal Revenue Code of 1986), a governing body (as defined in subsection (c)(1) of such section) shall use, of those proceeds, not less than the applicable percentage described in subsection (b) for construction or renovation that is certified, verified, or consistent with the applicable provisions of-- (1) the Leadership in Energy and Environmental Design green building rating standard of the United States Green Building Council; (2) the Living Building Challenge green building certification program developed by the International Living Future Institute; (3) a green building rating program developed by the Collaborative for High-Performance Schools that is designated as CHPS Verified; or (4) a green building program that-- (A) has standards that are equivalent to or more stringent than the standards of a program described in paragraph (1), (2), or (3); (B) is adopted by the State or another jurisdiction with authority over the local educational agency; and (C) includes a verifiable method to demonstrate compliance with the program. (b) Applicable Percentage Described.--The applicable percentage referred to in subsection (a) is-- (1) for fiscal year 2022, 60 percent; (2) for fiscal year 2023, 70 percent; (3) for fiscal year 2024, 80 percent; (4) for fiscal year 2025, 90 percent; and (5) for each of fiscal years 2026 through 2031, 100 percent. SEC. 80705. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS. (a) In General.--A governing body (as defined in subsection (c)(1) of section 54 of the Internal Revenue Code of 1986) that receives covered funds shall ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States. (b) Waiver Authority.-- (1) In general.--The Secretary may waive the requirement of subsection (a) if the Secretary determines that-- (A) applying subsection (a) would be inconsistent with the public interest; (B) iron, steel, and manufactured products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or (C) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent. (2) Publication.--Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination. (c) Consistency With International Agreements.--This section shall be applied in a manner consistent with the obligations of the United States under international agreements. (d) Definitions.--In this section: (1) Covered funds.--The term ``covered funds'' means any available project proceeds from the issuance of any qualified community college bond (as defined in section 54(a) of the Internal Revenue Code of 1986). (2) Manufactured product.--The term ``manufactured product'' means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulation) that is not an iron or steel product, including-- (A) electrical components; and (B) non-ferrous building materials, including aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material. (3) Produced in the united states.--The term ``produced in the United States'' means the following: (A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product. (B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing ***processes*** for such iron or steel products or components, from the initial melting stage through the application of coatings, occurred in the United States, except that the term does not include-- (i) steel or iron material or products manufactured abroad from semi-finished steel or iron from the United States; and (ii) steel or iron material or products manufactured in the United States from semi-finished steel or iron of foreign origin. (4) Secretary.--The term ``Secretary'' means the Secretary of Education. SEC. 80706. EFFECTIVE DATE. The amendments made by this title shall apply to obligations issued after the date of the enactment of this Act. \_\_\_\_\_\_ SA 2550. Mr. OSSOFF (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 202, strike line 5 and insert the following: (2) in subsection (l)-- (A) by striking paragraph (2); (B) by striking the subsection designation and all that follows through ``In determining'' in paragraph (1) in the matter preceding subparagraph (A) and inserting the following: ``(l) Accommodating Utility Facilities in the Right-of- way.-- ``(1) Definitions.--In this subsection: ``(A) Federal land.--The term `Federal land' means any land or interest in land owned by the United States. ``(B) Indian land.--The term `Indian land' means-- ``(i) land within the limits of an Indian reservation; or ``(ii) land over which an Indian Tribe exercises governmental power and that is-- ``(I) held in trust by the United States for the benefit of any Indian tribe or individual Indian; or ``(II) held by an Indian Tribe or individual Indian subject to restriction by the United States against alienation. ``(C) Right-of-way.--The term `right-of-way' means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway. ``(D) Utility facility.-- ``(i) In general.--The term `utility facility' means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public. ``(ii) Inclusions.--The term `utility facility' includes-- ``(I) a renewable energy generation facility; ``(II) electrical transmission and distribution infrastructure; and ``(III) broadband infrastructure and conduit. ``(2) Accommodation.--In determining''; and (C) by adding at the end the following: ``(3) State approval.--A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(D)(ii) within a right-of-way on a Federal-aid highway. ``(4) Exclusion.--Paragraph (3) shall not apply to a utility facility on Federal land or Indian land. ``(5) Savings provision.--Nothing in this subsection alters or affects any prohibition relating to commercial activity under section 111(a).''; (3) in subsection (o)-- On page 202, line 23, strike ``(3)'' and insert ``(4)''. On page 203, strike line 17 and insert the following: the project is located on a Federal-aid highway. ``(t) Vegetation Management.--States are encouraged to implement, or to enter into partnerships to implement, vegetation management practices, such as increased mowing heights and planting native grasses and pollinator-friendly habitats, along a right-of-way on a Federal-aid highway, if the implementation of those practices-- ``(1) is in the public interest; and ``(2) will not impair the highway or interfere with the free and safe flow of traffic.''. \_\_\_\_\_\_ SA 2551. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1200, strike line 9, and all that follows through page 1202, line 10, and insert the following: [[Page S5876]] Subtitle B--Cannabidiol and Marihuana Research Expansion SEC. 25101. SHORT TITLE. This subtitle may be cited as the ``Cannabidiol and Marihuana Research Expansion Act''. SEC. 25102. DEFINITIONS. In this subtitle-- (1) the term ``appropriately registered'' means that an individual or entity is registered under the Controlled Substances Act (21 U.S.C 801 et seq.) to engage in the type of activity that is carried out by the individual or entity with respect to a controlled substance on the schedule that is applicable to cannabidiol or marihuana, as applicable; (2) the term ``cannabidiol'' means-- (A) the substance, cannabidiol, as derived from marihuana that has a delta-9-tetrahydrocannabinol level that is greater than 0.3 percent; and (B) the synthetic equivalent of the substance described in subparagraph (A); (3) the terms ``controlled substance'', ``dispense'', ``distribute'', ``manufacture'', ``marihuana'', and ``practitioner'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C 802), as amended by this subtitle; (4) the term ``covered institution of higher education'' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C 1001)) that-- (A)(i) has highest or higher research activity, as defined by the Carnegie Classification of Institutions of Higher Education; or (ii) is an accredited medical school or an accredited school of osteopathic medicine; and (B) is appropriately registered under the Controlled Substances Act (21 U.S.C 801 et seq.); (5) the term ``drug'' has the meaning given the term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 321(g)(1)); (6) the term ``medical research for drug development'' means medical research that is-- (A) a preclinical study or clinical investigation conducted in accordance with section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355(i)) or otherwise permitted by the Department of Health and Human Services to determine the potential medical benefits of marihuana or cannabidiol as a drug; and (B) conducted by a covered institution of higher education, practitioner, or manufacturer that is appropriately registered under the Controlled Substances Act (21 U.S.C 801 et seq.); and (7) the term ``State'' means any State of the United States, the District of Columbia, and any territory of the United States. CHAPTER 1--REGISTRATIONS FOR MARIHUANA RESEARCH SEC. 25121. MARIHUANA RESEARCH APPLICATIONS. Section 303(f) of the Controlled Substances Act (21 U.S.C 823(f)) is amended-- (1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; (2) by striking ``(f) The Attorney General'' and inserting ``(f)(1) The Attorney General''; (3) by striking ``Registration applications'' and inserting the following: ``(2)(A) Registration applications''; (4) by striking ``Article 7'' and inserting the following: ``(3) Article 7''; and (5) by inserting after paragraph (2)(A), as so designated, the following: ``(B)(i) The Attorney General shall register a practitioner to conduct research with marihuana if-- ``(I) the applicant's research protocol-- ``(aa) has been reviewed and allowed-- ``(AA) by the Secretary of Health and Human Services under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355(i)); ``(BB) by the National Institutes of Health or another Federal agency that funds scientific research; or ``(CC) pursuant to sections 1301.18 and 1301.32 of title 21, Code of Federal Regulations, or any successors thereto; and ``(II) the applicant has demonstrated to the Attorney General that there are effective procedures in place to adequately safeguard against diversion of the controlled substance for legitimate medical or scientific use pursuant to section 25125 of the Cannabidiol and Marihuana Research Expansion Act, including demonstrating that the security ***measures*** are adequate for storing the quantity of marihuana the applicant would be authorized to possess. ``(ii) The Attorney General may deny an application for registration under this subparagraph only if the Attorney General determines that the issuance of the registration would be inconsistent with the public interest. In determining the public interest, the Attorney General shall consider the factors listed in-- ``(I) subparagraphs (B) through (E) of paragraph (1); and ``(II) subparagraph (A) of paragraph (1), if the applicable State requires practitioners conducting research to register with a board or authority described in such subparagraph (A). ``(iii)(I) Not later than 60 days after the date on which the Attorney General receives a complete application for registration under this subparagraph, the Attorney General shall-- ``(aa) approve the application; or ``(bb) request supplemental information. ``(II) For purposes of subclause (I), an application shall be deemed complete when the applicant has submitted documentation showing that the requirements under clause (i) are satisfied. ``(iv) Not later than 30 days after the date on which the Attorney General receives supplemental information as described in clause (iii)(I)(bb) in connection with an application described in this subparagraph, the Attorney General shall approve or deny the application. ``(v) If an application described in this subparagraph is denied, the Attorney General shall provide a written explanation of the basis of denial to the applicant.''. SEC. 25122. RESEARCH PROTOCOLS. (a) In General.--Paragraph (2)(B) of section 303(f) of the Controlled Substances Act (21 U.S.C 823(f)), as amended by section 25121 of this Act, is further amended by adding at the end the following: ``(vi)(I) If the Attorney General grants an application for registration under clause (i), the registrant may amend or supplement the research protocol without reapplying if the registrant does not change-- ``(aa) the quantity or type of drug; ``(bb) the source of the drug; or ``(cc) the conditions under which the drug is stored, tracked, or administered. ``(II)(aa) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, or conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol. ``(bb) A registrant may proceed with an amended or supplemental research protocol described in item (aa) if the Attorney General does not explicitly object during the 30-day period beginning on the date on which the Attorney General receives the notice under item (aa). ``(cc) The Attorney General may only object to an amended or supplemental research protocol under this subclause if additional security ***measures*** are needed to safeguard against diversion or abuse. ``(dd) If a registrant under clause (i) seeks to address additional security ***measures*** identified by the Attorney General under item (cc), the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol. ``(ee) A registrant may proceed with an amended or supplemental research protocol described in item (dd) if the Attorney General does not explicitly object during the 30-day period beginning on the date on which the Attorney General receives the notice under item (dd). ``(III)(aa) If a registrant under clause (i) seeks to change the quantity of marihuana needed for research and the change in quantity does not impact the factors described in item (bb) or (cc) of subclause (I) of this clause, the registrant shall notify the Attorney General via registered mail or using an electronic means permitted by the Attorney General. ``(bb) A notification under item (aa) shall include-- ``(AA) the Drug Enforcement Administration registration number of the registrant; ``(BB) the quantity of marihuana already obtained; ``(CC) the quantity of additional marihuana needed to complete the research; and ``(DD) an attestation that the change in quantity does not impact the source of the drug or the conditions under which the drug is stored, tracked, or administered. ``(cc) The Attorney General shall ensure that-- ``(AA) any registered mail return receipt with respect to a notification under item (aa) is submitted for delivery to the registrant providing the notification not later than 3 days after receipt of the notification by the Attorney General; and ``(BB) notice of receipt of a notification using an electronic means permitted under item (aa) is provided to the registrant providing the notification not later than 3 days after receipt of the notification by the Attorney General. ``(dd)(AA) On and after the date described in subitem (BB), a registrant that submits a notification in accordance with item (aa) may proceed with the research as if the change in quantity has been approved on such date, unless the Attorney General notifies the registrant of an objection described in item (ee). ``(BB) The date described in this subitem is the date on which a registrant submitting a notification under item (aa) receives the registered mail return receipt with respect to the notification or the date on which the registrant receives notice that the notification using an electronic means permitted under item (aa) was received by the Attorney General, as the case may be. ``(ee) A notification submitted under item (aa) shall be deemed to be approved unless the Attorney General, not later than 10 days after receiving the notification, explicitly objects based on a finding that the change in quantity-- ``(AA) does impact the source of the drug or the conditions under which the drug is stored, tracked, or administered; or [[Page S5877]] ``(BB) necessitates that the registrant implement additional security ***measures*** to safeguard against diversion or abuse. ``(IV) Nothing in this clause shall limit the authority of the Secretary of Health and Human Services over requirements related to research protocols, including changes in-- ``(aa) the method of administration of marihuana; ``(bb) the dosing of marihuana; and ``(cc) the number of individuals or patients involved in research.''. (b) Regulations.--Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section. SEC. 25123. APPLICATIONS TO MANUFACTURE MARIHUANA FOR RESEARCH. (a) In General.--Section 303 of the Controlled Substances Act (21 U.S.C 823) is amended-- (1) by redesignating subsections (c) through (k) as subsections (d) through (l), respectively; (2) by inserting after subsection (b) the following: ``(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, if the Attorney General places a notice in the Federal Register to increase the number of entities registered under this Act to manufacture marihuana to supply appropriately registered researchers in the United States, the Attorney General shall, not later than 60 days after the date on which the Attorney General receives a completed application-- ``(i) approve the application; or ``(ii) request supplemental information. ``(B) For purposes of subparagraph (A), an application shall be deemed complete when the applicant has submitted documentation showing each of the following: ``(i) The requirements designated in the notice in the Federal Register are satisfied. ``(ii) The requirements under this Act are satisfied. ``(iii) The applicant will limit the transfer and sale of any marihuana manufactured under this subsection-- ``(I) to researchers who are registered under this Act to conduct research with controlled substances in schedule I; and ``(II) for purposes of use in preclinical research or in a clinical investigation pursuant to an investigational new drug exemption under 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355(i)). ``(iv) The applicant will transfer or sell any marihuana manufactured under this subsection only with prior, written consent for the transfer or sale by the Attorney General. ``(v) The applicant has completed the application and review ***process*** under subsection (a) for the bulk manufacture of controlled substances in schedule I. ``(vi) The applicant has established and begun operation of a ***process*** for storage and handling of controlled substances in schedule I, including for inventory control and monitoring security in accordance with section 25125 of the Cannabidiol and Marihuana Research Expansion Act. ``(vii) The applicant is licensed by each State in which the applicant will conduct operations under this subsection, to manufacture marihuana, if that State requires such a license. ``(C) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subparagraph (A)(ii) with respect to an application, the Attorney General shall approve or deny the application. ``(2) If an application described in this subsection is denied, the Attorney General shall provide a written explanation of the basis of denial to the applicant.''; (3) in subsection (h)(2), as so redesignated, by striking ``subsection (f)'' each place it appears and inserting ``subsection (g)''; (4) in subsection (j)(1), as so redesignated, by striking ``subsection (d)'' and inserting ``subsection (e)''; and (5) in subsection (k), as so redesignated, by striking ``subsection (f)'' each place it appears and inserting ``subsection (g)''. (b) Technical and Conforming Amendments.-- (1) The Controlled Substances Act (21 U.S.C 801 et seq.) is amended-- (A) in section 102 (21 U.S.C 802)-- (i) in paragraph (16)(B)-- (I) in clause (i), by striking ``or'' at the end; (II) by redesignating clause (ii) as (iii); and (III) by inserting after clause (i) the following: ``(ii) the synthetic equivalent of hemp-derived cannabidiol that contains less than 0.3 percent tetrahydrocannabinol; or''; (ii) in paragraph (52)(B)-- (I) by striking ``303(f)'' each place it appears and inserting ``303(g)''; and (II) in clause (i), by striking ``(d), or (e)'' and inserting ``(e), or (f)''; and (iii) in paragraph (54), by striking ``303(f)'' each place it appears and inserting ``303(g)''; (B) in section 302(g)(5)(A)(iii)(I)(bb) (21 U.S.C 822(g)(5)(A)(iii)(I)(bb)), by striking ``303(f)'' and inserting ``303(g)''; (C) in section 304 (21 U.S.C 824), by striking ``303(g)(1)'' each place it appears and inserting ``303(h)(1)''; (D) in section 307(d)(2) (21 U.S.C 827(d)(2)), by striking ``303(f)'' and inserting ``303(g)''; (E) in section 309A(a)(2) (21 U.S.C 829a(a)(2)), in the matter preceding subparagraph (A), by striking ``303(g)(2)'' and inserting ``303(h)(2)''; (F) in section 311(h) (21 U.S.C 831(h)), by striking ``303(f)'' each place it appears and inserting ``303(g)''; (G) in section 401(h)(2) (21 U.S.C 841(h)(2)), by striking ``303(f)'' each place it appears and inserting ``303(g)''; (H) in section 403(c)(2)(B) (21 U.S.C 843(c)(2)(B)), by striking ``303(f)'' and inserting ``303(g)''; and (I) in section 512(c)(1) (21 U.S.C 882(c)(1)) by striking ``303(f)'' and inserting ``303(g)''. (2) Section 1008(c) of the Controlled Substances Import and Export Act (21 U.S.C 958(c)) is amended-- (A) in paragraph (1), by striking ``303(d)'' and inserting ``303(e)''; and (B) in paragraph (2)(B), by striking ``303(h)'' and inserting ``303(i)''. (3) Title V of the Public Health Service Act (42 U.S.C 290aa et seq.) is amended-- (A) in section 520E-4(c) (42 U.S.C 290bb-36d(c)), by striking ``303(g)(2)(B)'' and inserting ``303(h)(2)(B)''; and (B) in section 544(a)(3) (42 U.S.C 290dd-3(a)(3)), by striking ``303(g)'' and inserting ``303(h)''. (4) Title XVIII of the Social Security Act (42 U.S.C 1395 et seq.) is amended-- (A) in section 1833(bb)(3)(B) (42 U.S.C 1395l(bb)(3)(B)), by striking ``303(g)'' and inserting ``303(h)''; (B) in section 1834(o)(3)(C)(ii) (42 U.S.C 1395m(o)(3)(C)(ii)), by striking ``303(g)'' and inserting ``303(h)''; and (C) in section 1866F(c)(3)(C) (42 U.S.C 1395cc- 6(c)(3)(C)), by striking ``303(g)'' and inserting ``303(h)''. (5) Section 1903(aa)(2)(C)(ii) of the Social Security Act (42 U.S.C 1396b(aa)(2)(C)(ii)) is amended by striking ``303(g)'' each place it appears and inserting ``303(h)''. SEC. 25124. ADEQUATE AND UNINTERRUPTED SUPPLY. On an annual basis, the Attorney General shall assess whether there is an adequate and uninterrupted supply of marihuana, including of specific strains, for research purposes. SEC. 25125. SECURITY REQUIREMENTS. (a) In General.--An individual or entity engaged in researching marihuana or its components shall store it in a securely locked, substantially constructed cabinet. (b) Requirements for Other ***Measures***.--Any other security ***measures*** required by the Attorney General to safeguard against diversion shall be consistent with those required for practitioners conducting research on other controlled substances in schedules I and II in section 202(c) of the Controlled Substances Act (21 U.S.C 812(c)) that have a similar risk of diversion and abuse. SEC. 25126. PROHIBITION AGAINST REINSTATING INTERDISCIPLINARY REVIEW ***PROCESS*** FOR NON-NIH-FUNDED RESEARCHERS. The Secretary of Health and Human Services may not-- (1) reinstate the Public Health Service interdisciplinary review ***process*** described in the guidance entitled ``Guidance on Procedures for the Provision of Marijuana for Medical Research'' (issued on May 21, 1999); or (2) require another review of scientific protocols that is applicable only to research on marihuana or its components. CHAPTER 2--DEVELOPMENT OF FDA-APPROVED DRUGS USING CANNABIDIOL AND MARIHUANA SEC. 25141. MEDICAL RESEARCH ON CANNABIDIOL. Notwithstanding any provision of the Controlled Substances Act (21 U.S.C 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C 7101 et seq.), chapter 81 of title 41, United States Code, or any other Federal law, an appropriately registered covered institution of higher education, a practitioner, or a manufacturer may manufacture, distribute, dispense, or possess marihuana or cannabidiol if the marihuana or cannabidiol is manufactured, distributed, dispensed, or possessed, respectively, for purposes of medical research for drug development or subsequent commercial production in accordance with section 25142. SEC. 25142. REGISTRATION FOR THE COMMERCIAL PRODUCTION AND DISTRIBUTION OF FOOD AND DRUG ADMINISTRATION- APPROVED DRUGS. The Attorney General shall register an applicant to manufacture or distribute cannabidiol or marihuana for the purpose of commercial production of a drug containing or derived from marihuana that is approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355), in accordance with the applicable requirements under subsection (a) or (b) of section 303 of the Controlled Substances Act (21 U.S.C 823). SEC. 25143. IMPORTATION OF CANNABIDIOL FOR RESEARCH PURPOSES. The Controlled Substances Import and Export Act (21 U.S.C 951 et seq.) is amended-- (1) in section 1002(a) (21 U.S.C 952(a))-- (A) in paragraph (1), by striking ``and'' at the end; (B) in paragraph (2)(C), by inserting ``and'' after ``uses,''; and (C) inserting before the undesignated matter following paragraph (2)(C) the following: ``(3) such amounts of marihuana or cannabidiol (as defined in section 25102 of the Cannabidiol and Marihuana Research Expansion Act) as are-- ``(A) approved for medical research for drug development (as such terms are defined in section 25102 of the Cannabidiol and Marihuana Research Expansion Act), or [[Page S5878]] ``(B) necessary for registered manufacturers to manufacture drugs containing marihuana or cannabidiol that have been approved for use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C 301 et seq.),''; and (2) in section 1007 (21 U.S.C 957), by amending subsection (a) to read as follows: ``(a)(1) Except as provided in paragraph (2), no person may-- ``(A) import into the customs territory of the United States from any place outside thereof (but within the United States), or import into the United States from any place outside thereof, any controlled substance or list I chemical, or ``(B) export from the United States any controlled substance or list I chemical, unless there is in effect with respect to such person a registration issued by the Attorney General under section 1008, or unless such person is exempt from registration under subsection (b). ``(2) Paragraph (1) shall not apply to the import or export of marihuana or cannabidiol (as defined in section 25102 of the Cannabidiol and Marihuana Research Expansion Act) that has been approved for-- ``(A) medical research for drug development authorized under section 25141 of the Cannabidiol and Marihuana Research Expansion Act; or ``(B) use by registered manufacturers to manufacture drugs containing marihuana or cannabidiol that have been approved for use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C 301 et seq.).''. CHAPTER 3--DOCTOR-PATIENT RELATIONSHIP SEC. 25161. DOCTOR-PATIENT RELATIONSHIP. It shall not be a violation of the Controlled Substances Act (21 U.S.C 801 et seq.) for a State-licensed physician to discuss-- (1) the currently known potential harms and benefits of marihuana derivatives, including cannabidiol, as a treatment with the legal guardian of the patient of the physician if the patient is a child; or (2) the currently known potential harms and benefits of marihuana and marihuana derivatives, including cannabidiol, as a treatment with the patient or the legal guardian of the patient of the physician if the patient is a legal adult. CHAPTER 4--FEDERAL RESEARCH SEC. 25181. FEDERAL RESEARCH. (a) In General.--Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and the heads of other relevant Federal agencies, shall submit to the Caucus on International Narcotics Control, the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives a report on-- (1) the potential therapeutic effects of cannabidiol or marihuana on serious medical conditions, including intractable epilepsy; (2) the potential effects of marihuana, including-- (A) the effect of increasing delta-9-tetrahydrocannabinol levels on the human body and developing adolescent brains; and (B) the effect of various delta-9-tetrahydrocannabinol levels on cognitive abilities, such as those that are required to operate motor vehicles or other heavy equipment; and (3) the barriers associated with researching marihuana or cannabidiol in States that have legalized the use of such substances, which shall include-- (A) recommendations as to how such barriers might be overcome, including whether public-private partnerships or Federal-State research partnerships may or should be implemented to provide researchers with access to additional strains of marihuana and cannabidiol; and (B) recommendations as to what safeguards must be in place to verify-- (i) the levels of tetrahydrocannabinol, cannabidiol, or other cannabinoids contained in products obtained from such States is accurate; and (ii) that such products do not contain harmful or toxic components. (b) Activities.--To the extent practicable, the Secretary of Health and Human Services, either directly or through awarding grants, contacts, or cooperative agreements, shall expand and coordinate the activities of the National Institutes of Health and other relevant Federal agencies to better determine the effects of cannabidiol and marihuana, as outlined in the report submitted under paragraphs (1) and (2) of subsection (a). Subtitle C--GAO Study SEC. 25201. GAO STUDY ON IMPROVING THE EFFICIENCY OF TRAFFIC SYSTEMS. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out, and submit to Congress a report describing the results of, a study on the potential societal benefits of improving the efficiency of traffic systems. \_\_\_\_\_\_ SA 2552. Mrs. MURRAY (for herself and Ms. Cortez Masto) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2386, line 17, strike ``or in part''. \_\_\_\_\_\_ SA 2553. Mr. HEINRICH (for himself, Mr. Moran, and Mr. Lujan) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in division G, insert the following: TITLE \_\_--CHAMPIONING APPRENTICESHIPS FOR NEW CAREERS AND EMPLOYEES IN TECHNOLOGY SEC. \_\_\_\_\_1. SHORT TITLE. This title may be cited as the ``Championing Apprenticeships for New Careers and Employees in Technology Act'' or the ``CHANCE in TECH Act''. SEC. \_\_\_\_\_2. CONGRESSIONAL FINDINGS. Congress finds the following: (1) During any given 90-day period there can be more than 500,000 information technology job openings in the United States. (2) Employment in the technology sector is growing twice as fast as employment in the United States. (3) Jobs in the technology sector tend to provide higher pay and better benefits than other jobs and have been more resilient to economic downturn than jobs available in other private sector industries. (4) Information technology skills are transferrable across nearly all industries. (5) ***Exceptional*** education and on-the-job training programs exist and should be scaled to meet the demands of the modern technology workforce. (6) Adoption of existing employer-driven intermediary models, such as ApprenticeshipUSA under the Department of Labor, will help grow the information technology workforce. (7) Career pathway education should start in high school through pathways and programs of study that align with local and regional employer needs. (8) Preparing a student for a job in the technology sector is essential to the growth and competitiveness of the economy in the United States in the 21st Century. (9) Nearly 800,000 information technology workers will retire between 2017 and 2024. (10) According to the Bureau of Labor Statistics, in May 2020, the median annual wage for computer and information technology occupations was $91,250, which was higher than the median annual wage for all occupations of $41,950. SEC. \_\_\_\_\_3. TECHNOLOGY APPRENTICESHIP CONTRACTS. (a) In General.--The Secretary of Labor (referred to in this section as ``the Secretary'') shall enter into contracts with industry intermediaries for the purpose of promoting the development of and access to apprenticeships in the technology sector, from amounts appropriated under subsection (e). (b) Eligibility.--To be eligible to be awarded a contract under this section, an industry intermediary shall submit an application to the Secretary, at such time and in such a manner as may be required by the Secretary, that identifies proposed activities designed to further the purpose described in subsection (a). (c) Selection.--The Secretary shall award contracts under this section based on competitive criteria to be prescribed by the Secretary. (d) Contractor Activities.--An industry intermediary that is awarded a contract under this section may only use the funds made available through such contract to carry out activities designed to further the purpose described in subsection (a), including-- (1) facilitating the provision and development of apprenticeships in the technology sector through collaborations with public and private entities that provide job-related instruction, such as on-the-job training, pre- apprenticeship training, and technical training; (2) encouraging entities to establish such apprenticeships; (3) identifying, assessing, and training applicants for such apprenticeships who are-- (A) enrolled in high school; (B) enrolled in an early college high school that focuses on education in STEM subjects; (C) individuals aged 18 years or older who meet appropriate qualification standards; or (D) enrolled in pre-apprenticeship or apprenticeship training initiatives that allow adults to concurrently increase academic and workforce skills through proven, evidence-based models that connect all learning to the specific apprenticeship involved and significantly accelerate completion of preparation for the apprenticeship; and (4) tracking the progress of such applicants who participate in such apprenticeships. (e) Authorization of Appropriations.--There are authorized to be appropriated to [[Page S5879]] the Secretary such sums as may be necessary for the purposes of carrying out this section. SEC. \_\_\_\_\_4. CHANCE IN TECH AWARDS FOR 21ST CENTURY SCHOOLS. (a) Awards Authorized.--The Secretary of Education may issue awards, to be known as ``CHANCE in TECH Awards for 21st Century Schools'', to schools (referred to in this section as ``covered schools'') that-- (1) are secondary schools or junior or community colleges; and (2) demonstrate high achievement in providing students necessary skills to compete in the 21st century workforce. (b) Criteria.--In selecting a covered school for an award under subsection (a), the Secretary shall take into account-- (1) the availability of STEM, career and technical education, and computer technology courses at the covered school; (2) State academic assessments, as described in section 111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C 6311(b)(2)), of students at the covered school in STEM subjects; (3) any coordination between the covered school and local and regional employers in the technology sector for the purpose of providing work-based learning programs such as apprenticeships and internships; and (4) the availability of individualized plans provided by the covered school to students relating to postsecondary education or training, career paths, and financial aid. SEC. \_\_\_\_\_5. FUNDING. (a) Fiscal Year 2021.--Amounts made available to the Secretary of Labor under the Department of Labor Appropriations Act, 2021 to carry out the Act referred to in section \_\_\_\_\_6(1) may be used to carry out this title. (b) Subsequent Years.--There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2022 and each subsequent fiscal year. SEC. \_\_\_\_\_6. DEFINITIONS. In this title: (1) Apprenticeship.--The term ``apprenticeship'' means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ``National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C 50 et seq.). (2) Career and technical education.--The term ``career and technical education'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C 2302). (3) Early college high school.--The term ``early college high school'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (4) High school.--The term ``high school'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (5) Industry intermediary.--The term ``industry intermediary'' means an entity that-- (A) in order to accelerate apprenticeship program development and helps establish new apprenticeship partnerships at the national, State, or regional level, serves as a conduit between an employer and an entity, such as-- (i) an industry partner; (ii) the Department of Labor; and (iii) a State agency responsible for workforce development programs; (B) demonstrates a capacity to work with employers and other key partners to identify workforce trends and foster public-private funding to establish new apprenticeship programs; and (C) is an entity such as-- (i) a business; (ii) a consortium of businesses; (iii) a business-related nonprofit organization, including industry associations and business federations; (iv) a private organization functioning as a workforce intermediary for the express purpose of serving the needs of businesses, including community-based nonprofit service providers and industry-aligned training providers; or (v) a consortium of any of the entities described in clauses (i) through (iv). (6) Institution of higher education.--The term ``institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C 1002). (7) Junior or community college.--The term ``junior or community college'' has the meaning given the term in section 312(f) of the Higher Education Act of 1965 (20 U.S.C 1058(f)). (8) Local educational agency.--The term ``local educational agency'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (9) Secondary school.--The term ``secondary school'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (10) State educational agency.--The term ``State educational agency'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (11) STEM.--The term ``STEM'' means science, technology, engineering, and mathematics. (12) Technology sector.--The term ``technology sector'' means the industry sector involved in the design or development of hardware, software, or security of digital data. \_\_\_\_\_\_ SA 2554. Mr. LUJAN (for himself and Mr. Heinrich) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2022, line 15, strike ``$42,450,000,000'' and insert ``$52,450,000,000''. On page 2024, line 9, strike ``10 percent'' and insert ``15 percent''. On page 2470, line 10, strike ``$42,450,000,000'' and insert ``$52,450,000,000''. \_\_\_\_\_\_ SA 2555. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1816, line 24, insert ``and watershed scale'' after ``cross-boundary''. On page 1838, line 10, insert ``and watershed'' before ``storage''. On page 1842, line 9, insert ``, restoration, and maintenance'' after ``management''. On page 1847, line 9, insert ``and watershed'' after ``groundwater''. On page 1847, line 19, insert ``implementation,'' before ``and construction''. On page 1848, line 9, insert ``, groundwater storage,'' after ``surface water''. On page 1851, line 7, insert ``watershed function,'' after ``benefits,''. \_\_\_\_\_\_ SA 2556. Ms. STABENOW (for herself, Mr. Cornyn, and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle A of title I of division A, add the following: SEC. 111\_\_. CORROSION PREVENTION FOR BRIDGES. (a) Definitions.--In this section: (1) Applicable bridge project.--The term ``applicable bridge project'' means a project for construction, replacement, rehabilitation, maintenance, or protection, other than de minimis work, as determined by the applicable State department of transportation, on a bridge project assisted under title 23, United States Code. (2) Certified contractor.--The term ``certified contractor'' means a contracting or subcontracting firm that has been certified by a third party organization recognized industry-wide that evaluates the capability of the contractor or subcontractor to properly perform 1 or more specified aspects of an applicable bridge project described in subsection (b)(2). (3) Qualified training program.--The term ``qualified training program'' means a training program in corrosion control, mitigation, and prevention that is-- (A) offered or accredited by an organization that sets industry corrosion standards; or (B) an industrial coatings applicator training program-- (i) registered under the Act of August 16, 1937 (commonly known as the ``National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C 50 et seq.); and (ii) that meets the standards of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations (or successor regulations). (b) Applicable Bridge Projects.-- (1) Quality control.--A certified contractor shall carry out aspects of an applicable bridge project described in paragraph (2). (2) Aspects of applicable bridge projects.--Aspects of an applicable bridge project referred to in paragraph (1) include-- (A) surface preparation or coating application on steel or rebar, and other passive forms of corrosion prevention of rebar, such as galvanic anodes, of an applicable bridge project; (B) removal of a lead-based or other hazardous coating from steel of an existing applicable bridge project; and (C) shop painting of structural steel or rebar fabricated for installation on an applicable bridge project. (3) Corrosion management system.--A State department of transportation shall-- (A) implement a corrosion management system that utilizes industry-recognized standards and corrosion mitigation and prevention methods to address-- [[Page S5880]] (i) surface preparation; (ii) protective coatings; (iii) materials selection; (iv) cathodic protection; (v) corrosion engineering; (vi) personnel training; and (vii) best practices in environmental protection to prevent environmental degradation and uphold public health; and (B) require a certified contractor, for the purpose of carrying out aspects of applicable bridge projects described in paragraph (2), to employ a substantial number of individuals that are trained and certified by a qualified training program as meeting the ANSI/NACE Number 13/SSPC-ACS- 1 standard (or a successor standard). (4) Certification.--For an applicable bridge project that includes an aspect described in paragraph (2), a State department of transportation shall only accept bids from a certified contractor that presents written proof that the certification of the contractor meets the relevant SSPC-QP standards (or successor standards). (c) Training Program.--As a condition of entering into a contract for an applicable bridge project, each certified contractor shall provide training for each individual who is not a certified coating applicator but that the certified contractor employs to carry out aspects of applicable bridge projects described in subsection (b)(2). \_\_\_\_\_\_ SA 2557. Ms. BALDWIN (for herself and Mr. Hoeven) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In the eighth proviso under the heading ``distance learning, telemedicine, and broadband program'' under the heading ``Rural Utilities Service'' under the heading ``RURAL DEVELOPMENT PROGRAMS'' under the heading ``DEPARTMENT OF ***AGRICULTURE***'' in title I of division J, strike ``electric cooperatives'' and insert ``pole owners''. \_\_\_\_\_\_ SA 2558. Ms. BALDWIN (for herself and Mr. Johnson) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of title I of division H, add the following: SEC. 810\_\_. PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL. (a) In General.--Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: ``SEC. 6433. DYED FUEL. ``(a) In General.--If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene. ``(b) Requirements.-- ``(1) In general.--A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene. ``(2) Eligible indelibly dyed diesel fuel or kerosene defined.--The term `eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene-- ``(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and ``(B) which is exempt from taxation under section 4082(a). ``(c) Cross Reference.--For civil penalty for excessive claims under this section, see section 6675.''. (b) Conforming Amendments.-- (1) Section 6206 of the Internal Revenue Code of 1986 is amended-- (A) by striking ``or 6427'' each place it appears and inserting ``6427, or 6433'', and (B) by striking ``6420 and 6421'' and inserting ``6420, 6421, and 6433''. (2) Section 6430 of such Code is amended-- (A) by striking ``or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ``or'', and by adding at the end the following new paragraph: ``(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6433.''. (3) Section 6675 of such Code is amended-- (A) in subsection (a), by striking ``or 6427 (relating to fuels not used for taxable purposes)'' and inserting ``6427 (relating to fuels not used for taxable purposes), or 6433 (relating to eligible indelibly dyed fuel)'', and (B) in subsection (b)(1), by striking ``6421, or 6427,'' and inserting ``6421, 6427, or 6433''. (4) The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item: ``Sec. 6433. Dyed fuel.''. (c) Effective Date.--The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section. \_\_\_\_\_\_ SA 2559. Ms. MURKOWSKI (for herself and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1592, strike lines 6 through 13 and insert the following: ``(2) is placed in service on or after the date of enactment of this section; ``(3) meets the requirements of subclauses (I) and (III) of section 242(b)(1)(B)(ii); and ``(4)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or ``(B) would be constructed or brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements or investment carried out using an incentive payment under this section. On page 1593, line 15, insert ``subject to subsection (c),'' before ``environmental''. On page 1594, between lines 8 and 9, insert the following: ``(c) Condition.--Incentive payments may only be made for environmental improvements under subsection (b)(3) on the condition that the improvements, including any related physical or operational changes, have been authorized under applicable Federal, State, and Tribal permitting or licensing ***processes*** that include appropriate mitigation conditions arising from consultation and environmental review under the ***processes***. On page 1594, line 9, strike ``(c)'' and insert ``(d)''. On page 1594, line 18, strike ``(d)'' and insert ``(e)''. \_\_\_\_\_\_ SA 2560. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Strike section 11102 and insert the following: SEC. 11102. OBLIGATION LIMITATION. (a) General Limitation.--Subject to subsection (d) and notwithstanding any other provision of law, for each fiscal year, the obligations for Federal-aid highway and highway safety construction programs shall not exceed the net highway receipts most recently estimated by the Secretary of the Treasury for that fiscal year under section 9503(d)(1)(B) of the Internal Revenue Code of 1986. (b) Distribution of Obligation Authority.--For each fiscal year, the Secretary-- (1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for-- (A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and (B) amounts authorized for the Bureau of Transportation Statistics; (2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts-- (A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and (B) for which obligation authority was provided in a previous fiscal year; (3) shall determine the proportion that-- (A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to (B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs, less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection; (4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary [[Page S5881]] under this division and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying-- (A) the proportion determined under paragraph (3); by (B) the amounts authorized to be appropriated for each such program for the fiscal year; and (5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned under sections 202 and 204 of title 23, United States Code) in the proportion that-- (A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to (B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year. (c) Redistribution of Unused Obligation Authority.-- Notwithstanding subsection (b), the Secretary shall, after August 1 of each fiscal year-- (1) revise a distribution of the obligation authority made available under subsection (b) if an amount distributed cannot be obligated during that fiscal year; and (2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP-21 (Public Law 112-141)) and 104 of title 23, United States Code. (d) Applicability of Obligation Limitations to Transportation Research Programs.-- (1) In general.--Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code. (2) Exception.--Obligation authority made available under paragraph (1) shall-- (A) remain available for a period of 4 fiscal years; and (B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years. (e) Redistribution of Certain Authorized Funds.-- (1) In general.--Not later than 30 days after the date of distribution of obligation authority under subsection (b) for each fiscal year, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that-- (A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and (B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year. (2) Ratio.--Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (b)(5). (3) Availability.--Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code. At the end of division C, add the following: SEC. 3\_\_\_\_. OBLIGATION LIMITATION. Section 5338 of title 49, United States Code (as amended by section 30017), is amended by adding at the end the following: ``(f) Obligation Limitation.--Notwithstanding subsection (a) or any other provision of law, for each fiscal year, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) and any other provision of law shall not exceed the net mass transit receipts most recently estimated for that fiscal year by the Secretary of the Treasury under section 9503(e)(4) of the Internal Revenue Code of 1986.''. \_\_\_\_\_\_ SA 2561. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: Beginning on page 2065, strike line 13 and all that follows through ``(6)'' on page 2071, line 1, and insert the following: (B) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if-- (i) the eligible entity has a plan for use of the grant funds; (ii) the construction project is underway; or (iii) extenuating circumstances require an extension of time to allow the project to be completed; (C) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals; (D) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution; (E) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service has been provided and share the public notice with the eligible entity that awarded the subgrant; (F) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and (G) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities. (5) \_\_\_\_\_\_ SA 2562. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division F, add the following: TITLE VI--NO DUPLICATION OF FUNDING FOR BROADBAND INFRASTRUCTURE SEC. 60601. NO DUPLICATION OF FUNDING FOR BROADBAND INFRASTRUCTURE. None of the amounts made available under this division or an amendment made by this division may be awarded for the construction, operation, or upgrading of broadband infrastructure to serve customers in an area that is served by a broadband provider that receives funds under another Federal broadband program. \_\_\_\_\_\_ SA 2563. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division F, add the following: TITLE VI--NO OVERBUILDING CAUSED BY DUPLICATION WITH UNIVERSAL SERVICE SUPPORT OR OTHER FEDERAL BROADBAND FUNDS SEC. 60601. NO OVERBUILDING CAUSED BY DUPLICATION WITH UNIVERSAL SERVICE SUPPORT OR OTHER FEDERAL BROADBAND FUNDS. The Assistant Secretary of Commerce for Communications and Information may not award amounts under this division or an amendment made by this division if the Federal Communications Commission determines that the award would likely lead to overbuilding by a recipient of-- (1) universal service support; or (2) amounts provided under another Federal program for the provision of broadband internet access service. \_\_\_\_\_\_ SA 2564. Mr. CARPER (for himself, Mr. Inhofe, Mr. Wicker, and Ms. Duckworth) proposed an amendment to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows: On page 2486, line 14, strike ``Provided'' and all that follows through ``proviso:'' on line 21 and insert the following: ``Provided further, That of the amount provided under this heading in this Act, $2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects: Provided further, That section 102(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C 2212(a)) and section 109 of the Water Resources Development [[Page S5882]] Act of 2020 (Public Law 116-260; 134 Stat. 2624) shall not apply to the extent that such projects are carried out using funds provided in the preceding proviso: Provided further, That in using such funds referred to in the preceding proviso, the Secretary shall give priority to projects included in the Capital Investment Strategy of the Corps of Engineers:''. On page 2487, lines 9 through 11, strike ``or section 1135 of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C 2309a),'' and insert ``section 1135 of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C 2309a), or section 165(a) of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116- 260),''. On page 2489, line 3, insert ``Provided further, That the amounts provided in the preceding proviso do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from the amounts provided under this title in this Act for additional shore protection projects:'' after ``2024:''. On page 2489, line 9, insert ``Provided further, That in selecting projects under the previous proviso, the Secretary of the Army shall prioritize projects with overriding life- safety benefits: Provided further, That of the funds in the proviso preceding the preceding proviso, the Secretary of the Army shall, to the maximum extent practicable, prioritize projects in the work plan that directly benefit economically disadvantaged communities, and may take into consideration prioritizing projects that benefit areas in which the percentage of people that live in poverty or identify as belonging to a minority group is greater than the average such percentage in the United States, based on data from the Bureau of the Census:'' after ``purpose:''. On page 2496, between lines 2 and 3, insert the following: general provisions--corps of engineers Sec. 300. For projects that are carried out with funds under this heading, the Secretary of the Army and the Director of the Office of Management and Budget shall consider other factors in addition to the benefit-cost ratio when determining the economic benefits of projects that benefit disadvantaged communities. \_\_\_\_\_\_ SA 2565. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1051, strike line 21 and insert the following: (c) Effective Date.--The rule required under subsection (b) shall become effective on September 1 of the first calendar year beginning after the date on which the Secretary issues that rule. (d) Periodic Review.--Nothing in this section pre- \_\_\_\_\_\_ SA 2566. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: In section 24214, strike subsection (c) and insert the following: (c) Rulemaking.-- (1) Requirement.--Not later than 1 year after the date on which the Secretary issues the notice required under subsection (a), the Secretary shall issue a final rule to update hood and bumper standards for motor vehicles (as defined in section 30102(a) of title 49, United States Code). (2) Deadline.--The rule issued under paragraph (1) shall become effective on September 1 of the first calendar year beginning after the date on which the Secretary issues that rule. \_\_\_\_\_\_ SA 2567. Mrs. FEINSTEIN (for herself, Mr. Booker, Mr. Van Hollen, Mr. Padilla, and Mr. Durbin) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 2186, between lines 14 and 15, insert the following: (f) Aggregation Permitted.--Section 904(b) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116- 260), as amended by subsection (a) of this section, is amended by adding at the end the following: ``(16) Aggregation permitted.--Not later than 90 days after the date of enactment of this paragraph, the Commission shall adopt rules providing that-- ``(A) a unit of local government may pay a participating provider on behalf of an eligible household for an internet service offering, in lieu of the participating provider applying a monthly discount to the amount charged to the eligible household; and ``(B) the Commission will reimburse a unit of local government for amounts paid to a participating provider as described in subparagraph (A) in the same manner as the Commission would have reimbursed the participating provider for applying a monthly discount to the amount charged to the eligible household, subject to the applicable maximum amount of the affordable connectivity benefit under paragraph (7).''. \_\_\_\_\_\_ SA 2568. Mr. MORAN (for himself and Mr. Lujan) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 519, line 11, insert ``and rural commuters'' after ``commuters''. \_\_\_\_\_\_ SA 2569. Mr. HOEVEN (for himself and Mr. Peters) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1099, strike lines 22 through 24 and insert the following: activity; (C) to purchase or lease a license plate reader; or (D) to purchase, lease, or operate an unmanned aircraft system manufactured by an entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China (or a subsidiary or affiliate of such an entity). \_\_\_\_\_\_ SA 2570. Mr. SCHUMER (for himself and Mrs. Gillibrand) proposed an amendment to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows: At the appropriate place in division B, insert the following: SEC. \_\_\_\_. LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS. (a) Limousine Standards.-- (1) Safety belt and seating system standards for limousines.--Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe a final rule that-- (A) amends Federal Motor Vehicle Safety Standard Numbers 208, 209, and 210 to require to be installed in limousines on each designated seating position, including on side-facing seats-- (i) an occupant restraint system consisting of integrated lap-shoulder belts; or (ii) an occupant restraint system consisting of a lap belt, if an occupant restraint system described in clause (i) does not meet the need for motor vehicle safety; and (B) amends Federal Motor Vehicle Safety Standard Number 207 to require limousines to meet standards for seats (including side-facing seats), seat attachment assemblies, and seat installation to minimize the possibility of failure by forces acting on the seats, attachment assemblies, and installations as a result of motor vehicle impact. (2) Report on retrofit assessment for limousines.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses the feasibility, benefits, and costs with respect to the application of any requirement established under paragraph (1) to a limousine introduced into interstate commerce before the date on which the requirement takes effect. (b) Modifications of Certain Vehicles.--The final rule prescribed under subsection [[Page S5883]] (a)(1) and any standards prescribed under subsection (b) or (c) of section 23015 shall apply to a person modifying a passenger motor vehicle (as defined in section 32101 of title 49, United States Code) that has already been purchased by the first purchaser (as defined in section 30102(b) of that title) by increasing the wheelbase of the vehicle to make the vehicle a limousine. (c) Application.--The requirements of this section apply notwithstanding section 30112(b)(1) of title 49, United States Code. \_\_\_\_\_\_ SA 2571. Mr. BLUMENTHAL (for himself and Mr. Hoeven) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 1099, beginning on line 22, strike ``or'' and all that follows through line 24, and insert the following: (C) to purchase or lease a license plate reader; or (D) to purchase, lease, or operate an unmanned aircraft system (as defined in section 44801 of title 49, United States Code) manufactured by-- (i) an entity domiciled in the People's Republic of China; or (ii) an entity, or a subsidiary or affiliate of an entity, that is subject to influence or control by-- (I) the Government of the People's Republic of China; or (II) the Chinese Communist Party. \_\_\_\_\_\_ SA 2572. Ms. HIRONO (for herself and Ms. Klobuchar) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the end of division G, add the following: TITLE XII--***AGRICULTURAL*** RESEARCH FACILITIES INFRASTRUCTURE SEC. 71201. FUNDING FOR ***AGRICULTURAL*** RESEARCH FACILITIES AND RESEARCH FACILITIES OF THE ***AGRICULTURAL*** RESEARCH SERVICE. (a) Definitions.--In this section: (1) ***Agricultural*** research facility.--The term ``***agricultural*** research facility'' has the meaning given the term in section 2 of the Research Facilities Act (7 U.S.C 390). (2) Secretary.--The term ``Secretary'' means the Secretary of ***Agriculture***. (b) Appropriation.--In addition to amounts otherwise available, there is appropriated to the Secretary for the period of fiscal years 2022 through 2026, out of any money in the Treasury not otherwise appropriated, $12,500,000,000, to remain available until expended, to carry out this section, of which the Secretary shall use-- (1) $11,500,000,000 to carry out the competitive grant program established under section 4 of the Research Facilities Act (7 U.S.C 390b) to provide to ***agricultural*** research facilities the Federal share of the costs of the construction, alteration, acquisition, modernization, renovation, or remodeling of-- (A) the ***agricultural*** research facilities; or (B) the equipment of the ***agricultural*** research facilities necessary for conducting ***agricultural*** research; and (2) $1,000,000,000 to provide direct payments to research facilities of the ***Agricultural*** Research Service for the purpose of addressing deferred maintenance, with priority given to the most critical structures, in accordance with the ***Agricultural*** Research Service Capital Investment Strategy dated April 23, 2012. (c) Secretarial Waiver.--Notwithstanding section 3(c)(2)(A) of the Research Facilities Act (7 U.S.C 390a(c)(2)(A), in carrying out subsection (b)(1), the Secretary, on a case-by- case basis, as the Secretary determines to be appropriate, may provide that the Federal share of the costs described in that subsection is up to 100 percent of those costs. (d) Equitable Distribution.-- (1) In general.--In awarding grants under the program described in paragraph (1) of subsection (b) using amounts made available by that subsection, the Secretary, to the maximum extent practicable, shall ensure-- (A) an equitable geographic distribution of funds; (B) an equitable distribution of funds to diverse institutions; and (C) an equitable distribution of funds to ***agricultural*** research facilities of various sizes. (2) Requirement.--Of the amounts made available by subsection (b) to carry out paragraph (1) of that subsection, not more than 20 percent may be provided for projects in any 1 State each fiscal year. \_\_\_\_\_\_ SA 2573. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. Schumer (for Ms. Sinema (for herself, Mr. Portman, Mr. Manchin, Mr. Cassidy, Mrs. Shaheen, Ms. Collins, Mr. Tester, Ms. Murkowski, Mr. Warner, and Mr. Romney)) to the bill H.R 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: On page 202, strike line 5 and insert the following: (2) in subsection (l)-- (A) by striking paragraph (2); (B) by striking the subsection designation and all that follows through ``In determining'' in paragraph (1) in the matter preceding subparagraph (A) and inserting the following: ``(l) Accommodating Utility Facilities in the Right-of- way.-- ``(1) Definitions.--In this subsection: ``(A) Federal land.--The term `Federal land' means any land or interest in land owned by the United States. ``(B) Indian land.--The term `Indian land' means-- ``(i) land located within the boundaries of-- ``(I) an Indian reservation, pueblo, or rancheria; or ``(II) a former reservation within Oklahoma; and ``(ii) land not located within the boundaries of an Indian reservation, pueblo, or rancheria-- ``(I) the title to which is held in trust by the United States for the benefit of an Indian Tribe or an individual Indian; ``(II) the title to which is held by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or ``(III) the title to which is held by a dependent Indian community. ``(C) Right-of-way.--The term `right-of-way' means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway. ``(D) Utility facility.-- ``(i) In general.--The term `utility facility' means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public. ``(ii) Inclusions.--The term `utility facility' includes-- ``(I) a renewable energy generation facility; ``(II) electrical transmission and distribution infrastructure; and ``(III) broadband infrastructure and conduit. ``(2) Accommodation.--In determining''; and (C) by adding at the end the following: ``(3) State approval.--A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(D)(ii) within a right-of-way on a Federal-aid highway. ``(4) Exclusion.--Paragraph (3) shall not apply to a utility facility on Federal land or Indian land. ``(5) Savings provision.--Nothing in this subsection alters or affects any prohibition relating to commercial activity under section 111(a).''; (3) in subsection (o)-- On page 202, line 23, strike ``(3)'' and insert ``(4)''. On page 203, strike line 17 and insert the following: the project is located on a Federal-aid highway. ``(t) Vegetation Management.--States are encouraged to implement, or to enter into partnerships to implement, vegetation management practices, such as increased mowing heights and planting native grasses and pollinator-friendly habitats, along a right-of-way on a Federal-aid highway, if the implementation of those practices-- ``(1) is in the public interest; and ``(2) will not impair the highway or interfere with the free and safe flow of traffic.''.

**Load-Date:** August 6, 2021

**End of Document**



[***NA Proactive news snapshot: Water Tower Research, Milestone Scientific, ESE Entertainment, Major Precious Metals, Mydecine Innovations UPDATE ...***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64G8-S5W1-JBYR-J1GH-00000-00&context=1516831)

Proactive Investors (NA)

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**Body**

[*Water Tower Research*](https://www.proactiveinvestors.co.uk//PRIVATE:WATER/Water-Tower-Research/) LLC said that it has expanded its analyst ranks by appointing Graham Mattison to cover the industrial and sustainability sectors. The investor engagement company said that adding Mattison to its already strong sustainable team, led by co-founder Shawn Severson, expands its presence in the rapidly growing segment. Mattison brings about 20 years of equity research and investor relations experience. Most recently, he was a contracted investor relations officer for natural gas/LPG vehicle technologies company Westport Fuel Systems.

[*Milestone Scientific Inc (NYSE:MLSS)*](https://www.proactiveinvestors.co.uk//NYSE:MLSS/Milestone-Scientific-Inc/) announced that it has commenced sales of its CompuFlo Epidural disposables with a prominent pain clinic in North Carolina. In a statement, the company said leading physician Dr. Harsh Govil, whose practice is based in Statesville, has begun incorporating the CompuFlo Epidural instrument into his practice for pain management following a successful evaluation. Dr. Govil plans to utilize the CompuFlo Epidural instrument for office-based procedures to safely and quickly access the epidural space. "I am excited to incorporate Milestone Scientific's CompuFlo Epidural instrument into my practice, as I believe it represents an advancement in pain management," Dr. Govil said. "The instrument provides real-time feedback and confirmation of epidural placement, which offers a number of advantages in terms of safety and efficacy."

ESE Entertainment Inc has issued a corporate update highlighting the achievements of 2021, and strategic plans for 2022. Konrad Wasiela, ESE CEO said: "We have established new relationships with global companies, formal working relationships with tier-1 publishers, and surpassed many operational goals. In addition, our aggressive M&A strategy has proven itself, with ESE completing four acquisitions and announcing a fifth. "Our team's relentless work ethic, alongside a strategic business plan, yielded a successful 2021. We are now setting our sights on following up the tremendous 2021 with an even stronger year in 2022," he added. In the coming year, the Vancouver, British Columbia-based company said that it will evaluate a plan to expand its business offerings to the metaverse, which may be synergistic with its existing assets. It will also evaluate a plan to expand its business offering to include Igaming.

[*Major Precious Metals Corp. (CSE:SIZE, OTC:SIZYF)*](https://www.proactiveinvestors.co.uk//CNSX:SIZE/Major-Precious-Metals-Corp/) has announced that it will present at the inaugural Future Minerals Summit (FMS) to be held from January 11-13, 2022 at the King Abdulaziz International Conference Center in Riyadh, Kingdom of Saudi Arabia. Over 150 mining, and exploration and development companies are expected to attend FMS including over 2,000 in-person attendees. The summit's program will focus on three main themes -- mining's contribution to society, reimagining mining, and investing in new and emerging mining regions. CEO Tony Williams will provide shareholders and interested stakeholders with an update on the company's Skaergaard PGM project in Greenland on January 13, at 2:10pm Saudi Arabia Standard Time. A link to this presentation will be available on the company's website at [*www.majorprecious.com*](http://www.majorprecious.com) after the event.

[*Mydecine Innovations Group Inc (OTC:MYCOF, NEO:MYCO)*](https://www.proactiveinvestors.co.uk//OTCMKTS:MYCOF/Mydecine-Innovations-Group-Inc/) CEO Joshua Bartch has appeared on Gamechangers LIVE, a podcast series putting a spotlight on individuals who are gamechangers in their fields. The broadcast hosted by executive coach Sergio Tigera is available for on-demand viewing on [*Gamechangers LIVE*](https://www.youtube.com/watch?v=oTkeZLFFjYA). During the interview, Bartch discussed his life as an entrepreneur spanning multiple successful ventures. "After [taking a multi-million-dollar exit from AudioTranscriptionist.com], I segued into the cannabis industry and went on to found a company by the name of Doctor's Orders in Denver, Colorado. I was actually issued and granted the third legal medical cannabis license in the state," said Bartch. "I had no experience in retail...It was an interesting experience, for sure, but that was the beginning of the [Colorado cannabis] business. There was just this huge evolution and ebbs and flows." In 2014, Bartch co-founded Cannabase.io, the most sophisticated US legal cannabis wholesale platform. After successful exits from both Doctor's Orders and Cannabase.io, he and his Mydecine co-founders turned their attention toward their next challenge. "We got together and looked at this re-emerging field of psychedelics...We determined what our approach needed to be, and we founded Mydecine," said Bartch.

[*Belmont Resources Inc (TSX-V:BEA)*](https://www.proactiveinvestors.co.uk//CVE:BEA/Belmont-Resources-Inc/) has revealed encouraging new drill results from its Lone Star copper-gold project in Washington State that show multiple zones of mineralization. Drilling intersected wide zones of high-grade copper mineralization of up to 18.5%, with elevated gold up to 10.4 grams per ton (g/t) and silver up to 106 g/t. A standout intercept included 44.2 metres at 1.3% copper, including 19.8 metres at 2.4% copper in one hole, and 15.5 metres at 3.7% copper and 1.6 g/t gold in another.

[*Safe-T Group (NASDAQ:SFET)*](https://www.proactiveinvestors.co.uk//NASDAQ:SFET/Safe-T-Group/) Ltd has advised investors that its fourth-quarter revenue is likely to reach $3.6 million, an increase of more than 170% from the $1.3 million reported for the quarter ended December 31, 2020. The company, a global provider of cybersecurity and privacy solutions, said the expected increase will take full-year revenue to above $10 million, more than double the $4.8 million reported for its 2020 fiscal year. "Operationally, 2021 was a significant year for Safe-T as our team achieved many milestones, including our expanded focus on the large, global consumer cybersecurity and privacy markets," the company's CEO Shachar Daniel said in a statement.

Northstar Gold Corp said its phase IIB surface exploration program at the Miller gold property near Kirkland Lake, Ontario has extended the Allied Syenite gold zone 130 metres (m) to the east and southeast. Notably, this zone has now been defined by drilling and surface sampling to ***measure*** 350m by 200m and remains open along strike to the northwest and southeast. In all, 529 channel and 46 grab samples were collected from eight stripped areas on the Miller and Searles properties between July and October last year, reported the explorer. The best results came from two of the eight areas -  C1 and C2 - with the former home to 14.79 grams per ton (g/t) gold over 7m and the latter housing 4.52 g/t of the precious metal over 4m, said the company.

PlantX Life Inc has announced the opening of XMarket Café at Rideau Hudson's Bay in Ottawa. The 100% plant-based café features carefully crafted vegan beverages and plant-based food options with ingredients sourced from Ottawa businesses, including local bakery Marcie's Café. Additionally, PlantX said it has opened signature XMarket shops at both Yorkdale and Rideau, offering a curated selection of plant-based products spanning grocery, home, personal care, pets, and more.

Benchmark Metals Inc has reported the resumption of drilling this month to expand gold-silver zones at its flagship Lawyers Gold-Silver project in British Columbia. The program will continue from the 83,570 metres (m) completed in 2021 as the company anticipates drilling 20,000m during the winter drill program to expand and define the existing resource areas and to advance the new discovery at the Marmot Zone. "Benchmark is leveraging its road accessible project by drilling during the winter months to deliver more results in early 2022 and to expedite the project towards a mining a decision," CEO John Williamson said in a statement.

[*Bloom Health Partners Inc (CSE:BLMH, OTCQB:BLMHF)*](https://www.proactiveinvestors.co.uk//CNSX:BLMH/Bloom-Health-Partners-Inc/) announced that it has opened a new location in New Jersey to provide health services to the population-dense northeast seaboard. The new location will serve the surrounding metropolitan areas like New York City, Philadelphia, Boston and Washington, DC. Bloom's New Jersey facility will provide expanded laboratories for operational health services and diagnostic testing for Fortune 500 clients, sporting events, and film productions in the area.

NEO Battery Materials Ltd announced that it has established and built a research and development (R&D) Scale-Up Centre at the Yonsei University of South Korea through NEO Battery Materials Korea (NBM Korea), a wholly-owned subsidiary. The Vancouver-based company said it entered into a collaborative development agreement with the university in May 2021 to develop and commercialize its proprietary nanocoating technology for silicon anode materials. Due to the increasing need for expanding space and procuring equipment to advance R&D and manufacturing activities, it said it decided to establish the independent scale-up centre through NBM Korea. With the active support of Yonsei University, it said it has successfully secured a strategic space of 4,300 square feet next to testing and evaluation facilities within the university to develop its technology.

[*CleanSpark Inc (NASDAQ:CLSK)*](https://www.proactiveinvestors.co.uk//NASDAQ:CLSK/CleanSpark-Inc/), a sustainable bitcoin mining and energy technology company, has released an unaudited Bitcoin production and operations update, saying that it held 633 of the cryptocurrency as of December 31, 2021. The Las Vegas, Neveda-based sustainable bitcoin mining and energy technology company said it sold 414 bitcoin during December 2021 at an average of $49,791 per bitcoin to support growth and operations. "As of the date of this release, daily BTC production has reached a high of 9.5," said the company. "I'm tremendously proud of our teams that worked throughout the busy holiday season to get machines racked and ready," CleanSpark CEO Zach Bradford said in a statement. "As of today, we have added more than 550 PH/s of ***processing*** power in the three weeks since our December earnings call, and expect to reach our 2.0 EH/s milestone in the coming days."

[*Cabral Gold Inc (TSX-V:CBR)*](https://www.proactiveinvestors.co.uk//CVE:CBR/Cabral-Gold-Inc/) has outlined its plans for 2022 and provided a summary of successes achieved during 2021 at the Cuiú Cuiú gold district in northern Brazil. The company said it is looking forward to continuing its aggressive exploration program in 2022 and is planning an expanded drill program at its PDM target following encouraging drill results in December which included 22.4 metres (m) at 4.8 grams per ton (g/t) gold from the granitic rocks below the recently identified gold-in-oxide blanket. This drilling will determine the dimensions and grade of the new mineralized zone. In addition, Cabral added, diamond drilling at the Central and MG gold deposits will continue with the objective of defining higher grade zones within both deposits, while testing for additional zones of mineralization. Reverse circulation (RC) drilling will also continue testing the overburden above the Central gold deposit with the objective of identifying a third gold-in-oxide blanket.

[*Levitee Labs (CSE:LVT)*](https://www.proactiveinvestors.co.uk//CNSX:LVT/Levitee-Labs/) Inc announced that it has formed a medical advisory board consisting of experts across a diverse group of fields, including addiction, mental health, drug development, compounding, chronic pain, policy, neurology, and psychedelics. The Vancouver, British Columbia-based company said that it methodically recruited each member of the new medical advisory board for their individual expertise and cumulative synergies that will facilitate expeditious and efficient growth through connections to other thought leaders and major players in all relevant industries. North Americans are faced with an ever-increasing crisis of mental health and addiction disorders that demand innovation to flatten and reverse the curve. Much like the United States, Canada suffered a 74% increase in opioid-related deaths over the course of the first six months of the coronavirus (COVID-19) pandemic. "Providing effective, easily accessible treatment options to the millions of people suffering from substance abuse disorder is the foundation of our strategy and I am confident in the contributions the medical advisory board will make to meet all our goals by changing the existing paradigm," said Pouya Farmand, CEO at [*Levitee Labs (CSE:LVT)*](https://www.proactiveinvestors.co.uk//CNSX:LVT/Levitee-Labs/) in a statement.

Fidelity Minerals Corp has outlined the recommendations of the author of an NI 43 101 technical report, as previously reported, for its Las Huaquillas project in Peru ahead of a potential resource update for the asset, which includes 5,000 metres (m) of drilling. In a statement, the company said that it had now filed the report, which was authored by Luc Pigeon, on January 4, 2022, with an effective date of December 18, 2021. The NI 43-101 report summarizes the project's location, ownership, geological setting, mineralization, historical exploration and resource estimates and recommends future work. As reported in December 2021, confirmatory rock grab sampling was completed by the author as part of a site visit, which included a highlight of 9.7 grams per tonne (g/t) gold, 126 g/t silver, and 1.1% lead. In the report, Pigeon has recommended that a phase one exploration program be completed to include a community relations program and obtain surface access to exploration areas and in-fill soil sampling surveys over anomalous areas.

[*Hapbee Technologies Inc (TSX-V:HAPB, OTCQB:HAPBF)*](https://www.proactiveinvestors.co.uk//CVE:HAPB/Hapbee-Technologies-Inc/) has unveiled the latest generation of its smart wearable device and app at the highly influential consumer electronics show (CES) in Las Vega and told investors now is a "pivotal" time in human history as billions struggle with anxiety and stress amid the pandemic. The firm is also showcasing its Sleepbee Sleep Mask and Sleepbee Mattress Topper at this year's conference, which runs between January 5 and 8, 2022. Hapbee's technology has been 15 years in development and boasts over 16 US and 47 international patents covering recording and stimulation capabilities. The idea is users pair a Hapbee wearable device with their phone, place the band around their neck, the sleep mask on their eyes or lie down on the mattress topper and select a so-called Blend from the Hapbee app.

[*Sassy Resources (CSE:SASY, OTCQB:SSYRF)*](https://www.proactiveinvestors.co.uk//CNSX:SASY/Sassy-Resources/) Corporation announced that it has signed a binding letter of intent (LOI) to acquire up to 100% of the Highrock Uranium Project in Saskatchewan's Athabasca Basin from [*Forum Energy Metals Corp (TSX-V:FMC, OTCQB:FDCFF)*](https://www.proactiveinvestors.co.uk//CVE:FMC/Forum-Energy-Metals-Corp/). The company said the drill-ready Highrock project is a potential high impact exploration play that gives its shareholders exposure to a dynamic sector benefiting from the global energy transition, which is driving significant new investment in nuclear demand. "This strategic initial foray into uranium makes Sassy the only junior resource company with exploration assets covering Northwest BC's Eskay Camp (home of our flagship Foremore Project), Saskatchewan's Athabasca Basin, and the Central Newfoundland Gold Belt - three world-class investor-friendly mining districts that provide a rock-solid foundation for Sassy's immediate and longer-term success," Sassy president and CEO Mark Scott said in a statement.

Vicinity Motor Corp has announced the receipt of a new C$3.5 million purchase order from North American private transit operator First Transit Inc for eight Vicinity Classic buses. Vancouver-based Vicinity said the 35-foot clean-diesel buses are due for delivery in 2022 and will service the city of Yellowknife in Canada's Northwest Territories. "Our Vicinity Classic buses continue to prove their popularity within the North American transit market as we continue to attract exciting orders from our continent-wide base of satisfied customers," Vicinity founder and CEO William Trainer said in a statement. "Our ability to grow alongside our customers and fulfill many of their transit needs as a one-stop-shop is invaluable, particularly as many transit authorities begin to evaluate electric vehicles to supplement or replace their conventional diesel fleets in service today," he added.

[*Thesis Gold Inc (TSX-V:TAU)*](https://www.proactiveinvestors.co.uk//CVE:TAU/Thesis-Gold-Inc/) has hailed initial drill results from the Ridge zone at its Ranch project in British Columbia, which showed strong continuity of high-grade gold and silver from near-surface to a vertical depth of 160 meters (m). The assays come from the first six of a 12-hole program last year at Ridge, during the firm's inaugural drill program at the asset in the Golden Horseshoe area. Notably, one hole returned 27m core length at a grade of 6.78 grams per ton (g/t) gold and 161.74 g/t silver, starting from a depth of 131m, which included an intercept of 10m at 16.28 g/t gold and 179.96 g/t silver starting at 143m. Another hole showed 12.4m at 1,47 g/t gold and 49.8 g/t silver from 47.6m depth. "These strong results from Ridge continue to show the significant potential of this sparsely drilled Zone," said Ewan Webster, Thesis CEO, in a statement.

Logiq Inc, a provider of e-commerce and fintech business enablement solutions, told investors it expects to report an 87% rise in fourth-quarter revenue to a record $12.3 million. The company said its gross margin for the three months to December 31, 2021, is also expected to expand to record levels, exceeding 34%, from 29.5% in Q3 and 21.1% in the same year-ago quarter. It said the results exceed its earlier 4Q revenue guidance by $2.3 million, reflecting an ***exceptionally*** strong finish to the year. It also puts full-year revenue on track to total approximately $36.5 million, while its 4Q gross margin is expected to exceed earlier guidance by 100 basis points.

[*Vuzix Corporation (NASDAQ:VUZI)*](https://www.proactiveinvestors.co.uk//NASDAQ:VUZI/Vuzix-Corporation/) has announced a collaboration with Fielmann Group, one of the largest manufacturers of glasses and eyewear products in the world, and TeamViewer, an AR productivity solution platform provider and Vuzix value-added reseller. Hamburg, Germany-based Fielmann currently supports over 11,000 enterprise customers and provides individual workstation and protection glasses, as well as hearing protection, to over 100,000 employees across Europe. Fielmann also has an existing relationship with TeamViewer. It is currently assisting companies with the selection of suitable glasses, fitting of smart glasses, and training their staff. Vuzix said that the collaboration with Fielmann will enable it to offer customers a variety of purpose-built frames that provide the enterprise worker with options that are comfortable and attractive to support all-day usage to complement its enterprise-leading Vuzix M400 and Vuzix M4000 smart glasses.

[*Lucky Minerals (TSX-V:LKY, OTC:LKMNF)*](https://www.proactiveinvestors.co.uk//CVE:LKY/Lucky-Minerals/) Inc has announced a strategic partnership with Hubbard Drilling Services ahead on an upcoming drill program at the Wayka gold discovery on its Fortuna project in 2022. The firm also announced a non-brokered private placement to raise just over C$2 million to support its drill program. Under the partnership, Vancouver-based Lucky said it inked a non-binding letter of intent with Hubbard's Ecuadorian subsidiary for drilling services, to be satisfied in Lucky shares.

Todos Medical Ltd chief executive officer Gerald Commissiong has issued a letter to shareholders outlining the company's progress towards a Nasdaq uplisting expected in the first half of 2022, its acquisition of NLC Pharma assets, and coronavirus (COVID-19) testing. Commissiong told investors that Todos expects the clinical data from the Phase 2 clinical trial of its botanical drug candidate Tollovir to be released on January 26 and will provide further details around the data's release in the weeks ahead. "We believe the data will be a revaluation event for Todos and thereafter we will strategically plan on the best path to achieve the Nasdaq listing that has been a key stated objective for some time," he said.

Nextech AR Solutions Corp has announced the signing of multiple CAD to POLY deals across a variety of industries including [*Brunswick (NYSE:BC)*](https://www.proactiveinvestors.co.uk//NYSE:BC/Brunswick/) Corporation, Jacuzzi Brands LLC, and [*Ford Motor Company (NYSE:F)*](https://www.proactiveinvestors.co.uk//NYSE:F/Ford-Motor-Company/). With the announcement, Nextech said it is validating its proprietary CAD-Poly 3D modeling technology called ARitize CAD. The company said it believes that its CAD-Poly technology is a "game changer" for the manufacturing industry, as it enables the conversion of CAD files into 3D AR models at scale at a price and quality that the company believes is best in class. CAD is a function of product engineering.

Golden Tag Resources Ltd told investors that diamond drilling at its San Diego project in Mexico was expected to get going within days after the work paused at year-end. The now expanded 4,500-metre (m) program is following up on 4,716m of drilling, which were completed and reported in the first half of last year. In the fourth quarter of last year, 1,675 samples were sent to the lab and assays from the first hole are expected shortly, the company also noted.

BioHarvest Sciences Inc has posted another strong quarter of sales growth for VINIA, its nutrient-rich red grape supplement, in both its primary markets of Israel and the United States. For the fourth quarter ended December 31, 2021, the biotech reported sales orders of 825,000 from its direct-to-consumer ecommerce business, up 17% from the third quarter. The firm said it also represented "triple the sales orders from the same quarter in 2020." BioHarvest also broke down the sales number, showing how its dietary supplement VINIA fared in its primary markets. In Israel, BioHarvest reported record sales orders of US$501,000 in 4Q, up 11% over 3Q and 84% over 4Q 2020.

[*CO2 GRO Inc (TSX-V:GROW, OTCQB:BLONF)*](https://www.proactiveinvestors.co.uk//CVE:GROW/CO2-GRO-Inc/) has told investors that three months into a commercial feasibility study using its CO2 Delivery Solutions system at a California greenhouse yield targets are being met and its Pathogen Perimeter Protection is also successfully suppressing powdery mildew. In a progress update, the Toronto-based company said both factors are a key focus of the commercial feasibility. The greenhouse facilities, which are being kept confidential for competitive reasons, are expanding to 20 acres (800,000 sure feet) over the course of 2022, CO2 Gro said. The commercial feasibility will run for at least another six months until a decision is made to purchase a commercial installation for a portion or all of the 800,000 square foot expansion, it added.

[*FPX Nickel Corp (TSX-V:FPX)*](https://www.proactiveinvestors.co.uk//CVE:FPX/FPX-Nickel-Corp/) said that it has confirmed the continuation of a new nickel discovery at the Van target on its Decar nickel project in central British Columbia. Drill results from the final three holes in the 2021 program revealed the continued near-surface lateral extension of the discovery, according to a statement from the company. FPX told shareholders that the results complement the first four discovery holes, meaning the first seven Van holes define a zone of strong awaruite nickel mineralization approximately 400 to 750 meters wide and up to 750 meters long, to downhole depths of up to 350 meters.

[*Phunware Inc (NASDAQ:PHUN)*](https://www.proactiveinvestors.co.uk//NASDAQ:PHUN/Phunware-Inc/) has announced two new strategic supplier relationships in support of a Consumer Electronics Show-inspired series of optimized high-performance computers provided by its LYTE Technology business unit. "With these new strategic supplier relationships, we took the guesswork out of selecting the right personal computer systems for power users' needs," said Caleb Borgstrom, vice president and general manager of LYTE by Phunware, in a statement. "Phunware launched these four newly optimized personal computers designed specifically for high-end gamers, traders, streamers and cryptocurrency miners in conjunction with CES in Las Vegas."

Kodiak Copper Corp has told investors that 2022 is shaping up to be a potentially transformative year for the company as it embarks on another exploration season at its flagship MPD copper-gold project in Southern British Columbia, as well as a maiden drill program at its Mohave copper porphyry project in Arizona. In an annual letter to investors, the company's president and CEO Claudia Tornquist said the chance for more discoveries, combined with its strong treasury and share structure presents a compelling opportunity to create value for shareholders. Prospects for 2022 follow what Tornquist described as a "momentous year" in 2021 as Kodiak executed the largest drill program in the history of the 100% owned MPD project and built upon its discovery success.

[*NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n)*](https://www.proactiveinvestors.co.uk//CNSX:NC/NetCents/) Technology Inc has announced the appointment of Sholeh Atash as its chief operating officer.  The company noted that Ms Atash brings over 15 years of experience in the technology and finance sectors, and has a proven ability to scale teams and build sustainable growth. At [*NetCents (CSE:NC, OTCQB:NTTCF, Frankfurt Code :26n)*](https://www.proactiveinvestors.co.uk//CNSX:NC/NetCents/), Atash will have executive oversight over the day-to-day operations of the company to ensure that all key performance metrics are met. In her previous positions, the company said, Atash demonstrated critical skills in recruitment, finance, product development, and capability management.

AMPD Ventures Inc has announced that Ian Wilms has joined the company as vice president of Business Development and Government Affairs to accelerate its domestic and international growth. The company noted that Wilms is a seasoned senior executive with over 26 years of experience. For 14 years, he led procurement, consulting, and public safety teams across Canada and Latin America for IBM. "AMPD is currently seeing ***unprecedented*** growth and we expect this to continue as we launch numerous initiatives to develop multiple revenue streams and recurring revenue. With Ian joining our management team, the Company will be better positioned to execute on our aggressive growth strategy," the company's CEO, Anthony Brown said in a statement.

Binovi Technologies Corp said it has appointed Jatinder Dhaliwal as its chief executive officer and to the company's board of directors. A registered pharmacist, Dhaliwal is the director of multiple publicly traded companies and has extensive knowledge in ***agricultural***, medical and pharmaceutical operations, Binovi said. "With Mr. Dhaliwal's appointment, Binovi will enhance its access to capital markets and health care industry networks, which will be valuable assets towards the execution on Binovi's strategy and conversion of business prospects," said Terry Booth, chairman of the board in a statement.

GameSquare Esports Inc has congratulated its CEO, Justin Kenna, and Christina Grushkin, head of sales for its Complexity Gaming business, for being named as top executives defining the future of advertising in video games and esports by Business Insider. The Business Insider list includes executives from leading companies such as Anheuser-Busch, McDonald's, Verizon, State Farm, Nike, and Honda as well as top agencies and esports organizations like Dentsu, Omnicom Media Group, and Evil Geniuses. The article, published by Business Insider, highlights the acquisitions that GameSquare has completed under Kenna's tenure as CEO and the positive impact that the business can have on satisfying advertisers' needs around marketing, talent management, and organizing events. Business Insider also noted that Complexity Gaming provides sponsorship opportunities for brands and that Grushkin, is key to these efforts.

[*BetterLife Pharma Inc (CSE:BETR, OTCQB:BETRF)*](https://www.proactiveinvestors.co.uk//CNSX:BETR/BetterLife-Pharma-Inc/) said it is pleased to share that Dr Eleanor Fish, a member of the company's Advisory Board has been appointed to the Order of Canada on December 29, 2021. The company noted that Dr Fish was bestowed this order for her contributions to immunology, including her groundbreaking studies on the use of interferon-alpha in the treatment of disease. "On behalf of our entire team at BetterLife and Altum, we want to congratulate Dr. Fish for receiving this distinguished honor. We are very privileged to have Dr. Fish as one of the Principal Investigators of Altum's Phase 2 study currently underway at Pontificia Universidad Católica de Chile. Her expertise and support to develop our interferon-alpha2b program, AP-003, will be essential as we move forward through our clinical trials in 2022," said BetterLife's chief executive officer, Dr Ahmad Doroudian.

[*Mednow Inc (TSX-V:MNOW, OTCQB:MDNWF)*](https://www.proactiveinvestors.co.uk//CVE:MNOW/Mednow-Inc/) said the TSX Venture Exchange has accepted for filing a non-arm's-length share purchase agreement dated December 20, 2021, between Liver Care Canada Inc., the shareholders of Liver Care and Mednow, whereby the company is to acquire all of the issued and outstanding shares of Liver Care for an initial cash payment in the amount of $65,000 and two subsequent earnout payments in the amount of 0.1 times the revenue generated by Liver Care in each of its 2022 and 2023 financial years.

Mobilum Technologies Inc said it has granted an aggregate of 4.85 million incentive stock options to certain members of its board, employees and advisers. The options are exercisable at a price of 28 cents per share for a period of five years, and a portion of the options are subject to vesting stages. The options have been granted under and are governed by the terms of the company's incentive stock option plan.

[*Sigma Lithium Corp (TSX-V:SGML, OTCQB:SGMLF, NASDAQ:SGML)*](https://www.proactiveinvestors.co.uk//CVE:SGML/Sigma-Lithium-Corp/) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced on December 10, 2021, December 13, 2021, and December 17, 2021, which will see the issue of 11,634,137 common shares at a purchase price of $11.75 per common share with 38 placees.

Melkior Resources Inc said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced December 16, 2021, that will see the issue of 2.1 million flow-through shares at a purchase price of 40 cents per flow-through share with four placees.

[*Fireweed Zinc Ltd (TSX-V:FWZ)*](https://www.proactiveinvestors.co.uk//CVE:FWZ/Fireweed-Zinc-Ltd/) said the TSX Venture Exchange has accepted for filing documentation with respect to its non-brokered private placement announced November 24, 2021, December 6, 2021, and December 8, 2021, which will see the issue of 6,473,000 flow-through shares at a purchase price of 80 cents per flow-through share with 24 placees.

[*Enveric Biosciences (NASDAQ:ENVB)*](https://www.proactiveinvestors.co.uk//NASDAQ:ENVB/Enveric-Biosciences/) announced that Joseph Tucker, CEO of the company, will participate in the H.C. Wainwright BioConnect Conference to be hosted virtually on January 10-13, 2022. . Tucker's corporate presentation will be available on-demand starting Monday, January 10th. Register to attend here: [*https://c212.net/c/link/?t=0&l=en&o=3406053-1&h=361210196&u=https%3A%2F%2Fhcwevents.com%2Fbioconnect%2F&a=here*](https://c212.net/c/link/?t=0&l=en&o=3406053-1&h=361210196&u=https%3A%2F%2Fhcwevents.com%2Fbioconnect%2F&a=here). [*Enveric Biosciences (NASDAQ:ENVB)*](https://www.proactiveinvestors.co.uk//NASDAQ:ENVB/Enveric-Biosciences/) is an innovative biotechnology company developing a next-generation mental health and oncology treatment clinical discovery platform, leveraging psychedelic-derived molecules for the mind and synthetic cannabinoids for the body.

[*Major Precious Metals Corp. (CSE:SIZE, OTC:SIZYF)*](https://www.proactiveinvestors.co.uk//CNSX:SIZE/Major-Precious-Metals-Corp/) has announced that it will present at the inaugural Future Minerals Summit (FMS) to be held from January 11-13, 2022 at the King Abdulaziz International Conference Center in Riyadh, Kingdom of Saudi Arabia. Over 150 mining, and exploration and development companies are expected to attend FMS including over 2,000 in-person attendees. The summit's program will focus on three main themes -- mining's contribution to society, reimagining mining, and investing in new and emerging mining regions. CEO Tony Williams will provide shareholders and interested stakeholders with an update on the company's Skaergaard PGM project in Greenland on January 13, at 2:10pm Saudi Arabia Standard Time. A link to this presentation will be available on the company's website at [*www.majorprecious.com*](http://www.majorprecious.com) after the event.

[*Zynerba Pharmaceuticals (NASDAQ:ZYNE)*](https://www.proactiveinvestors.co.uk//NASDAQ:ZYNE/Zynerba-Pharmaceuticals/) Inc has announced that Armando Anido, its chairman and chief executive officer will present during the H.C. Wainwright BioConnect Conference being held virtually January 10-13, 2022. A webcast of the presentation will be available on-demand beginning January 10, 2022, at 7.00am ET under the Events & Webcasts tab of the Investors section of the Zynerba website at [***www.zynerba.com***](http://www.zynerba.com). An archived replay will be available on the company's website following the event for 60 days.

BioSig Technologies, Inc has announced that it will present at the 24th Annual Virtual Needham Growth Conference on Friday, January 14, 2022 at 4.15pm ET. To register for the live webcast of the event, investors can click here: [***https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282***](https://wsw.com/webcast/needham116/register.aspx?conf=needham116&page=bsgm&url=https://wsw.com/webcast/needham116/bsgm/2240282). A replay of the presentation will also be available on the BioSig Website.

**Load-Date:** January 6, 2022

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[***Here's how YOU can help: Donate here to the Mail Force Ukraine Appeal***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64XM-7F21-DY4H-K4W0-00000-00&context=1516831)

MailOnline

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**Body**

Readers of Mail Newspapers and MailOnline have always shown immense generosity at times of crisis.

Calling upon that human spirit, we are supporting a huge push to raise money for refugees from Ukraine.

For, surely, no one can fail to be moved by the heartbreaking images and stories of families - mostly women, children, the infirm and elderly - fleeing from the bombs and guns.

As this tally of misery increases over the coming days and months, these innocent victims of this conflict will require accommodation, schools and medical support.

Donations to the Mail Force Ukraine Appeal will be used to help charities and aid organisations providing such essential services.

In the name of charity and compassion, we urge all our readers to give swiftly and generously.

TO MAKE A DONATION ONLINE

Donate at [*www.mailforcecharity.co.uk/donate*](http://www.mailforcecharity.co.uk/donate)

To add Gift Aid to a donation - even one already made - complete an online form found here: mymail.co.uk/ukraine

Via bank transfer, please use these details:

Account name: Mail Force Charity

Account number: 48867365

Sort code: 60-00-01

TO MAKE A DONATION VIA TEXT

To donate £10, text HELP to 70115 To donate £20, text AID to 70115 Texts cost either £10 or £20 plus a standard network rate message. 100% of the donation goes to charity.

TO MAKE A DONATION VIA PHONE

Call 0300 12345 77 and follow the instructions to make your donation. A small fee will be deducted by the payment ***processing*** platforms when you pay by debit or credit card.

TO MAKE A DONATION VIA CHEQUE

Make your cheque payable to 'Mail Force' and post it to: Mail Newspapers Ukraine Appeal, GFM, 42 Phoenix Court, Hawkins Road, Colchester, Essex CO2 8JY

TO MAKE A DONATION FROM THE US

You can donate via CAF America at: [*https://donations.cafamerica.org/mail-force*](https://donations.cafamerica.org/mail-force)/

Or

US readers can donate to the appeal via a bank transfer to Associated Newspapers or by sending checks to dailymail.com HQ at 51 Astor Place (9th floor), New York, NY 10003.

Checks in the US need to be made out to 'CAF America' and have 'Mail Force Ukraine Appeal' in the memo.

Generous readers of the Daily Mail, Mail On Sunday and MailOnline have already donated an astonishing £5million to the Mail Force Ukraine Refugee Appeal. Here, we look back at how the campaign has developed over the past fortnight since it was launched on February 27:

DAY 88 - May 23, 2022, DAILY MAIL

Now your Ukraine STAMPS help cancer battle as envelopes containing Mail Force donations go to lifesaving research

Generous readers who sent cheques to help Ukrainian refugees can be proud of helping another worthy cause as well.

Envelopes enclosing around 70,000 cheques which were sent to the Mail Force appeal are being donated to the Bone Cancer Research Trust (BCRT) so that the stamps can go towards raising funds for its life- saving research work.

Dozens of bags full of envelopes have been delivered to the charity's headquarters in Leeds and volunteers will cut out the stamps, which will be sorted and sold in bulk by weight.

The trust receives up to £20 a kilogram by selling the stamps to amateur and professional collectors across the country.

Collectors will often buy large bags of stamps to look for certain postmarks. Unusual stamps and ones with slight defects can also be snapped up by collectors to improve their private collections.

Envelopes donated for previous Mail Force appeals to raise funds for computers for children and to buy personal protective equipment for frontline health workers were also passed on to the cancer charity.

DAY 60 - April 25, 2022, DAILY MAIL

Michael Palin hails Mail Force appeal as 90,000 food boxes are packed and heading for Ukraine

Sir Michael Palin led celebrities yesterday in hailing the Mail Force campaign to help feed hungry people in Ukraine.

The former Monty Python comic said he was 'delighted by the success of the appeal' after 90,000 food boxes were packed.

They have been dispatched in a stream of more than 30 lorries at our hub in Leicestershire to eastern Ukraine.

Sir Michael, a travel writer and presenter who has a special place in his heart for the besieged country, has urged people to donate to Mail Force, which has so far raised £11million.

He visited Kyiv in 1992, when it was still in the Soviet Union, for his Pole To Pole travel series and again in 2007 for New Europe.

Last month on the BBC Sunday Morning show he had an emotional reunion on video call with Ukrainian nationalist Vadym Kastelli, who appeared in both programmes.

Sir Michael was joined by Julian Fellowes, with the Downton Abbey writer heaping praise on the campaign.

Lord Fellowes said: 'This is a terrific initiative, and a reminder that we must do whatever we can to help. A free and peaceful country is under savage attack. It seems incredible for this new century, but it's happened and we are all involved.'

The Mail Force charity is paying £4million towards 500,000 food boxes in a joint mission with the Ukrainian embassy in London and the Confederation of British Industry.

Each box contains 14 items including pasta, porridge, tinned meat, fish and vegetables, and contains enough calories to feed an adult for a week. They are being packed at a rate of 400 an hour at a plant run by Oakland International in Leicestershire.

Millions of Ukrainian families have been forced to flee their homes under bombardment from the Kremlin's rockets and bombs. Many have crossed into western Europe, where they are being helped by aid organisations such as Unicef and CARE International, which are receiving funds from Mail Force.

But the biggest worry is for those too frail to leave or who have resolved to stay and help. Vladimir Putin's ruthless military forces are waging a cruel battle to starve cities into submission. Hundreds of thousands of elderly and disabled people struggling to find food supplies are in desperate need of help. The Ukrainian embassy in London is helping to coordinate the efforts to get the food boxes into Ukraine and to the towns where they are most needed.

The Mail Force appeal launched just days after Moscow's ***invasion*** of Ukraine, and was kickstarted with a £500,000 donation from DMGT, the Mail's parent company, at the personal request of Lord and Lady Rothermere. Since then, readers have sent in money in droves.

DAY 60 - April 25, 2022, DAILY MAIL

Refugee mother may RETURN to Ukrainian warzone after delays to her UK visa left her stranded in Poland

A frustrated refugee mother is considering returning to war-torn eastern Ukraine after UK immigration delays left her stuck in Poland for weeks.

Katarina Tymashov, 34, said her sister-in-law Elena Hrybanov felt 'beyond scared' after the Home Office took more than a month to approve her visa.

While Mrs Hrybanov's nine-year-old daughter Anna had her application accepted in just five days, her seven-month-old son Yehor is still waiting.

Until Yehor is given one, they are unable to join other family in London - and so she is contemplating returning to Ukraine, to be with her husband Olexandr.

Mrs Tymashov said: 'She is staying with a nice family in Poland who are trying to support her, but she has two young children and she is tired.'

Mrs Tymashov's husband Vladimir, 34, added: 'Right now, she feels frustrated.

'She applied at the very beginning of the programme and she had really high hopes that, maybe in a week, she could join us. She has even considered moving back to Ukraine. The war is far from being over but sometimes it's easier being with your family.'

Mr and Mrs Tymashov, who work in IT, moved to Wimbledon, south-west London, from Ukraine last July with their two sons Bohdan, 11, and Alyosha, six.

Mr Tymashov said they cannot contact anyone at the Home Office who can update them on the visas.

'For Elena, now technically they are safer than they were in Ukraine, but they are struggling with the conditions,' Mr Tymashov said at a Vigil for Visas demonstration outside the Home Office on Saturday.

The family fled their home near Dnipro, in eastern Ukraine, in the second week of the war.

Once in Poland, they were forced to travel more than 300 miles just to visit a visa application centre because Yehor did not have a passport.

Despite their exhausting journey, the baby's visa is yet to be approved.

DAY 56 - April 21, 2022, DAILY MAIL

Life-saving food boxes speed into Ukraine... thanks to YOU! Hope for desperate refugees as 2,400 ration packs are loaded on to train in Poland

As the sun set over a rail yard in Poland, the crane slowly lifted the 40ft shipping container off its lorry and carefully positioned it onto the waiting freight train. But this is no ordinary cargo.

Stacked high inside are more than 2,400 cardboard boxes crammed with food - partly funded with the help of Mail Force - offering a lifeline to those fleeing Vladimir Putin's forces.

The train was today speeding into Ukraine to provide life-saving help for families threatened with starvation.

It is the latest step in a mammoth logistical exercise to transport almost 500,000 more boxes 2,000 miles - from Leicester to areas of Ukraine devastated by war.

The remarkable humanitarian operation is being led by the Ukrainian ambassador and his embassy team, co-ordinated by the Confederation of British Industry and backed by donations from tens of thousands of generous Mail readers.

The record-breaking appeal has raised more than £11million so far.

Each food box has 14 items - including pasta, porridge, tinned meat, fish and vegetables - and contains enough calories to feed an adult for a week.

Malwina Rudnik, who oversees the delivery of aid to Ukraine for the Polish Government's Strategic Reserves Agency, last night hailed the operation.

She told the Mail: 'You are doing a great job. These are pre-prepared boxes with rations for families - it is something everyone should follow as an example.

'This is a great help, for sure. To see that the money has been spent for such a good purpose is a huge relief and what I can say is thank you for this.'

The Mail on Sunday revealed how the first 20 tons of food were delivered to a huge warehouse in Poland following a 63-hour journey from Oakland International, a food distribution firm near Leicester.

Two days later, the Mail watched as workers at the Polish warehouse used forklift trucks to manoeuvre the boxes, arranged on 26 wooden pallets, into a huge shipping container on the back of a lorry ready for the onward journey east.

As he slammed container doors shut, Dariusz Robak, a warehouse manager, said: 'It has been amazing to be involved in this operation. These food boxes will make a real difference to Ukrainians who are suffering because of the war. I applaud the Mail readers for helping Ukraine.'

The lorry's driver, Dariusz Klama, 52, from Sosnowiec in Poland, said he was 'delighted' to be a crucial part of the huge team helping feed desperately hungry Ukrainian families.

He added: 'It is a catastrophe what is happening. Anything I can do to help, I will. Since the war began I have only been delivering aid. I have been a truck driver for 20 years. It is incredible to see how much a newspaper has helped.'

After a short delay for customs clearance, Mr Klama's lorry hit the road on Tuesday, thundering through a landscape of flat farmland, then thick pine forest. The Mail has agreed to keep the exact aid routes and destinations secret due to fears they could be targeted by Russian forces.

Glasto chief: Putting on festival is easier than refugee scheme

As Glastonbury co-organiser, she is used to bureaucratic hurdles.

But Emily Eavis says hosting the festival is easier than sponsoring two refugees in the UK's shambolic Homes for Ukraine scheme.

The 42-year-old applied to bring Veronika and her nine-year-old son from Kyiv to Worthy Farm in Somerset four weeks ago. 'We are the dream really, in terms of being able to offer accommodation and work... But we've just come up against lots and lots of brick walls,' she said. 'I contacted the local authorities, our MP, charities, the Government. I've called the Home Office. I can't tell you how many letters I've written.'

'We're waiting for the visas, and no one knows how long they'll take,' she told The Times. While Veronika was granted her visa yesterday, they are still waiting for her child's and her sister's application.

After a six-hour journey, the lorry and its precious cargo finally reached an isolated freight rail station in southern Poland.

The Mail's photographer was granted access to the secure site to witness our container being loaded on to the train on Tuesday evening.

A queue of lorries waited to unload their own containers of aid on to the train's flat-bed wagons.

By the early hours of today, the train - carrying hundreds of tons of aid - was due to head west towards Ukraine. It was expected to cross the border today and arrive at a humanitarian hub in western Ukraine tomorrow, where the boxes will then be sent on to those who most need them.

And their arrival cannot come a moment too soon. Andriy Dykun, chairman of the Ukrainian ***Agricultural*** Council, which represents 1,100 farmers who cultivate 12 million acres of land, last night said Putin's forces are using starvation as a weapon.

The tactic echoes that of Communist dictator Joseph Stalin, who seized food supplies during Ukraine's great famine of 1932.

Mr Dykun said: 'In some places they [the Russian armed forces] completely destroyed farms, animals, machinery and equipment.

'They did the same as was done by Stalin in the Soviet Union. If we will not fight we will have hunger all over the country.'

He added: 'I would like to thank your readers - it's really great. We really need this help.'

Sourcing, packing and sending the 500,000 boxes is costing £8million - of which £4million will come from Mail Force Ukraine Refugee Appeal funds and the other half from the Ukrainian embassy.

The appeal was started with a £500,000 donation from the papers' parent company DMGT at the request of chairman Lord Rothermere and Lady Rothermere.

DAY 56 - April 21, 2022, DAILY MAIL

'It's our beloved home... but we must flee': Heartbreak of Ukrainian family who were forced to abandon Mykolaiv when Russian shelling reached their neighbourhood

She suffers constant nightmares that Russian troops are seizing her home city - but Katrin Kravtsov previously never thought she would see the day when she would leave her beloved Mykolaiv.

However, the 37-year-old mother-of-one decided that enough was enough when shelling hit her neighbourhood late on Tuesday.

Katrin and husband Alexey live in a modest one-bedroom flat in a Soviet-era apartment block.

The couple and their six-year-old son Maxim spent Tuesday night in their hallway by the door - ready to run for their lives in case of another attack.

It came as speculation mounts that Russia - as part of its masterplan to seize the Donbas region of eastern Ukraine - is plotting to take this port city on the Black Sea and force the region to hold a bogus breakaway referendum.

Such a move would create a massive land corridor under Kremlin rule.

Mrs Kravtsov said: 'I still cannot sleep because I see the Russians in my nightmares. I can hear the missiles, the explosions and see dead people with a lot of blood.'

She added that her son constantly imagines hearing shelling and air raid sirens, even in moments of silence.

She said: 'We had plans here. School, work. University for Maxim.'

But the family have now packed their possessions into their car, including Maxim's favourite puzzles and comic books.

As the war moves into a new stage, Russia has this week stepped up its bombardments across south-eastern Ukraine.

It claimed yesterday to have struck more than 1,000 military targets after hitting 1,200 the previous day.

Yet there is no evidence in Mykolaiv that Russian shelling has hit anything other than civilian areas.

Putin's goal appears to be controlling as much of the Black Sea as possible and creating a land bridge to Crimea, which was illegally annexed in 2014.

Ukrainian troops - most barely in their early twenties and armed only with Kalashnikov rifles - man makeshift checkpoints on the outskirts of the city.

Signs line every road praising the fortitude of the Ukrainian military, which claimed yesterday that it has managed to repel Russia's military onslaught in the Donbas.

The Mykolaiv checkpoints are made from sandbags, old tyres, and concrete slabs as the city braces itself for more attacks.

Mr Kravtsov, a car parts dealer, laughed at the idea that anyone here wants to be ruled from Moscow.

He said: 'We had a good life here in Mykolaiv. Who or what is Putin liberating us from? He should concentrate on fixing his own country first.'

The attack close to the family's flat ripped through a row of shops, spraying shrapnel everywhere. Miraculously, no one was killed.

'I feared for my life,' said Elena Serada, 36, who was at home with her two children at the time.

'They were crying and screaming as we hid in the ground floor corridor.'

The shops are now a crumbling mess, and workers have already moved in to fill in a huge crater in the road.

Alexander Pavlenko, 63, came to recover a set of expensive lights from a beauty salon belonging to his two daughters which narrowly escaped being destroyed.

He said: 'This is disgusting. Putin is a sick man. We don't need him here...'

Yet there are those who still refuse to leave the city for the sake of their children in the hope that Putin will call off his assault soon.

Mother-of-four Natalia Fisienko, 40, comes down from her fourth-floor flat to collect rainwater with a bucket.

This is the only way she and her children can wash because the taps have been turned off for more than a week in Russian-occupied Kherson, which used to provide fresh water to the city.

She said: 'They haven't been able to take Mykolaiv. They are just trying to make the life of the people here as difficult as possible and leave us without water.'

Mrs Fisienko sent her two youngest children, Veronika, eight, and Egon, six, to live with her mother in a village south of Odessa after Tuesday's attack.

She explained: 'We were getting ready for bed when I felt my entire apartment shake. We decided to run down to the basement and spent the rest of the night there.'

Her eldest son, also Maxim, is already suffering from a high heart rate - one of the symptoms of post-traumatic stress disorder.

The 11-year-old sheds a tear when he tells me how he wants to go back to his 'normal life'.

Gesturing to a playground opposite his apartment block, he said: 'I used to like playing football here, but now all the other children have gone.'

A neighbour points to another hole in the ground where a suspected cluster bomb landed, close to where children would play together each evening.

He shouted: 'If there is anything that is good to come out of this war, it means that we will never be close with Russia again!'

Hours later, as darkness fell on the city, the sky lit up once more with shelling.

But Natalia Fisienko remained defiant. She wrote in a text message late last night: 'I am not leaving my home town... Let the invaders leave Ukraine instead.'

DAY 55 - April 20, 2022, DAILY MAIL

Food lifelines packed with love in Leicester today... in war-weary Ukraine by Saturday - thanks to YOUR help! ROBERT HARDMAN sees the rallying aid efforts fuelled by Mail Force appeal

First, it's the tomato passata along with the can of hot dogs - the heavy stuff. Next, a can of tuna and a jumbo bag of porridge oats. Within a minute, this seven-kilo box is full of food - enough to feed an adult for a week - and it's transferred to the next available pallet here on a Leicestershire industrial estate.

As of this morning, this box will be somewhere in northern Europe. Tomorrow it will be in a depot in Poland.

And by the weekend, it will be in the hands of a grateful, if ravenous, civilian in a war-weary part of eastern Ukraine - and not a moment too soon.

Quite apart from pushing back the massed forces of a ruthless superpower, the government of this vast European nation is having to cope with the monumental task of keeping its population fed and watered when all forms of ordinary, civilian life are under attack. For millions, that includes a trip to the shops for the most basic human essentials.

Make no mistake. The military state of play may be dominating headlines. Lurking not far behind, however, is the prospect of a devastating humanitarian crisis if the so-called 'bread basket of Eastern Europe' finds itself barren - as it now does.

And so, it falls to the wider world to join the rescue effort. And that is where this extraordinary humanitarian operation kicks in, led by the Ukrainian ambassador to the UK and his embassy team, co-ordinated by the CBI and backed by tens of thousands of Mail readers who have contributed millions to the pot.

In a matter of days, a magnificent team effort has gone from the drawing board, to several trial runs, to the start line.

Yesterday, for the first time, it went fully operational - to the tune of 15,000 boxes a day (seven days a week). Each box amounts to 12,000 calories, spread across more than a dozen items, all selected on the advice of nutritionists in the Ukrainian ministry of food to provide optimum sustenance.

The cost of assembling, packing and delivering the first 500,000 boxes across a continent (at £14 a time) is being shared between the Ukrainian embassy in London (via the website, withukraine.org) and the Mail Force charity.

For all the logistical challenges here at the first phase of the endeavour, this is the least worrying part of a ***process*** which becomes progressively harder towards the end.

It is one thing raising funds, filling boxes in the East Midlands and delivering the results to the Ukrainian border. But on the other side, the heroic drivers and crews of trucks and trains taking this precious cargo on the final leg will be risking their lives to ensure every bag of Morrisons pasta and every tin of kidney beans ends up in the right place.

Nonetheless, each link in this great collaborative exercise should take a bow. That includes the pensioners forgoing their heating allowance and the children donating their pocket money to the Mail Force Ukraine Appeal so they can help someone they have never met.

It is important to stress that not one penny of your donations is wasted on administrative fees or overheads. Everything is being provided at cost with the grateful thanks of the Ukrainian embassy in London, the driving force behind this operation.

In the words of Ambassador Vadym Prystaiko: 'Russian forces have deliberately shelled farms, killed livestock, and laid landmines on ***agricultural*** land.

'Your amazing support will save people's lives. The 500,000 food boxes you have supplied will go to people most in need in the midst of the greatest European catastrophe in our living memory.'

It was just a month ago that Ambassador Prystaiko and his team were sitting around a table with Lord Bilimoria, the president of the Confederation of British Industry, and two dozen CBI members, all of whom had committed to help with essential supplies. There, they heard (via Zoom) a terrifying warning from a Ukrainian food minister that large parts of his country faced not just food shortages but possible starvation. And, thus, a plan was hatched.

The overarching challenge was not just to get this stuff to Ukraine - but in the most practical way possible. A lorry-load of tinned meat is of limited use if the distribution centre at the other end is a bomb site, along with many of the supermarkets which it once supplied. In simple terms, it is crucial for the shopping basket to be filled at this end.

Step forward Oakland International, the family-run supply chain specialists with a fleet of 80 trucks and a hyperactive chief executive. Dean Attwell's first response to the Ukrainian crisis was to source whatever food and supplies he could lay his hands on and load it all on to a fleet of Ukrainian trucks which had been stranded in Britain following the outbreak of war.

He gave their drivers all the fuel, money and paperwork they needed to get home and then set about exploring ways of repeating the exercise.

His efforts dovetailed with those at the embassy and the CBI, at which point the Mail Force charity joined the party, backed by this newspaper's formidably generous legion of readers.

And in an astonishingly short time, this great undertaking has achieved lift-off. As our sister paper The Mail on Sunday reported this weekend, when it launched the campaign, the machinery and supply lines have now been assembled.

Yesterday everything kicked off at top speed. Last night half a dozen trucks - each packed with nearly 2,500 boxes - set off for the Channel, with just one exception. One box was diverted to the Ukrainian embassy in London so Mr Prystaiko and his staff could see what they have achieved.

It's not often that a tin of beans and a packet of basmati rice bring a tear to the eye. Last night was the exception. Among the hundreds of new recruits on the packing line here at the vast Oakland depot in Coalville, I find one person for whom filling boxes is not just paying the bills but an act of national pride. 'It is so sad watching the news every night but I am so happy to be doing something for my country,' says Vitalina Polishenko, 25, from the Ukrainian town of Chernivtsi.

Now living in Coventry with her builder husband Nikolay, she is in daily contact with her mother back at home. Both are frantic with worry about Vitalina's father, Igor, 50, who has volunteered for the Ukrainian forces. 'It's scary for my mother being all alone. We don't know where my father is - he can't tell us - but we do try to speak to him every day,' says Vitalina during her half-hour break in between four-hour shifts. Today, she finds herself on the baked beans section at one of Oakland's four humanitarian production lines. She heard about this job through a local agency and signed up in an instant.

Here, too, I meet the project manager from global consultancy Accenture, which is focusing all its expertise on this endeavour free of charge. She has come to check that all the production lines are doing what they are supposed to do in the allotted time.

It's cold in here. Oakland specialises in delivering chilled foods to every retailer, and so the staff are all wrapped up, gloved and humming along to the radio blaring out above the hum of the chiller units.

In the adjacent warehouse area, the chief exec Dean shows me what the first 150,000 boxes of food look like before the packing stage: Multi-storey racks of shrink-wrapped cans and packets as far as the eye can see.

Most have come from big name retailers, notably Morrisons. There is a separate section of extra supplies donated by Dean's home town of Redditch, and sourced by his son, Samuel. These will simply be added into the boxes as a bonus to fill up any available extra space - a packet of biscuits here, a jar of pickles there. 'It all makes a difference,' says Dean cheerfully.

It is a reminder that, however helpless we may feel in the face of such ghastliness on the far side of the continent, there really is something we can do about it. It may not seem much. But when it ends up feeding half a million people - and that is just for starters - it is more than a gesture.

For these ostensibly unexceptional scenes on an East Midlands industrial estate genuinely represent a collective war effort which could help avert a humanitarian catastrophe in 21st century Europe.

DAY 55 - April 20, 2022, DAILY MAIL

Ukrainian mother, 27, is stuck 'in limbo' with her ten-month-old son as they await permission to enter UK... pending a security check on HIM

Red tape has forced a ten-month-old Ukrainian refugee to wait to get into Britain with his mother - so that he can be security checked.

Misha Pryimak and his mother Tatyana, 27, are stuck in 'limbo' in Warsaw having made a treacherous 500-mile journey from their home in a suburb of the Ukrainian capital Kyiv.

Under Home Office regulations, even children under five must undergo 'biometric tests', including having a digital photo taken of their face. Unlike older children and adults, they do not have to have fingerprints taken.

Misha's appointment took place last Thursday, but Mrs Pryimak has been told it could take up to three weeks for the baby boy's permission to travel to be granted.

Mrs Pryimak has already received her visa after a 17-day wait, but they cannot travel until Misha's application has been approved.

She said: 'I don't understand why Misha can't travel on my visa. He's just a little baby. Of what danger can he possibly be to the UK?

'I am feeling sad, alone, frustrated and overwhelmed.'

The pair are being offered a home by sponsors Julie Lowe, 52, an occupational therapist, and husband David, 56, a nurse, at their home in Rothbury, Northumberland. Mrs Lowe said yesterday: 'The message from the Home Office is that biometrics are needed to protect the security of the UK. But this is a baby.'

Mrs Pryimak, a part-time law student who also ran a leather goods business with her husband Leonid, 40, first applied for a visa on March 20.

Having left her husband behind to fight, she is now being supported financially in Poland by the Newcastle charity Make A Difference. She said: 'I am so grateful for all the help I have been given by my host family and the charity. I am also thankful to the people of the UK for opening their homes up to refugees like me.'

The Pryimaks lived just 12 miles from the battle-scarred town of Irpin, which has been devastated by Russian shelling. The family often had to shelter in a basement.

A Government spokesman said: 'In response to Putin's barbaric ***invasion*** we have launched one of the fastest and biggest visa schemes in UK history.'

DAY 54 - April 19, 2022, DAILY MAIL

Bishop's praise for YOUR generosity: Odessa cleric says £11m donations of Mail readers show Ukraine is 'not alone' in fight with Russian troops

The Bishop of Odessa yesterday hailed the generosity of Mail readers for showing Ukraine that it is 'not alone' as it struggles with the horrors of war.

Stanislav Szyrokoradiuk thanked supporters of the Mail Force appeal, which has raised a phenomenal £11million since Russia's ***invasion***.

Mail Force is using £4million of the money donated by kind-hearted readers to send half a million boxes of food aid to starving families in eastern Ukraine.

The huge sum has been matched by the Ukrainian embassy in London. Some 20 tons of supplies which have already reached Poland from the UK are on their way to Ukraine by freight train.

Bishop Szyrokoradiuk, 65, who oversees the Roman Catholic Diocese of Odessa-Simferopol including much of southern Ukraine and Crimea, said: 'We are very grateful to the readers of the Mail for their cooperation because we know that Ukraine us not alone.

'Britain is our country's best friend and we consider Boris Johnson as a brother. He is a very strong and tough man. The people of Britain have done a lot for us so we are praying for them.'

He added: 'In Mariupol we hear that there are lot of people blocked in their basement without food and without water. For the people in these Russian-occupied territories, food and hygiene is their number one demand.'

His praise came amid a fresh chorus of support for the food campaign, launched in the Mail on Sunday, including a call from Defence Secretary Ben Wallace for readers to keep giving generously.

'The generosity of Mail readers is an extraordinary show of solidarity with the people of Ukraine,' Mr Wallace said.

'As well as getting vital aid to vulnerable people, the campaign will show Russia that the world is united in support for Ukraine in the face of Putin's aggression. I would urge readers to keep giving whatever they can to this momentous effort.'

Fellow Cabinet minister Jacob Rees-Mogg added: 'Since 1896 Daily Mail readers have been the heart and soul of our nation.

'Once again their generosity is called upon and once again the call is answered as they come to the aid of the brave Ukrainian people who suffer at the hands of Putin.'

The latest support follows praise from Boris Johnson and Ukrainian president Volodymyr Zelensky, who has thanked Mail readers for their 'generous support'.

Supplies are a top priority for the Ukrainian government, with Vladimir Putin accused of attempting to 'starve innocent civilians'.

The boxes, made with help from nutritionists, can feed one person for a week. They are packed with 14 items including tinned fish, pasta, rice and porridge.

Millions of items of food have been sourced by the Confederation of British Industry and consultants Accenture from manufacturers and supermarket giant Morrisons. None of those involved in the project will make any profit.

Meanwhile, the United Nations' refugee agency said yesterday that more than 5million people have now fled Ukraine following the Russian ***invasion*** on February 24.

This includes 4,934,415 Ukrainians and nearly 215,000 people from other countries - mostly students and migrant workers. It is one of the fastest-growing displacement and humanitarian crises ever.

Mail Force, a registered charity, was set up during the pandemic to supply personal protective equipment to NHS workers. It also funded 26,000 laptops for underprivileged children whose education was impacted by lockdown.

The Mail Force campaign to help refugees of the war in Ukraine was launched after the Russian ***invasion***. Since then, ordinary Ukrainians have thanked Mail readers for their support.

Natalya Boyko, 61, a cook from the city of Bucha who is now in Kyiv, said: 'The Daily Mail readers who collected this money that they earned themselves have made themselves stand out by giving to us. It is impossible to put it into words, but great respect to them. May God protect them.'

Alongside food boxes, Mail Force has donated almost £4million to charities including the United Nations High Commissioner for Refugees, Care International, The Halo Trust, AMAR Foundation, Refugee Council and Refugees at Home. Every penny donated is used to help Ukrainians in need.

DAY 54 - April 19, 2022, DAILY MAIL

History repeating itself: Sisters tell of misery as they are forced to leave Ukrainian home... 28 years after they fled Georgia in fear of Russia-backed troops

For the second time in her life, Angela Dzahnoian has been forced to flee the horrors of war.

The lawyer, 35, originally from Sukhumi in Georgia, still remembers at the age of six hearing 20 masked Russian-backed separatists ransack their house in 1994.

They jumped over a fence and stormed in, startling their parents and grandparents. 'They stole our food, our jewellery, even the carpets,' Angela recalled. 'They beat up my parents and grandparents.'

She and her sisters, Diana and Liana, now 30 and 33, were getting ready for bed on that night.

The incident haunts them and their mother Marina, 54, to this day. The next day, the family, which has Armenian roots, put their possessions into a car and drove to Ukraine.

Three decades later, the family saw history repeat itself as Angela and her daughter Amelie, seven, escaped from the Ukrainian town of Chaplynka, which has been under Russian occupation for much of the past seven weeks. She met her sister Diana at a drop-in centre for displaced Ukrainians in the southern city of Odessa which is safe for now.

'Whenever we would go to buy food, the Russian soldiers would just steal it at checkpoints,' she said. 'At the start, local farmers would help by giving out produce. But their resources are exhausted. It is very hard to buy bread. The Russians do not allow aid to go inside.'

The single mother said she barely left her house because she was too scared of being shot.

She got out of Chaplynka on Saturday, with her sister Zhanna, 22, and her 10-month-old son Artem. 'It was frightening with all the shelling,' she said.

Twelve hours later, the four sisters ate together at Diana's flat in Odessa. All of them are now naturalised Ukrainians and proud of their 'homeland'.

Angela said: 'We do not want to be Russian. We do not want to live under their flag. If we leave Ukraine, we will do it as a family.'

DAY 54 - April 19, 2022, DAILY MAIL

Mail Force's £20,000 gift helps keep reporters safe on frontline of war in Ukraine

Ukrainian war reporters are being protected by kit bought with the help of a £20,000 donation from the Mail.

At least 21 journalists of all nationalities have been killed since Russia invaded on February 24, with vital body armour initially in short supply.

But the money from the Mail has now provided protective equipment to Ukrainian journalists bravely reporting from the front line, or exposing atrocities committed by Vladimir Putin's forces.

The cash comes from company funds and not from the generous donations from readers to the Mail Force Ukraine Appeal. Among those benefiting is renowned photojournalist Bohdan Bortakov, who received a helmet and vest.

Another recipient, Andriy Kovalenko, has been working as a fixer for foreign journalists, helping them tell his country's stories to readers and viewers around the world.

Praising the donation, he said the equipment had enabled him to reveal the truth about 'war crimes, executions, mass graves and destroyed cities'.

The Daily Mail's contribution, which was paid via the European Federation of Journalists, is also being used to fund a network of 'solidarity centres' where journalists can work and recuperate while sharing knowledge with colleagues.

Sergiy Tomilenko, president of the National Union of Journalists of Ukraine, said: 'Journalists and the media are targeted by the Russian invaders as enemies for reporting the war crimes they have committed.

'So we are very grateful to the Daily Mail for helping to fund equipment to help them report safely from the front line. Your support is extremely important, and priceless.'

Culture Secretary Nadine Dorries last night thanked 'all those working in Ukraine to report on the barbaric Russian ***invasion*** and Putin's despicable actions'.

She added: 'Every day journalists are risking their lives and it is absolutely right that we do all we can to support them.

'I am very pleased that the Mail has donated support to Ukrainian journalists on the front line.'

DAY 53 - April 18, 2022, DAILY MAIL

Simply wonderful! Sir Keir Starmer and Liz Truss lead praise as Mail readers' generosity sends 500,000 boxes of food to starving Ukrainian families

The Daily Mail's crusade to feed starving Ukrainians won widespread praise yesterday.

Labour leader Sir Keir Starmer hailed our readers and said they should be proud of their 'wonderful' help to send food to desperate families in the war-ravaged nation.

After the mission was launched in yesterday's Mail on Sunday, urgently needed parcels of supplies are on their way across Europe, and a parade of lorries will follow every day, each packed with non-perishable items.

Boris Johnson and Ukrainian president Volodymyr Zelensky endorsed the ambitious Mail Force crusade.

Mail Force is using £4million of the astonishing £11million raised by kind-hearted readers to help send 500,000 aid boxes east with the assistance of the Ukrainian embassy in London.

The embassy is matching the £4million, and the joint effort has already seen 20 tons of food from the UK reach a secure depot in Poland.

From there, the boxes will be loaded on to freight trains and transported to the east of Ukraine where the Kremlin is waging a cruel campaign to 'starve innocent civilians', according to Ukrainian officials.

Foreign Secretary Liz Truss heaped praise on Mail readers yesterday, writing on Twitter: 'Your vital donations will help save lives and support Ukrainians in the face of Russia's barbaric ***invasion***.'

Mr Zelensky has thanked the newspaper's readers 'for your generous support', adding: 'These food boxes will help those in desperate need.'

Mr Johnson, who met the president in Kyiv earlier this month, said the generosity of readers was 'humbling', adding: 'Your phenomenal kindness will support the most vulnerable in Ukraine as they needlessly suffer at the hands of Putin's barbaric war.'

Sir Keir said: 'Mail readers have demonstrated the great generosity of the British people when faced with the horrific images that are coming from Ukraine.

'We must call this Russian aggression out, cripple the Putin regime with sanctions and support the brave Ukrainian people with military equipment and humanitarian support such as that which has been so wonderfully provided through the Mail's food boxes campaign.'

Labour MP Sarah Champion, the chairman of the Commons international development committee, added: 'The Mail's campaign enables us to directly help the people of Ukraine. I urge you to contribute and know that your donations will be going to those who need it most.

'I would like to thank every Mail reader who has helped the people of Ukraine - your generosity really will help save lives.'

Lib Dem leader Sir Ed Davey added: 'The kindness of Mail readers is truly heartwarming, it shows the tremendous support the British public have to offer to Ukrainians fleeing Putin's war.'

When it was launched shortly after the war began, the Mail Force appeal became the fastest newspaper fundraiser in the world, kick-started with a £500,000 donation from the Mail's parent company DMGT at the personal request of Lord and Lady Rothermere.

When we asked the Ukrainian embassy in London where help was most needed, the answer was direct: food. Taras Krykun, counsellor for economic affairs, said the No 1 priority was to avoid his people 'starving to death'.

Along with Ukraine's ambassador to the UK, Vadym Prystaiko, Mr Krykun has been co-ordinating an operation to create food boxes crammed with enough items to feed one person for a week.

Baked beans, tuna, dried pasta and biscuits are among the 14 items in each box, and nutritionists have been consulted to ensure the right mix of ingredients required to provide healthy meals for refugees forced to flee their homes.

Weighing 17lb (8kg), each box will provide about 12,000 calories, or 1,700 calories a day.

The boxes are being assembled in a Leicestershire depot run by Oakland International, one of the country's top packaging and distribution firms.

The Confederation of British Industry and consultants Accenture have sourced millions of food items from manufacturers and supermarket giant Morrisons.

None of those involved in the project will make any profit.

It comes as the head of the World Food Programme, David Beasley, warned food shortages caused by the conflict could lead to 'a catastrophe on top of a catastrophe'.

DAY 53 - April 18, 2022, DAILY MAIL

The mothers who went hungry so children could eat: JAMES FRANEY reports on the families who are starving after Russian troops stopped Ukrainian aid from reaching village

One mother sells her son's beloved bicycle to make sure he is fed, while another scrabbles around for supplies in between Russian shelling.

Natalya Shablevskaya and her family have spent the past four weeks cowering in a cramped, freezing cellar, barely the size of a double bed, living off whatever food they could get their hands on.

Their four-bedroom house in the tiny village of Vaslikiv, close to Mykolaiv - a strategically important city 70 miles north-east of the port of Odessa - was regularly rocked by the reverberations of Russian bombing.

She would wait for a lull in the bombardment before clambering upstairs in the early morning to fetch food for her ten-year-old son Danil, mother Olga, 63, and father Peter, 72.

'We got used to eating very little because we were gripped by fear,' says Miss Shablevskaya, a post office clerk, who has now reached the relative safety of Odessa.

'You never knew when the next explosion was coming. We had just a few basic supplies that the Russians had given us, but most of it was out of date. They were disgusting. They were not fit for humans. We had no other choice.

'The Russians were preventing Ukrainian aid from arriving to our village and blocking all humanitarian corridors.'

The 42-year-old single mother has no doubt about who is the architect of this policy. She says Vladimir Putin is 'absolutely' trying to recreate the Ukrainian famine of 1932-33.

Ukrainians call it the Holodomor, or 'hunger extermination', a horrifying event that killed at least four million people.

Now Miss Shablevskaya's mother Olga describes the horrors inflicted by Russia in this latest attack.

'We had to decide who got what. We gave most of what we had to Danil and Peter.'

Peter, a former farmer who suffers from a severe form of Parkinson's disease, is bedridden and barely able to communicate.

He desperately needs supplies of insulin to ease his condition. To make matters worse the family had no gas, no electricity and no running water for more than a month.

On the very rare occasions they managed to get the ingredients for a hot meal, they burned some of their books to start a fire.

'The worst thing was the damp and the cold,' says Miss Shablevskaya.

'We wrapped ourselves in whatever blankets we had but the temperatures dropped close to freezing at night.'

The Mail met the family at a shelter in the southern port that has been welcoming displaced Ukrainians fleeing Russian aggression in other parts of the country.

They left Mykolaiv at 4am yesterday after a volunteer with good military contacts managed to offer them a way out.

But the conflict is never far away. As dawn broke in Odessa on the day of their arrival, air raid sirens blared out across the city amid unverified Russian claims that Putin's forces had shot down a Ukrainian military plane nearby.

And Miss Shablevskaya says her son still has nightmares about the constant explosions that became a daily routine back at home.

'Earlier he heard two bangs and asked if we were still safe,' she says.

The family plans to move to Poland, where they have relatives who form part of the now four-million strong Ukrainian community in the country.

For now, all of them are packed into a tiny bedroom with one bunkbed and two single beds.

Scattered across the room are the few possessions that they managed to grab before running for their lives.

'We have been wearing these same clothes for the past month,' Olga says.

Among them are some of Danil's Lego bricks, which he takes with him everywhere.

'I want to go to England one day,' he says in perfect English. 'It is such a beautiful language.'

In the room next door is another child refugee, 12-year-old Alexander Kisilyov.

His mother Olga Kisilyova, 39, explains how she had to sell her son's toys and belongings, including his cherished bicycle, so she could put food on the table in their one-bedroom, first-floor flat in the Russian-occupied city of Kherson.

'The food shortages started a month ago,' she says.

'We had to get up at 4am to queue up in the freezing cold outside the supermarkets.

'Supplies were not getting through, so everything cost more. Prices of food had quadrupled by the time we left three days ago.'

Russia's shelling of Kherson meant Mrs Kisilyova's husband of 12 years, Vladimir, lost his job as a construction worker, compounding their misery.

'We had to dip into our savings to buy basic things such as bread, milk and sugar,' says Mrs Kisilyova, a nursery school teacher.

Alexander, who is also known as Sasha, is a keen wrestler who used to eat meat or pasta before taking part in his competitions.

'I skipped meals so that he had enough food,' Mrs Kisilyova explains as she hugs her son tightly.

'I was acting like any normal mother would.'

They were among the 45 people who scrambled on to a 20-seat minibus to escape Kherson, leaving Vladimir behind.

'We heard the sounds of shelling everywhere as we left,' she says. 'I was praying to God to save me and my son.'

Mrs Kisilyova and Alexander made it to Odessa on Good Friday.

And yesterday, on Easter Sunday, worshippers packed into the 19th-century Cathedral of the Assumption of the Blessed Virgin Mary as Catholics in the city celebrated the festival - Orthodox Christians will celebrate next week.

Addressing his congregation, Bishop Stanislav Szyrokoradiuk had a message of hope: 'Despite the war, let us pray for peace this Easter.' One woman in her late 20s fell to her knees and made the sign of the cross.

DAY 37 - April 2, 2022, DAILY MAIL

Diabetic Weronica, 7, gets vital insulin thanks to YOU: Red Cross medics arrange for emergency vials using funds from the Mail's Ukraine Refugee Appeal

Trapped in Ukraine and with her vital supply of insulin almost exhausted, diabetic seven-year-old Weronica was in danger of falling seriously ill.

Thankfully, help was at hand from the Red Cross, whose work is partly funded by donations from generous Mail on Sunday readers.

Red Cross medics in Poland arranged for emergency vials of insulin to be delivered to Weronica, who was 170 miles away in the town of Dubno, and for a prescription that will provide her with a two-month supply of the drug.

'She is so happy. She is so grateful for the help,' said family friend Tatiana, 39, who appealed for assistance when she arrived at Przemysl train station in Poland, having left Weronica and her distraught mother behind in Dubno.

It took Tatiana two days to reach Poland, travelling by car, foot and train. She arrived at the border with two of her sons and her husband, a priest, who returned to Dubno with the insulin.

'My own children are safe now, so I must do all I can to help Weronica,' Tatiana said.

'My husband has taken the medications back to Ukraine. As a priest, he feels it is his duty to stand by the people of Ukraine.'

The record-breaking Mail Force Appeal has given the Red Cross £500,000 to support its efforts to get food, water, medicine and other essentials to those affected by the conflict. Readers have inundated the appeal with more than 70,000 cheques and a flood of online donations since it was launched five weeks ago. The total raised has reached a staggering £10.4 million.

The appeal was kick-started with a £500,000 donation from The Mail on Sunday and Daily Mail parent company, DMGT, at the personal request of chairman Lord Rothermere and his wife Lady Rothermere.

Like many of the four million refugees who have fled Ukraine, Tatiana described the terror of missile strikes. 'We saw our neighbourhood bombarded. We were terrified. Especially the children. They saw missiles dropping from the sky.

'We knew we had to go straight to the basement, but the children just froze. As soon as there was an opportunity to leave, we packed what we could carry and we ran.'

Mother-of-three Grazyna arrived at Przemysl with her 18-year-old son Marian on the same day as Tatiana. Marian is a student at the Krakow University of Technology in Poland but was trapped in Ukraine because he was visiting his mother when the fighting started.

He was twice refused permission to leave the country but was finally allowed to flee with Grazyna after Ukrainian authorities announced that those studying abroad could return to their studies.

'I have never been so happy,' Grazyna said. 'I have two older daughters already studying in Poland so I know as soon as my son joins them they will be safe.'

DAY 36- April 1, 2022, DAILY MAIL

Mail refugee appeal hits marvellous £10m: Keen musician, 11, whose treasured guitar, toys, school books and bicycle were destroyed when his home was bombed is among those to benefit from YOUR generosity

The Mail's campaign in aid of Ukraine's refugees today tops a staggering £10million thanks to our incredible readers.

Generous donations to help evacuees are still rolling in, as the Mail Force Ukraine Appeal reached a landmark £10.4million, including more than £9million from readers.

Your peerless altruism continues to give support to Ukrainian families who have fled the fighting and those seeking sanctuary in Britain.

One is keen musician Vitia, 11, whose treasured guitar, toys, school books and bicycle were destroyed when his home in Volnovakha, eastern Ukraine, was bombed. Now he and his mother Olena are safe in a shelter in Vinnytsia, on the other side of the country, thanks to Unicef, which has received £500,000 from Mail Force.

An aid worker even managed to find the youngster a replacement guitar.

Olena described how her son had asked her to record a video of him playing his new instrument. 'He misses his music teacher very much,' Olena said. 'She has also become a refugee. And to cheer her up, he decided to play for her.'

Before fleeing their home, Vitia and his family spent several days without food, heating or any way of communicating with the outside world. Nights were spent in the basement of their home, with mattresses against the windows.

'I only survived those days thanks to Vitia's support,' Olena said. 'We were lying in the dark and he was hugging me, saying: 'Mum, everything will be fine'.'

Unicef says 4.3million children have been displaced by the war in Ukraine.

Today we announce the latest grant of more than £338,000 to Refugees at Home.

The cash will enable the charity to 'dramatically' expand its programme, which links up evacuees and British households who have offered spare rooms.

Co-founder and trustee Sara Nathan said last night: 'We are really grateful to the Mail's readers for supporting us and other groups who are trying to make the lives of Ukrainians fleeing war as positive as possible.

'The money will make a huge amount of difference to our capacity. It is such a relief that the only thing we don't have to worry about is resourcing our work. Thank you.' Miss Nathan said the charity has already started hiring ten extra staff to administer its programme.

The donation will also help fund suitability checks on hosts, as well as support for sponsors and evacuees. The Mail Force campaign was kick-started by a £500,000 donation from parent company DMGT at the personal request of Lord and Lady Rothermere.

Since then, the money from generous readers has flooded in. Other aid organisations to have received grants include the United Nations refugee agency, UNHCR, which accepted £1million, while the Red Cross and CARE International received £500,000 each.

DAY 35 - 30, 2022, DAILY MAIL

A businessman desperately trying to bring his wife's cousin, her friends and one of their mothers from Ukraine to the UK has branded Britain's visa system a 'disgrace'.

Mark Lewis and his Ukrainian-born wife Irina spent nearly eight hours filling in forms for the women to come to Britain under the Homes for Ukraine scheme.

The group - who spent 24 hours travelling to the Polish border - had to trek to Warsaw because some didn't have passports with them. So far, only four of their seven applications have been approved.

Mr Lewis, 56, who works in finance and lives in Chertsey, Surrey, is a lifelong Conservative voter - but says the fiasco may have changed his mind.

He said: 'Frustration is the polite word for what we feel. They won't be able to get my vote again unless they sort this mess out.'

'I've got this horrible feeling (the system) is completely not fit for purpose,' he added.

Mr Lewis and his Kharkiv-born wife are at their wits' end trying to get second cousin Katya Katchan, 21, five of her friends and one of their mothers to safety.

The girls are Kostya, 21, Viktoriia, 18, Andriana, 16, Viktoriia, 20, plus Yelyzaveta, 20, and her mother Nataliia, 55.

Katya spent a week sleeping in a corridor in her parents' apartment in Zaporizhzhia, south-eastern Ukraine, as shells rained down.

Frustrated by the visa ***process***, Mr Lewis said: 'I don't know how anyone is meant to do it, while they're fleeing a war zone and running for their lives, on a mobile phone - and they don't speak English.'

While the women wait, Mr Lewis fears for their safety.

He said: 'There's a lot of predators. For people traffickers it's like all their Christmases have come at once; these girls are young and naive.'

DAY 34 - 29, 2022, DAILY MAIL

My great escape... with my cat! Wheelchair-user and his beloved pet flee war-torn Ukraine to safe haven as MailForce fund tops £9million

Some have fled the bombs while others have sheltered in basements, but when you have a disability, neither is an easy option.

For wheelchair user Vitaly, getting to safety came with added challenges - especially since he refused to leave his cat behind.

But he has now escaped from the hell of Ukraine, with help from the Red Cross, whose work is partly funded by donations from generous Daily Mail readers.

Vitaly, his fiancee Valentyna, her mother Svitlana and their cat Timosha come from the city of Chernihiv in northern Ukraine.

They lived on the fifth floor but the electricity supply was cut, stopping the lifts from working.

While other residents sheltered from bombardments in the basement, Vitaly was not always able to join them, although sometimes kind neighbours would carry him to the underground refuge.

But with no water or heating, the family eventually decided it was too risky to stay in Chernihiv.

Humanitarian groups helped them to move to Kyiv, where they spent two days, before moving to Lviv in western Ukraine.

From there, the Red Cross organised transport for evacuation to Italy.

Millions of refugees, mostly women and children, have now fled Ukraine and are being given temporary new homes in countries across Europe.

The Mail Force Ukraine Appeal was launched a month ago and has raised £9.1million.

The first £500,000 came from a donation by DMGT, the Mail's parent company, at the request of Lord and Lady Rothermere. Since then, donations have flooded in from readers, firms and philanthropists.

Stanley Solts, of Bromley, south-east London, wrote a cheque for £100, and wrote: 'I was horrified to see the children in the shelter.

'It reminded me of the time in my childhood when I was taken by my mother and grandparents to the London Tube to avoid the Blitz in 1940. Keep up the good works.'

DAY 33- 28, 2022, DAILY MAIL

Three generations of one family safe... thanks to you: Heartwarming story of Ukrainians sheltering in Poland shows help is at hand as our appeal fund hits £9.1m

By James Franey, Europe Correspondent for the Daily Mail

Three generations of a Ukrainian family who fled the Russian ***invasion*** are now sheltering in Poland thanks to the generosity of Mail readers.

Svetlana Tsymbal, her daughter Alona and granddaughter Sofia reached the Polish capital after attacks on their hometown of Zaporizhzhia forced them to flee earlier this month.

They are now being kept safe from Vladimir Putin's barbarism - with the help of Mail Force's Ukraine Refugee Appeal which has so far raised more than £9.1million.

But although they have managed to escape the violence, Svetlana, 48, is already dreaming of returning to her homeland in south-east Ukraine.

'We are still trying to digest what happened,' the shop assistant said. 'I just want to go back home.'

Svetlana, 29-year-old Alona and nine-year-old Sofia left after Russian forces attacked the city's nuclear power plant - which is the biggest in Europe.

'We had spent most of the previous two weeks underground in a bunker. We could hear the planes flying and the bombs falling,' Svetlana said.

The Mail met the family at a centre run by the UN Refugee Agency (UNHCR) in central Warsaw, which is providing money, aid and counselling to Ukrainian refugees.

After a short interview ***process***, Svetlana and her family managed to sign up to a cash payments system which is partly funded by donations from Mail readers.

Under the system, she will be able to go to any ATM in Poland and withdraw money with a special code that is sent to her mobile phone. The payments amount to 700 zloty per month per Ukrainian refugee - equivalent to £125 - for an initial three months.

Poland's government has already said Ukrainian refugees will be eligible for welfare support. But this assistance money will help buy goods, medication and essential services as new arrivals wait for their benefits applications to be ***processed***. A senior official from the UNHCR, which has received £1million from the appeal, has praised kind-hearted Mail readers.

Marin Din Kajdomcaj, the UNHCR's representative in Poland, said: 'A big thank-you to the readers of the Daily Mail and The Mail on Sunday for their incredible generosity.

'This cash assistance will ensure that refugees are able to meet their basic needs during this difficult period in dignity of choice.'

More than two million Ukrainians have entered Poland since the war broke out just over a month ago. The Mail's appeal was launched shortly afterwards, and readers have flooded it with more than 67,500 cheques as well as online donations.

The Mail Force appeal began with a £500,000 donation from parent company, DMGT, at the personal request of Lord and Lady Rothermere.

The charity is giving money to aid organisations already helping refugees. As well as the donation to the UNHCR, other organisations to have received funds include the Red Cross, Unicef and CARE International. Donations of £250,000 have also been made to the AMAR Foundation and The Halo Trust.

DAY 30- 25, 2022, DAILY MAIL

'We told our daughter we were leaving for holiday. We had to go for her sake': Parents tell of agony of uprooting family to flee Ukraine for safety of Poland... where Mail Force fund helps provide shelter for refugees

By James Franey for the Daily Mail

Reunited in safety, a family who escaped the bombardment in Ukraine has told of their journey to reach Poland - where they can shelter with help from Mail readers.

The Red Cross operation, partly funded by Mail Force donations, is providing clothes, food and blankets.

Nataliia Zalezynska, one of her great-aunts, Olexandra, 75, her aunt Svetlana, 39, and Svetlana's son Danilo, 12, all met up after fleeing from different parts of Ukraine.

Nataliia, 30, told her four-year-old daughter Zarina that they were leaving their hometown of Zhytomyr, west of the capital, to go on 'holiday'.

'We heard the planes flying over our houses, attacking our city from the air,' said Nataliia in flawless English, still visibly shaken by being forced to leave her homeland because of the fighting.

'Home is best, but we had to leave for the sake of my daughter. We don't want our children to become children of war.

'I told Zarina that we were going on a trip to Poland. She is already asking when we will be going back home to Ukraine.'

The final leg of their journey was arduous, taking more than 12 hours as they negotiated Ukrainian military checkpoints and queues at the crossing close to the Polish border town of Zosin.

Now safe in the Polish capital Warsaw, where Zarina is starting at a new pre-school, Nataliia told the Mail yesterday she had been impressed by the generosity of the Red Cross volunteers in Poland.

In the Red Cross office, people work daily to sort items bought with money donated by people from all over the world, including Mail readers, as well as deliveries that come from all over Europe, including Britain.

Maria Skzwarczynska, a 65-year-old retired tax adviser, said she had decided to sign up for the daily eight-hour shifts to take her mind off the horrors unfolding in neighbouring Ukraine.

Her son is a war photojournalist currently covering the conflict and she said she lies awake at night fearing what could happen to him.

'I decided to come here to take away the stress from worrying that he could die,' said Maria.

She volunteers with her 71-year-old husband Jerzy helping Ukrainian refugees.

'The most important thing we try to do is make the people who come here smile, make them feel loved,' the Warsaw native said.

Although most of the Red Cross volunteers are from the surrounding countries, some have come from further afield.

One man decided to join the Red Cross's relief efforts in Poland from the other side of the globe.

Stephen Harte, a 61-year-old from Victoria in Australia, quit his job as an accountant to book a one-way ticket via Dubai for Warsaw so he could volunteer with the Red Cross.

'Doing the books for some local company didn't really add value,' Mr Harte said as he helped sort donations of nappies.

'Just sitting there watching all this happening in Ukraine wasn't enough.' Mr Harte, who has three grown up children, was four years off retirement but said his stint with the Red Cross team has been 'really fulfilling'.

'I'll be here for as long as they need me,' he said. 'I'll hopefully pick something up when I get back.'

At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000 to the Mail Force Ukraine Appeal.

DAY 29- 24, 2022, DAILY MAIL

Thanks, Mail readers, for all you've done for my people: Vitali Klitschko, the world champion boxer who is now mayor of Kyiv, sends a message of gratitude... and raw courage

By Richard Pendlebury and Jamie Wiseman for the Daily Mail

Dr Iron Fist, as he was known in the ring, folds my puny hand into his once lethal right. In the woods below us the crackle of small arms practice for citizen volunteers continues.

Further away, on the edge of this great city of which Vitali Klitschko is both civic leader and now totem of wartime resistance, the grumble of Putin's artillery is unabated.

'Thank your readers for what they have done for us already,' the mayor of Kyiv tells me, in reference to the Mail Force appeal that has so far raised almost £8.5million for Ukraine's refugees. 'But tell them we need more help still.'

And so ends perhaps the most memorable press conference I have ever attended.

Three-time world heavyweight title-holder Mayor Klitschko is marked as the second most important target for a Russian 'decapitation' strike against Ukraine's leadership, after President Zelensky.

Consequently, up until now, any media interviews have largely been conducted via Skype.

But today he wants to throw off those shackles and meet us in person. And so the Mail - and a select number of other representatives of the international media - has been invited to a necessarily clandestine, last-minute, rendezvous with the mayor and his brother, fellow former world heavyweight boxing champion Wladimir.

Just a few hours after the latest 35-hour lockdown has ended, we meet outdoors, beside the fountain of St Michael the Archangel in Volodymyrska Hirka Park.

On one side our backdrop is the golden domes of the monastery and cathedral, on the other a panoramic view across the besieged city.

It is a charming spot. Birds sing and squirrels gambol among the landscaped gardens and ornate lamp posts.

There is bandstand perched amid the black cherry and willow trees, still leafless though the bright weather tells us that vesna - spring - has arrived. And yet the sights and sounds of war are all around us.

The brothers arrive and the first thing you notice, inevitably, is how big they are. And how they carry themselves - stalking into the park like panthers, accompanied by their security detail.

The Klitschkos do not appear to be wearing body armour like everyone else. Their expressions are stern, watchful.

Like boxers at a weigh-in. Vitali is 50. Wladimir the little brother - if you can describe someone who is almost 6ft 6in tall as little - will be 46 tomorrow. Yet Vitali is taller still. He is also rather more grey around the temples.

Both speak good English and without notes. 'The times are tough and I am responsible, as the mayor of Kyiv, to give a good life for everyone, to provide services, electricity, heating, water,' Vitali begins.

'Right now we guess half of the population, especially women and children, have already left.'

He turns to his brother: 'I very much appreciate Wladimir, who uses his influential contacts with [international] business people...'

At this moment the air raid sirens begin to wail, again. There is the distant boom of explosions. But the mayor carries on as if nothing is happening: '...and political decision-makers regarding humanitarian help. We need support right now in this time.'

Wladimir makes some obliging comments about the journalists who are present. 'All of us Ukrainians have a lot of respect for you, because you could be somewhere else,' he says.

'Some of you have been killed but it's not stopping you. Ukraine [will have been] under continuous attack for one month soon. But our will is as strong as it could be and most importantly [so is our will] to defend our democratic principles.'

The sirens swell but so does Wladimir's oratory: 'It's going to be a long run and we must have patience and endurance. We are defending the world.

'People speak about a possible world war. I believe it has already started. The whole world is against this senseless war that Russia, that Putin's regime, has started. Ukraine is just the beginning, so we better stop them here.'

The mayor is asked what the current military threat to Kyiv is.

'It is not top secret that the target of the aggressors is the capital of Ukraine,' he says.

'They had plans three weeks ago to be here in the capital. Everybody was surprised how tough the Ukrainian army and soldiers [were]. Because we stand in front of one of the strongest armies in the world.'

'I tell you why we are so tough and why the Russian soldiers are not so effective,' he adds.

'They are fighting for their money. But we are defending our children, our families, our city and our future. We don't want to be slaves.

'We don't want to live in a dictatorship. We want to be part of the European family, [as a] democratic, modern European country.

'The Russians want to rebuild the Russian empire and we don't know where that ambition ends. Maybe the border of Poland, maybe the Czech Republic, maybe Germany. But our soldiers destroyed their plans to circle Kyiv.'

It is not just the soldiers who are resolute. 'A few days ago in Obolon district, a rocket destroyed an apartment building,' Vitali says.

'An old man, over 60, came to me and said, 'Mr Mayor, what do I do? My home is destroyed.'

'I suggested he leave but he said, 'I'm sorry I do not want to leave. This is my hometown. I have lived here all my life. Mr Mayor please just give me a weapon.'

Vitali gives a smile that might be a grimace: 'The Russians receive the same answer from all our citizens.

'The people want to defend their city and show the spirit of Kyiv. His message to the Russians? 'Leave our homeland. Go home.'

He said that, so far, 264 civilians have been killed in Kyiv, with another 300 in hospital. Some 80 buildings have been destroyed.

As the press conference draws to a close, Mayor Klitschko is more than happy to shake my hand and pose with the Mail Force appeal poster.

Britain has long had a special place in his heart. It was in London in the summer of 1999 that he won his first world heavyweight title - against British WBO champion Herbie Hide.

An hour before I meet the brothers I watch a YouTube video of the fight. It doesn't take long.

Hide enters the ring with a swagger, as if expecting an easy win - rather like the Russian army did a month ago.

Klitschko, sporting shorts in the now iconic blue and yellow of his country's flag, boxes technically - twice flooring his opponent. And on the second occasion Hide is unable to continue. It's a TKO.

The sword-wielding St Michael on the ornamental fountain is also surrounded by enemies: eight cringing dragons perched on the lip of the fountain's bowl.

This is why Mayor Klitschko has chosen it as our rendezvous. 'This is the angel who defends our city,' he says. 'It is a symbolic place. This is the heart of Kyiv.'

With St Michael and Dr Iron Fist stood side by side, no wonder the Russians are struggling.

DAY 28- 23, 2022, DAILY MAIL

'Putin's bombing of civilians, babies and children is nothing less than a war crime... we need to help these besieged human beings': Joan Collins backs Mail Force appeal as refugee fund reaches £8.3million

By Sam Greenhill and Eleanor Sharples for the Daily Mail

Dame Joan Collins branded Vladimir Putin's atrocities a 'war crime' yesterday as she backed the Mail Force appeal for his helpless victims.

The 88-year-old screen legend hailed our fundraiser, which has now hit £8.3million.

She said: 'Putin's ***invasion*** of Ukraine is an atrocity and the shelling and bombing of innocent civilians, babies and children is nothing less than a war crime. The fear, terror and extreme temperatures are causing immense harm.

'I fully support the Mail's Ukrainian refugee appeal, which is trying to help these besieged human beings.'

Money from our generous readers is going to major aid organisations in Ukraine and surrounding countries helping refugees fleeing the ***invasion***.

Among them was a diabetic grandmother of ten, who fled with nothing except her beloved cat in a basket.

Crossing the border to safety in Romania, Olga, 57, sobbed as she was met with a blanket, a hot drink and a friendly face courtesy of Care International, one of the charities supported by Daily Mail readers.

Olga, who struggles to walk after a stroke in 2011, said of her pet: 'She takes care of me when I'm feeling sick, wherever I feel pain.

'It is the same when the bomb alarms go off - she knows to come and lie with me in the bed, and we cover ourselves with the blanket and stay there until it is safe.

'I take the cat on my chest and we cuddle until the alarm is over.'

She added: 'Here in Romania, the volunteers have been so helpful, they helped me with my luggage and registered me for transport and I can finally sit down. Everything about leaving Ukraine is hard. It is so painful - it is so many years of my life, I am leaving everything behind.'

The Mail Force Ukraine Appeal has so far raised £8.3million.

At the request of Lord and Lady Rothermere, the Mail's parent company DMGT donated £500,000.

Many donations are from readers who have sent generous cheques, some of whom shudder at the memory of the war against Hitler.

Beryl Pennington, 90, from Wigan, who donated £10, said: 'I went through the Second World War, sometimes holed up in air raid shelters. My heart goes out to these poor, poor people.'

Widow Tracey Shafe, 63, from Alton, Hampshire, donated £10 for each of her eight grandchildren.

She wrote: 'I was widowed in my thirties and I know how much grief and pain my children have carried for all their lives.

There will be many widows and orphans as a result of this wicked conflict and I just wanted to give something.'

In Ilford, Essex, the Disabled Asian Women's Network raised £460 through members. Its chairman Harsha Popat wrote: 'We wish and pray for all these people, especially the women and children who have been caught up in this situation and hope they find peace and comfort in knowing that we are thinking of them.'

DAY 27- 22, 2022, DAILY MAIL

Baby Lisa is safe and warm now in her new woolly hat... thanks to your donations swelling the Mail Force Ukraine Refugee appeal

By Sam Greenhill for the Daily Mail

With a smile worth a million pounds, this baby receives a kiss from mum and a woolly hat - courtesy of Daily Mail readers.

One-year-old Lisa is safe and warm at last after a terrifying week under Vladimir Putin's bombardment.

The youngster spent nights with mother Yuliia, 42, and her brothers - ten-year-old Mykhailo and Tymofii, 12 - cowering in the basement of their home in Kharkiv. Above ground, Russian forces mercilessly bombed the north-eastern city, where apartment blocks, schools and hospitals were all pounded. In the cold and dark, all that Yuliia could do was hope and pray that the walls would protect them from the deadly explosions outside.

'It was cold and dirty,' she recalled. 'The children slept fully dressed.' Eventually, she grabbed their travel documents and some baby food, and they fled.

'When the planes started flying above our heads, it was very scary,' she said. 'The children were horrified.' Her husband stayed in Kharkiv to take care of his elderly mother.

Her sons are still haunted by their panic-filled train journey to the western city of Lviv. 'There were no seats left on the train. The children were just sitting on the bags at the end of the carriage. And outside the window was explosions and smoke. They were very scared,' she said.

In Lviv, the family were given shelter by Unicef, the United Nations children's charity which is receiving funding from Mail Force.

They were given food and clothing, and most importantly, peace.

'All we had are the documents and clothes that we wore when leaving,' said Yuliia. 'But it's comfortable here. And most importantly, it's quiet.'

To meet the needs of thousands of families, Unicef has given 30 tons of clothing, blankets and hygiene items to centres across Ukraine.

A spokesman said: 'Many families left the regions of the country where the fighting is taking place, having only taken the things that they could carry in their hands. Thanks to your donations, families like Yuliia's can now find much-needed winter clothing.'

Yuliia added: 'I couldn't change the children's clothes because I didn't have anything. And now I have jackets, trousers, hats and everything I need.'

The Mail Force Ukraine Appeal has raised more than £8million. At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000. The charity is distributing the money to where it is needed most.

As well as the Red Cross, a £1million donation is being made to the United Nations Refugee Agency (UNHCR) which is helping families caught in the worst refugee crisis since the Second World War.

Another £250,000 was announced at the weekend for The Halo Trust, the bomb-clearing charity made famous by Princess Diana, to help buy new vehicles and mine-detecting equipment.

DAY 26- 21, 2022, DAILY MAIL

Help is at hand for families stranded in Ukraine exodus thanks to YOUR kindness... as appeal raises more than £8million

By Sam Greenhill for the Daily Mail

Under the ornate arches of Przemysl railway station, Tanja Veklendko and her children are safe at last.

They escaped Ukraine to arrive in the Polish city, where they were immediately given help by the Red Cross, which is being funded with donations from Mail readers.

But Tanja and her three children have left behind her husband and she cannot stop weeping. They fled Krivoy Rog, a city in central Ukraine, after explosions rocked their home.

She said: 'Near my house there is a military base and the other night they were bombing constantly from four in the morning. We were so afraid, so I took the kids and I fled. My husband is still there, I start crying every time I think of that.'

The Red Cross is helping thousands arriving daily at Przemysl station, which is close to the Ukraine border.

Magdalena Michutka Kuras, a nurse and paramedic volunteering with the Polish Red Cross, said: 'We have a big sign, in both Ukrainian and Polish, saying, 'You are safe here'.

It's a powerful message. They say that we are giving them hope for a better future.

'We try to provide them with psychological support because they are separated from their loved ones and worried about their families who are still in Ukraine. They are afraid for fathers, husbands and brothers who are fighting in Kyiv.'

Clutching a bag of toys to hand out on the platform, she said: 'There are about 2,000 people on each train. We receive people who are dehydrated after a very long trip without water, without food.

'They are tired, they are sick. They have high fevers and blisters on their feet after walking many, many kilometres to the border.'

Despite the harrowing stories, she said it was the overwhelming kindness that had surprised her the most since she started volunteering in Przemysl.

She said: 'There are a lot of volunteers from many different organisations and we work together as one. Everyone is smiling. Everyone is happy to help.'

The Mail Force Ukraine Appeal has raised over £8million. At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000. The charity is distributing the money to where it is needed most.

As well as the Red Cross, a £1million donation is being made to UNHCR, the United Nations Refugee Agency, which is helping families caught in the worst refugee crisis since the Second World War.

Another £250,000 has been announced for The Halo Trust, the bomb disposal charity made famous by Princess Diana, to help buy vehicles and mine detecting equipment.

DAY 25 - 20TH 2022, THE MAIL ON SUNDAY

Your £1million for UN mercy mission: How generous Mail Force donations will help fund emergency aid and shelter for millions of refugees forced from their homes by Russia's brutal ***invasion*** of Ukraine

By Mark Hookham and Natasha Livingstone for the Mail on Sunday

The Mail Force Ukraine Appeal today announces its biggest donation so far to help stricken families caught up in Europe's worst refugee crisis since the Second World War.

The United Nations Refugee Agency (UNHCR) will receive a £1 million cash boost from our record-breaking appeal.

Your money will help fund emergency aid and shelter for millions of refugees forced from their homes by Russia's brutal ***invasion*** of Ukraine.

Brave UNHCR staff are already distributing food, blankets, mattresses, baby formula and hygiene packs to the estimated two million people displaced within Ukraine.

On Ukraine's borders, the UN is providing aid and other support to the three million refugees who have streamed into Poland, Romania, Moldova, Slovakia and Hungary.

The Mail Force Appeal was launched three weeks ago and our readers have responded with an extraordinary flood of cheques and online donations.

The total raised has now passed an astonishing £8million.

Actor David Morrissey, who is a UNHCR ambassador, last night said: 'Thank you so much to readers of The Mail on Sunday and the Daily Mail for their incredible generosity to ordinary people in Ukraine who have been caught up in this crisis.'

The MoS last week witnessed how that generosity will help, as thousands of exhausted refugees received help from the UNHCR's partner agencies at Medyka, in South-East Poland, the single busiest border crossing with Ukraine.

Weary from their flight from the shelled city of Dnipro, 51-year-old Olga Sheronova and her son Pavel, 15, were helped to the front of the three-hour border queue and given cups of hot chocolate as they stepped on to Polish soil.

'We left out of fear,' said Pavel. 'The crossing was really hard. On the train our friends have got little children and they were very scared.'

Olga added: 'It is very hard. I am very tired. We are hoping to go to a little city in Germany near Frankfurt. We have family friends there.'

Heavily pregnant Firuza Dodova, 28, a German and English language teacher, reached the crossing with her ten-year-old sister Farishta and mother Suraio, 49, after her home was destroyed in Russia's relentless bombardment of the city of Kharkiv.

Facing a four-hour queue in freezing temperatures, she was spotted by aid workers, who handed her a thermal blanket and took her straight through the border controls. 'Before we left Kharkiv, it was horrible,' she said.

'Every day and night we heard planes and some explosions, especially at night.'

She is desperately worried about her husband Alexey, 29, who had to stay behind in Ukraine and now faces the prospect of missing the birth of their child.

She said: 'Alexey is alive but he is struggling - at any minute everything can change. I don't know what to do or how to help him.

'I just pray that he will survive and some day be reunited with me and our baby. Alexey and I agreed on baby names a long time ago. If God is willing and everything is OK, it will be Alisher for a boy and Amina for a girl.'

On the Ukrainian side of the border, UNHCR has partnered with grassroots organisation NEEKA to help refugees as they queue to cross into Poland. Borys Feniuk, 51, who oversees the operation, praised Mail readers and other UNHCR donors.

She said: 'I want to say thank you on behalf of all Ukrainians to those donating money. And we are really grateful for the help of UNHCR.

'They have helped organise logistics and provided us with mattresses and blankets, because right now you can't buy these things in Ukraine.'

Twelve miles away at Przemysl rail station, UNHCR worker Aneta Ostasz, 39, moved through the crowds of refugees waiting for trains to take them deeper into Poland.

She was looking for drivers who are arriving at the station and offering rides. While most genuinely want to help, some have been charging extortionate prices and stealing identity documents.

After questioning one driver holding a makeshift sign offering a lift to Krakow, Aneta warned a group of refugees about the scammers.

Among the refugees here were Darina Bazdyrieva, 54, and her daughter Natalia, 25, who were huddled together with their cats Cindy and Shivia.

'We came from Kharkiv but we have no family here and nowhere to go,' Natalia said.

Aneta rushed to find a chair as an ashen-faced Darina wobbled on her feet. 'We are very, very tired but we just don't know what to do next,' Darina said softly.

Some of those in greatest need are in Ukraine's neighbour Moldova, where one in eight children are refugees. UNHCR has delivered 3,000 family tents for 9,000 people after running an aid convoy overland from Greece.

Kind-hearted Mail readers have sent more than 60,000 cheques as well as by bank transfer, phone and via our JustGiving Page.

The appeal was launched with a £500,000 donation from The Mail on Sunday and Daily Mail parent company, DMGT, at the personal request of chairman Lord Rothermere and his wife Lady Rothermere.

A team at Mail Force is working around the clock to assess how the money raised by the appeal can be best spent. As well as UNHCR, money has already been announced for charities including the Red Cross, Unicef and the Refugee Council.

Emma Cherniavsky, chief executive, UK, for UNHCR, said: 'I want to say thank you to the readers of The Mail on Sunday and Daily Mail for their incredible generosity.

'With your help, UNHCR staff in Ukraine will keep delivering essential items, such as blankets, folding beds, tarpaulins for emergency repairs and food.'

DAY 24 - 19TH 2022, DAILY MAIL

Gr8 news! Mail Force's Ukraine Refugee Appeal hits £8million as the magnificent response to the humanitarian crisis in Europe continues

By Gregory Kirby for the Daily Mail

Our record-breaking appeal to help the people of Ukraine has soared past £8million - after a torrent of cheques from generous Mail readers.

In a magnificent response to the humanitarian crisis, kind-hearted readers have sent more than 60,000 cheques to support the Mail Force fundraiser.

A team of 30 people at the charity's finance HQ has been working overtime to open envelopes all week - and there are still thousands of cheques yet to be counted.

The sums donated range from 15p to £20,000 and are accompanied by heartfelt messages that have moved staff to tears.

Many of the notes are handwritten by readers who lived through the Second World War and never imagined they'd see such horror in Europe again.

Yvonne Thickett, 84, of Hessle in East Yorkshire, gave £100 and said: 'I clearly remember the horrors of World War II. The appalling destruction and suffering in Ukraine is murder.'

Jane Powell from Builth Wells in Wales, wrote: 'Like many I remember World War II. I am horrified at what is happening in Ukraine. What brave people. I cannot write any more, for the tears in my eyes.'

Margaret Roberts, 90, from Huddersfield in West Yorkshire, donated £20 with her husband Derek.

She wrote: 'I still remember running for shelter at night with my baby brother bouncing along in a pram while the bombs were dropping. It is heartbreaking to see it again.'

And an unnamed reader, who turns 100 this year, added: 'I want for nothing. You need everything. Good luck.'

Younger generations have also dug deep to support the appeal. A note from Aoife, ten, and nine-year-old Paddy read: 'To all of those struggling, I wish you well. Have faith, we are praying for you.'

A grandmother, who did not give her name, also wrote on behalf of her 11-year-old grandson who chose to donate £5 from his pocket money saved up over ten weeks.

The astonishing total raised includes a £500,000 donation from the Mail's parent company DMGT, at the request of Lord and Lady Rothermere.

DAY 23 - 18TH 2022, DAILY MAIL

A helping hand for a tearful Ukrainian refugee who fled Russian bombing in Odesa

By Sam Greenhill, Chief Reporter for the Daily Mail

Wiping away a tear, 31-year-old Anna told yesterday how she fled the bombs leaving behind her mother, brother and cat.

She is now safe in Romania and being helped by CARE International, a charity that is being funded by Daily Mail readers.

Beautician Anna said her brother Vitalik stayed behind in the port city of Odesa to defend it - and their mother refused to leave him.

'My brother stayed to fight, and my mother wanted to stay to look after him,' she said.

'The outskirts of Odesa were being bombed a lot, I heard a lot of bombings. The house was shaking, and we ran to the basement when the alarms sounded. It was happening about twice a day.

'People there are very afraid but still they stay. The women don't want to leave their husbands and their fathers behind.

'Lots of my friends are doctors and they have to swear the Hippocratic Oath when they take the job. For them these are not just words but real, and they will step up. It is so hard to leave home. I don't know how I will cope.

'I have been speaking to my mum all morning since I left. She is scared and worried and thinking about me. She wanted me to leave to safety, but not go so far away.'

Anna escaped by bus and crossed the Danube River by ferry to Romania. Crying, she said: 'I love Odesa a lot. I left my mum and my six-year-old cat Mars back there, he is like my baby. I don't know how I will live without them.'

Through its local partners CARE is giving supplies and support to Anna and thousands of other refugees streaming across the Ukrainian border. The Mail Force charity has given £500,000 to CARE.

Anna said: 'I want to say thank you so much for the donations. I hope that everything, this war, will stop soon. I am so afraid to lose my family members, I can't even bear to think about it.'

Meanwhile, a convoy of 11 Red Cross trucks containing 200 tons of aid has made its way into Ukraine. The Red Cross is also receiving £500,000 from Mail Force.

The trucks are transporting trauma medical kits for 1,900 war-wounded people, and supplies for those in shelters including more than four million blankets and 1.4million kitchen sets.

Grimly, the lorries also brought in 5,120 body bags.

Florian Seriex, of the International Committee of the Red Cross, said: 'This humanitarian assistance contains war-wounded kits, which means surgical trauma kits, that will be distributed to hospitals. They contain blankets, mattresses, all the goods that are necessary for the people who have left their homes, who are currently stuck in shelters, and are in desperate need of humanitarian assistance.'

Mail Force has so far raised £7.5million, kickstarted by a £500,000 donation from the Mail's parent company DMGT at the request of Lord and Lady Rothermere.

A steady stream of cheques and online donations has followed from our generous readers. Many have sent heartfelt messages of support, including Roslyn Bevan, of Pershore, Worcestershire, who gave £100 and wrote: 'This is such a worthy cause.'

DAY 22 - 17TH 2022, DAILY MAIL

Mail Force charity announces £500,000 donation to help Ukrainians seeking shelter in Britain

By Mark Hookham and Sam Greenhill

They will arrive exhausted and possibly traumatised. But as thousands of Ukrainians reach the safety of Britain, they will be met with compassion and practical help.

The Refugee Council is already gearing up to welcome them - and today the Mail Force charity is announcing a £500,000 donation to make it possible.

The charity is the leading organisation that helps thousands of people seeking shelter in the UK from war and other terrors.

Last night its joint patron Dame Emma Thompson said: 'This is a fantastic and generous response from the Mail readers, and typical of the citizens of the UK who would open their arms to those fleeing the murderous carnage in Europe.'

The Oscar-winning actress added: 'When refugees come and are helped by the Refugee Council, it will be a proud thing to tell them - how many helped and how many care deeply about them.'

After an arduous journey across Europe, the victims of Putin's ***invasion*** will arrive in Britain needing all the help they can get. And get it they will - thanks to our readers who have donated with ***exceptional*** generosity to the Mail Force Ukraine Appeal.

Lord Dubs, who arrived in Britain in 1939 as a six-year-old refugee fleeing the Nazis, is the other joint patron of the Refugee Council.

He said the money raised by Mail readers is 'testimony to the compassion and generosity of the British people... My personal thanks go to everyone who donated.'

The charity is preparing to drastically expand its services ahead of the expected surge of Ukrainians on their way.

It will use the Mail Force money to invest in extra therapeutic services for traumatised children and adults and expand its information hotline, which provides refugees with basic advice about how to use the NHS, get children into local schools and find help with translation.

The Refugee Council's Enver Soloman said: 'It is so important that those who come to the UK are welcomed with open arms... These vital funds will help us to do this.'

The Mail Force charity has so far raised £7.5million thanks to donations from our readers.

At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.

DAY 21- 14TH 2022, DAILY MAIL

Our readers who 'can't sit and watch': Mail Force Appeal brings in £7.2MILLION to fund Red Cross and help desperate Ukrainians fleeing their homes from Putin's advance

By Sam Greenhill for the Daily Mail

Escaping from Kyiv has become an ordeal in itself.

Staying put in the Ukrainian capital means risking bombs and missiles - but fleeing is increasingly perilous.

Olena Auglova, 56, decided to leave and arrived safely in Poland yesterday at 6am after an arduous 12-hour journey.

She had to stand pressed against others on a crowded train, without food or water, knowing that supply lines between Poland and Ukraine have been attacked.

Describing herself with a knowing smile as a 'professional grandmother', Miss Auglova began feeling unwell on arrival and decided she needed to be treated for her nerves.

Luckily Przemysl railway station has a makeshift Red Cross field clinic in a converted waiting room, where a medic was able to give her the once-over.

The Red Cross is being funded with help from our readers who donated generously to the Mail Force Ukraine Appeal.

Miss Auglova said: 'I just couldn't cope with it any more - every night around my home in Kyiv there is a bombardment.

'Now that I am in this room and talking to people here, I am starting to feel a bit better.

'Back home it's just horror.'

She added before breaking into tears: 'I am still very worried for my husband.'

Men of fighting age are not allowed to leave Ukraine, having been ordered to stay and fight.

Red Cross advanced paramedic Michal Kitera, 35, gave Miss Auglova medicine after seeing that her blood pressure was dangerously high and that she was suffering from extreme stress.

He said: 'The Daily Mail readers' generosity is extremely important to the Red Cross and we are especially grateful now because the need of Ukrainians is so great.'

Money continues to pour in to the Mail Force appeal, which now stands at £7.2million.

At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.

Messages of support accompany almost every donation, along with offers to welcome refugees to the UK.

Pensioner Eileen Sweet, of Taunton, Somerset, sent £25, saying: 'I hope it will help the Ukrainians fleeing from their country.'

Sally and John Melhuish, from Kent, donated £200 with a message reflecting the feelings of so many: 'We can't sit and watch this horror without doing a little to help those innocent people.'

Meet the kind-hearted Mail readers ready to give sanctuary to Ukrainians fleeing war after Michael Gove says MILLIONS of Britons could be willing to accept refugees with £350-a-month government 'thank you'

* Mail readers are opening their homes and taking in displaced victims of the war

1. Men aged between 18 and 60 were made to stay behind to fight Russian troops
2. More than two million Ukrainians, including a million children, escaped so far

By John Abiona for the Daily MailHeart-breaking images of stunned mothers and bewildered children bombed out of their homes have galvanised Daily Mail readers into action.Scores have offered a haven in their homes to refugees fleeing the terror of warfare in Ukraine.Such selflessness is being repeated up and down the country as Mail readers decide they can no longer simply sit back and watch the horrific conflict unfold without doing their bit.Emails from people across the UK have flooded in, asking what they can do to help Ukrainians who are desperate to find somewhere safe to stay.The Government is due to announce today the start of a scheme aiming to match fleeing Ukrainians with generous Britons who are willing to offer them a spare room.During the past fortnight, Ukrainian families have been forced to make tearful farewells as they are torn apart by war - with men aged between 18 and 60 made to stay behind to fight Russia's invading army.More than two million Ukrainians, including a million children, have escaped so far.Here we highlight the stories of just a few of the Mail readers who are opening their homes and taking in displaced victims of the fighting: Part-time carer Dominique Johnson, 48, said: 'I have two spare rooms. The best way I could help personally would be to offer accommodation.'The part-time carer added: 'Ultimately, it could be us one day.'Miss Johnson, from Southend-on-Sea in Essex, said it did not matter whether anyone she takes in speaks English, adding: 'You don't have to know someone's language to empathise with them. As long as we can communicate.'Describing the war as unnecessary, she said: 'There's so much doom and gloom in the world that you tend to start feeling like there's no good people.'But in times of crisis like this, you do see the good in people, and that's heart-warming.'If I can help others, that's all I'm doing this for.'Sharing your home is a risk for all involved. That's why it's good to ask the important questions before making the final decision.'Put yourself in their shoes - it is going to be uncomfortable for them as well as yourself.'Miss Johnson added: 'There's people out there who are freezing cold, and I just put myself in their shoes because that's all I can do right now.' Retired BBC producer Jenny Clement, 81, said her 'peaceful' bungalow with three bedrooms and a fenced-in garden in which children can play could provide the perfect refuge for those fleeing the conflict.The retired BBC radio producer said: 'I'm not under a flight path so for any children, who I would be happy to have, there would be no terror at the sound of aircraft.'Mrs Clement, of Surbiton, Surrey, has four children and eight grandchildren. She added: 'How can you not rush to get these women and children to a place of safety? Everybody should get involved, especially when there are children who have had the most horrendous experience.'Children who have been so frightened and terrified and puzzled will feel safe here. I couldn't wish for anything more than to help these poor people through what they are enduring. This is what anyone would want, to escape the bombing.' Civil servant Thoughts of the mass evacuation of children from British cities during the Second World War was enough to inspire retired civil servant Mark Smith, 68, and his wife Angela, 67.The couple, from Shrewsbury, who have been married for 45 years, are offering the spare rooms in their cottage.Mrs Smith, who worked as a psychiatric nurse, said: 'We've been watching the news and thought, 'What can we do?''Money's been sent off - but that's not enough. We've got so much and other people have absolutely nothing.'We want to help in any way we can. You only have to look at the Second World War and the children that were evacuated. People could do it then in the 1940s, and people haven't changed, we're still the same and we all have the same needs.' Former policeman Retired police officer David McCrone, who lives in Knutsford, Cheshire, following a 35-year career in London, Thames Valley and Manchester, offered two rooms.The 73-year-old said: 'My children told me to go for it. My daughter pointed out that her husband's father was sent to Siberia as a child. He was born in Poland but his family were sent to Siberia.'Mr McCrone added: 'His aunt, who is now 95, marched back from Siberia and eventually ended up in the United Kingdom at the end of the Second World War.' He came forward before the Government announced it could pay £350 a month to those who take in Ukrainians. He said he was determined to stick it out for the long run, insisting: 'You've got to realise it's not just for a long weekend or even a holiday period - it's a long-term commitment.' Foster carers Lesley Bednarek, 67, whose father-in-law is Polish, has four empty bedrooms at her home in Leighton Buzzard, Bedfordshire.She said: 'It could so be us - my daughter, son or husband's family in Poland. Why wouldn't you help somebody who's in trouble?'She and her husband Anton, 71, worked as foster carers, but are now retired. She said they were used to children arriving at their home, adding: 'My home is open. People need help now and want to be here tomorrow - not in two or three weeks.' Pensioners Terry Higgs, 76, and his wife Beryl Higgs-Light, 72, from Tavistock, Devon, have room for up to three people.Mrs Higgs-Light, who worked as a nurse, said: 'Where we live is a beautiful place in the country. It's so peaceful it would be very restorative for people who have been through the trauma of the war.'It's absolutely heart-breaking to see the news day after day.'We wanted to do something like welcoming refugees who have nowhere else to go and have lost their homes.'She urged the Government to speed up the ***process*** of bringing refugees over, saying: 'One thing we want to see is people being able to get here easily and not held up because of bureaucracy.'Her husband, who worked as a contracts engineer, said he had experience of living in Russia that played a part in wanting to help, adding: 'I was there when Yeltsin took over from Gorbachev. You could see how frightened the people were then and they must be the same now.' Aircraft engineer In offering refuge at his three-bedroom house in Fakenham, Norfolk, retired aircraft engineer Ken Jackson, 74, is trying something new.Describing the ***invasion*** as 'heart-breaking', he said: 'I've been thinking about this for a few days. Family and friends are thinking about getting involved, too.'It's just the circumstances - these people are not a million miles away. I have sent some money, but that didn't feel enough to me.'Mr Jackson, who has three daughters, added: 'I'm not doing it for any other reason than to help somebody.'How Putin's forces are laying waste to city after city: Town in eastern Ukraine 'no longer exists' after days of bombardment while Kremlin forces continue to pound Kyiv and other populated areasBy Glen Keogh for the Daily MailVladimir Putin's unrelenting campaign plumbed new depths yesterday as Russian bombs wiped out an entire city in eastern Ukraine.In harrowing scenes, Volnovakha, in the Donetsk region, was said to 'no longer exist' after days of heavy bombardment saw hospitals, churches and apartment blocks razed to rubble.Refugees were also targeted as Russian troops opened fire on an evacuation train and on a monastery where 1,000 people were taking shelter.As officials condemned the Kremlin's 'barbarity', emergency workers in Mykolaiv, near the port of Odessa, desperately searched for survivors after strikes hit a school and other residential buildings.And Putin's soldiers were accused of a 'crime against humanity' by allegedly using banned phosphorus bombs in a civilian area.As Ukraine's death toll continued to grow, former world boxing champion Wladimir Klitschko insisted the country would continue to fight on.'This is our home and there is no other way we are going to leave,' he told CNN from his Kyiv bolthole.'There is nothing that can possibly break the will of our women and men.'We all stand together and we are highly motivated to defend our country because this is our home, this is where our children were going to school, where our relatives are buried in the ground...'We will defend the country until the last drop of blood.'KYIVRussian troops continued to push towards the historic Ukrainian capital yesterday - whose seizure is Putin's ultimate goal.A 40-mile convoy was redeployed last week to towns and forests on the city outskirts with troops attempting to surround the capital and cut off supply lines.The local authority says Kyiv has a two-week supply of food in case there is a blockade. The council said just over half may remain out of the city's usual 3.5 million population.'The two million Kyiv residents who have not left their homes will not be without support if the situation worsens,' a spokesman said.Yesterday mayor Vitali Klitschko - Wladimir's brother and also a former boxing champion - said the city was living in fear of bombing attacks. However, sitting alongside Wladimir, he added that Ukrainian soldiers had 'destroyed' Russian plans to take the city and would continue to fight.'People who never expected to take weapons to hand [are] defending houses, children and the future of our country,' he said.MYKOLAIVNine people were killed and countless others stuck beneath debris after air strikes hit an apartment building in the southern city.Distressing footage shared by Ukraine's foreign affairs ministry also showed piles of rubble amid flames and thick smoke - the aftermath of a shelling attack on a secondary school. Four people died and three were injured.Patients were also forced to hide in the cellar of a cancer hospital after a bomb blast destroyed the doorways and shattered windows.Such has been the fierce fighting, that the dead were left in black body bags in the snow as the city's morgue struggled to cope with the rising number of corpses.The British Ministry of Defence said in its daily briefing yesterday that Russian forces advancing from Crimea were looking to circumvent Mykolaiv as they drove west.But the city is seen as a key capture ahead of any future assault on the port of Odessa, further down the Black Sea coast.Odessa was preparing for an ***invasion*** yesterday with people placing sandbags around precious monuments and even covering religious icons in churches in the hope they will be protected.Civilians have also been preparing for battle by making Molotov cocktails and arming themselves.The city - which is Ukraine's third largest - is strategically important to Putin because if he takes it, he could cut off the country from the sea.DONETSKA conductor was reportedly killed and a woman injured when a train evacuating refugees from Kramatorsk to Lviv, in the west, was caught in a shelling attack yesterday morning.The train, which is thought to have been hit by bomb debris, was said to be carrying around 100 children who were fleeing the war.Russian forces also targeted a children's health centre and a monastery which was providing shelter to 1,000 refugees - including 200 children.Pavlo Kyrylenko, head of the Donetsk regional administration, said the Russians had 'crossed all possible limits of common sense and humanity'.'[They] should get the proper punishment for their hellish crimes,' he added.In Volnovakha, desperate citizens cowered in the filthy damp basement of a hospital over the weekend - as Russian shelling was said to have completely destroyed the city.Days of heavy bombardment from air and ground assaults have reduced once towering buildings to piles of rubble.Most of the citizens had managed to flee before the Russian onslaught. However, Mr Kyrylenko added: 'In general, Volnovakha with its infrastructure as such no longer exists.'POPASNARussia was accused of launching an illegal phosphorous bomb in the eastern city - around 60 miles from Luhansk - in an act branded a 'crime against humanity'.International law prohibits the use of white phosphorus shells in civilian areas, which burn fiercely and cause horrific injuries.Ukraine's human rights ombudsman Lyudmila Denisova said the use of the bombs would amount to a 'war crime'.Oleksi Biloshytsky, head of police in the city, said the bombs caused 'indescribable suffering and fires'.CHERNIHIVFirefighters desperately searched for survivors after a bomb attack on a residential block killed at least one civilian.Videos shared to social media showed smoke pouring from a nine-storey building and scenes of destruction following shelling in the northern city early yesterday morning.Elena Yurchuk, who managed to flee the city, said she had seen families with children blown up and the hospital she worked in reduced to rubble.'I don't know if I have a home or not,' the nurse, 44, said.'Our city is under siege and we barely escaped.'Horror in town where mothers told children 'war will never reach us': Shower of missiles brought death and destruction to Yavoriv, just 12 miles from the Polish border, as residents say they never saw it comingBy Ian Gallagher and Mark Large for the Daily MailUntil early yesterday morning, the people of Yavoriv in the far west of Ukraine considered themselves blessed.Blessed that the fighting was hundreds of miles away, that living on the cusp of Western Europe, their peaceful existence would endure come what may.Mothers told anxious children not to worry about the Russians. 'I told mine that war would never reach us here,' says Yana Volbyn, 29. 'I said the fighting was so distant it might as well be in a foreign land.' Still, this small, unremarkable town rolled up its sleeves and did its bit for the war effort nonetheless.Just 12 miles from the Polish border, many of its 12,000 citizens sheltered refugees, some of its menfolk joined volunteer units and everyone observed the 10pm curfew, scrupulous about turning off lights lest they might aid Russia's night bombers.True, they shared their town with a military training base.'But that place was about peacekeeping, right?' says Yaroslav Smuk, 21, shaking his head. Not to Vladimir Putin.Dispatched as the town slept yesterday, a shower of missiles brought death and destruction, raining down on the International Peacekeeping and Security Centre, and sending flames shooting into the night sky.So confident was one resident that Yavoriv was impervious to war, his first thought was that an earthquake had struck. Daybreak displayed the horrors in high relief.Muffled cries leaked from collapsed buildings, one flattened as if by a giant boot. Nearby a giant crater 30ft deep scarred the camp's sports field. And then from the rubble came the bodies. At least 35 dead and 134 injured.One witness said: 'We heard an alarm and went to a bomb shelter, before returning when it seemed everything had stabilised. Then, about 30-40 minutes later, sometime between 5am and 5.30am, we heard a sudden clap. Our positions were being bombed.'We got on the floor. I heard what sounded like rocket launches, and the sound of explosions on the ground. We are currently searching for people under the rubble. Maybe there is someone still alive.'Father Michael Haniak, 32, who lives nearby recalls being shaken from slumber by a series of explosions. He peered out of his bedroom window just as the sky over acres of woods and pastures lit up 'like the most terrible lightning'.A succession of blasts rattled his windows - 'How they are still intact, I do not know' - and he instinctively sought cover behind his bed. Later, he would console his flock at Sunday mass. The sentiments expressed were all the same: 'We never saw this coming, Father. We assumed we were safe here.'One woman outside his church, knelt down and laid a wreath of yellow flowers on a granite war memorial. The last time war claimed Yavoriv's dead was in 1941.For a few hours after the missile strike, few in the town left their homes. Some residents frequently commute to Poland where they earn good money picking fruit.Yaroslav recalls only the night before he had been looking forward to the strawberry season. 'But then there was panic,' he says. 'People were asking each other whether there would be more bombs?'Slowly yesterday, the town regained its nerve. Listless youths congregated on street corners as if in defiance. Above them a red billboard, which appeared the day after the ***invasion***, issued Russian fighters with the now-hollow warning: 'This is our land and you will be buried in it.'All morning ambulances ferried the injured to hospital before returning time and again as the rubble yielded yet more bloodied survivors. By lunchtime, when the sirens at last fell silent, Yavoriv became twitchy. Were Russian infiltrators stalking its streets? Reporters were eyed with suspicion.Our press accreditation was scrutinised and photographed eight times in the space of an hour by police and volunteers. At one of the several entrances to the Peacekeeping Centre, a soldier told us: 'It is not safe around here. There is still a special operation going on.'Across the road a middle-aged woman at a bus stop began suddenly wailing as if reacting to appalling news.Refusing all entreaties, she was unable to speak and just wandered away, crying still. Our magnificent seven! Mail Force appeal to help desperate Ukrainians hits £7m thanks to the generosity of our readers and stars By Sam Greenhill for the Daily Mail The Mail Force appeal hit a magnificent £7million yesterday - helping aid workers to save lives.Big-hearted readers have flooded us with cheques and online donations for desperate Ukrainians.Stars of stage and screen have backed the appeal too and yesterday ex Strictly Come Dancing judge Dame Arlene Phillips urged: 'Please, please donate whatever you can to the Mail's Ukraine appeal. We cannot stand by and watch such suffering to so many people. Please help.'Penny Lancaster, the model wife of Sir Rod Stewart, said: 'Let's celebrate the contribution women all over the world make by uniting together and donating to help the women and children of Ukraine, the most vulnerable.' Broadcaster Angela Rippon gave a donation and added: 'Like just about everyone in Britain I am appalled by the news that is coming out of Ukraine daily.'How can this be happening in Europe in the 21st century?'Former Blue Peter presenter turned children's author Konnie Huq said: 'This humanitarian crisis will devastate millions. Please help and support this Daily Mail campaign.'The money raised by the Mail Force charity is being passed to aid groups already on the ground in Ukraine and in surrounding countries helping stricken refugees. At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000. Yesterday we highlighted how a tiny baby has known only war during his short life, having been born in a Kyiv hospital during a bombardment.The hospital where Luka, born with pneumonia, and his mother Valeria are being looked after has received vital medical supplies from Unicef. The United Nations children's charity has been sent £500,000 by the Mail Force charity to fund its vital work.Mail readers who have sent in generous donations have written letters expressing outrage at the humanitarian crisis.Jillian and Steve Clements, from Shelford in Cambridgeshire, wrote: 'We have supported many of your worthy causes, however we never envisaged the need to give money to aid a nation facing genocide.'Each day brings more horror. We are humbled by the courage and strength of the people of Ukraine as we are equally horrified by the actions of Putin. The Russian people are also Putin's victims and must feel shame at what their country is doing.'Former US Marine John Lindquist, who served two tours in Vietnam, sent a donation and wrote: 'The people of Ukraine will fight for their country and they are right.'And Linda Jalowecka sent £100 in memory of her late father-in-law who was from the western Ukraine city of Lviv.She wrote: 'When the Russians invaded during WW2, he, along with friends and family, were sent on a forced march to Siberia. He once told me, 'The Nazis were bad, but the Russians were far worse'.'In God's name stop the killing, says Pope The Pope yesterday demanded an end to the massacre in Ukraine and condemned the barbarity behind innocent civilians' deaths.'In the name of God, I ask: Stop this massacre,' Pope Francis said to applause in his weekly address to crowds in St Peter's Square.The Pope did not refer to Russia by name but said there could be no 'valid strategic reason' for the indiscriminate attacks.'With an aching heart I add my voice to that of the common people, who implore the end of the war,' he said.'In the name of God, listen to the cry of those who suffer, and put an end to the bombings and the attacks. Let there be real and decisive focus on the negotiations.'He also pointed out that the besieged city of Mariupol - where thousands have been killed - was named after the Virgin Mary and said it had been 'martyred' in the 'harrowing war'.He added: 'Faced with the barbarism of the killing of children, and of innocent and defenceless citizens, there are no strategic reasons that hold up. The only thing to be done is to cease the unacceptable armed aggression before the city is reduced to a cemetery.' DAY 14 - 13, 2022, DAILY MAIL 'I believe light will prevail over darkness': Armed Ukrainian MP camps outside Kyiv parliament waiting for Russian invaders as he thanks the Mail for its life-saving campaign By Georgia Edkins For The Mail On SundayA Ukrainian MP who has committed his life to fighting off Russian soldiers has thanked the Mail for its life-saving campaign.Oleksii Goncharenko, who represents Podilsk in the south west of Ukraine, now spends his days camped out in a bunker near the parliament in Kyiv taking it in shifts to man checkpoints around the city - his last ditch attempt to protect the capital from Putin's henchmen.Meanwhile his wife Olga, 43, and their sons, Alex, 16 and Cyril, 3, stay miles away in a secret location, away from the family home.Although Mr Goncharenko is confident that Ukraine will win this war - that 'light' will outdo 'darkness', he recognises the country needs all the help it can get.He said: 'Our army is very motivated, very prepared and are fighting back really effectively.'When the Russians tried to enter Kyiv, we met them with Molotov cocktails, everybody, just using Molotov cocktails against tanks.'I cannot tell you how courageous we have all been, it brings tears to my eyes.'But he added: 'However it is not just our efforts which will help to defeat the monster that is Vladimir Putin.'We need those from the international community to help us not only with political sanctions, but with humanitarian relief.'Last night, praising the Daily Mail and Mail on Sunday's campaign, he said: 'I am so thankful for this important initiative that sees the British public giving donations to those in need hundreds of miles away in my country.'He added: 'It helps so much to know that people are thinking of us, and that we are not abandoned.' OLEKSII GONCHARENKO: We are locked in a fight between light and darkness, and I truly believe that light will ultimately prevail By Oleksii Goncharenko, Ukrainian MP for Podilsk in the South West of UkraineUkrainians have been prepared to defend ourselves against Russia for some time now.Over the years, we have grown used to walking past the red arrows painted on buildings pointing to the Soviet bomb shelters on our way to enjoy drinks with family and friends in the country's vibrant city centres.They are a reminder that war against one of the world's most unpredictable superpowers could happen at any moment, but it is something, sadly, that we have learned to live with.A few weeks ago, when Putin was threatening ***invasion***, I thought he was blackmailing us and the world, but I never thought he would embark on this catastrophic war that now grips my nation's hearts and minds every waking moment.On Thursday February 24, our fears became a reality.I was in Kyiv fulfilling my duties as a Ukrainian MP for the Podilsk region when my wife called me at 5am telling me she was ready to leave our home in Odessa.It was one of the most painful moments of my life.Our home is known to enemies, so I directed my wife Olga, 43, and our sons, Alex, 16 and Cyril, 3, to escape to stay with family or friends in a safer area of Ukraine as soon as possible.Save for a few suitcases of clothes, and some toys and books for the little one, we left everything behind in that house.My oldest son, Alex, didn't want to leave and pleaded with me to stay, assuming that this conflict would finish soon.It is not easy for a father to tell their son that they do not know when the war will end.It is not easy to ask him to look after his mother and his younger brother as best he can while I am away.My youngest still asks me every day when 'daddy' will return from the capital to be with them.And the frightening truth is, I don't know. Sometimes I fear I will never see them again.Right now, I am working as part of the civil militia, and am based out of a small bunker that we have created near the parliament building. For the first two days of fighting, me and eight other MPs were stuck here, in a small room, forced to sleep on yoga mats, wash ourselves in the sinks and eat snack food rather than proper meals as heavy shelling rained down outside. The lack of real food did not really matter to most of us, as we were running off adrenaline. Now, I am staying in my own flat in the evening.Strangely, I have begun to settle into my new slightly surreal routine.In the morning, I wake up and call the family to make sure they are okay.We try our best to discuss normal things, like the weather, and I continue to nag my eldest son Alex to keep doing his maths and physics homework rather than just scrolling endlessly on social media and watching the news. When I speak to my wife, we try to stay strong, but sometimes she weeps under the pressure of it all, as she fears that her husband might be the next casualty of this brutal war.It is something, that as a soldier of this war, I cannot take time to think about.During the day I go to the base and meet my colleagues, who are now also part of the militia.We take it in shifts to man checkpoints and check cars for Russian soldiers. Sometimes I will go to the Parliament to vote.Surrounded by sandbags, security forces stand ready with their guns to defend the building, making it appear like a small fortress.The unbelievable destruction of Kharkhiv shows why this is necessary, but I remain optimistic that we will win this war.Our army is very motivated, very prepared and are fighting back really effectively.When the Russians tried to enter Kyiv, we met them with Molotov cocktails, everybody, just using Molotov cocktails against tanks.I cannot tell you how courageous we have all been, it brings tears to my eyes.We are locked in a fight between light and darkness, and I truly believe light will win.Personally, I know that by speaking out, I have a target on my back.Putin has already tried to assassinate me in 2015 and kidnap me in 2017, so it is nothing new and it doesn't scare me anymore.We feel that we are doing the right thing to defend not only ourselves, our country, but the whole world from this and we will never give up.But it is not just our efforts which will help to defeat the monster that is Vladimir Putin.We need those from the international community to help us not only with political sanctions, but with humanitarian relief.That is why the Daily Mail and Mail on Sunday's campaign is so important.I am so thankful for this important initiative that sees the British public giving donations to those in need hundreds of miles away in my country. I keep hearing awful stories, with one very distressing one recently about a couple killed in Kharkhiv, leaving their one day old twin girl and boy behind.Those little babies are orphans now, and they need as much help as they can get.Secondly, the Mail's campaign is also very symbolic. It helps so much to know that people are thinking of us, and that we are not abandoned.I know that times are hard for many people, but I would like to ask everybody to help us.If you can donate, just imagine that there are people now for whom just a piece of bread would help.This is a question of just living, surviving. This is what makes humans, human.If you cannot donate to the campaign, pray for us, if you cannot do that, share some information about what is happening here.DAY 13- 12, 2022, DAILY MAIL He's only 4, but Maxim has been through hell. Now at last he's safe, thanks to the money raised through the Mail Force Ukraine Refugee Appeal by our amazing readers By Jen Stout And Mark Hookham For The Mail On SundayOnly days ago, Katerina Mozhna and her four-year-old son Maxim were cowering beneath a terrifying artillery bombardment in the Ukrainian city of Mykolaiv.Now they are safe, having fled to Romania, where they were welcomed by the Red Cross, funded with help from generous Mail on Sunday readers.'I had to leave our home, my parents, and my husband in order to save my baby's life,' Katerina, 32, told the MoS last week.The border with Romania near the town of Isaccea runs along the middle of the Danube River and up to 2,000 people a day are fleeing southern Ukraine via a small ferry. Aid agencies fear the number will soar to 50,000.The refugees, some of whom are having to wait for 24 hours to make the crossing in freezing temperatures, are given tea, blankets, water and food by Red Cross volunteers as they stream off the ferry.Thanks to the extraordinary generosity of our readers, this critical humanitarian work can continue.The Mail Force Ukraine Refugee Appeal was launched two weeks ago to help families caught up in the spiralling crisis.The total amount donated to the appeal last night soared to an astonishing £6.6 million. It has already given money to organisations helping tens of thousands of refugees, including £500,000 of funding for the Red Cross.Sheltering from the snow and biting wind in a tent on the banks of the Danube, Maxim played with a wooden train given to him by an aid worker while his worried mother looked on. Maxim's father Oleg stayed behind to fight in Mykolaiv, but Katerina tries to avoid talking about the war with her son.Amateur jockey Maurice McCarthy's race to raise thousands of pounds for Mail Force Amatuer jockey Maurice McCarthy hopes to raise thousands of pounds for Mail Force by riding in a charity horse race later this month.The 53-year-old - just one of The Mail on Sunday's generous readers - will wear specially designed silks in the blue and yellow colours of the Ukrainian flag when he rides in the 5.15pm at Ludlow on March 23.His friend Michael Owen, the former footballer and racehorse owner, has found him an eight-year-old horse to ride named Battered. 'I am going to win for the Ukrainians,' said Maurice last night. 'The Mail has done an amazing job. The amount raised for Mail Force is phenomenal.'Maurice, who has already raised £1,000, is one of many readers who have set up their own mini appeals for Mail Force.Generous James Tait is running the Berlin half-marathon for Mail Force later this year, while ten-year-old Lilia is going to cycle 50 miles this month to raise money.'I don't even try to explain it [to Maxim]. I just said we're going on a journey. I don't think a child should know about this, but of course he asks questions all the time - 'What's that bang? Why is Mummy afraid? Why is Mummy crying? Where is Daddy?' 'She begins to cry as she describes the horror from which she has fled. 'They detonate rockets, they blow things up...people are dying, houses are burning.'Readers of the MoS, and its sister paper the Daily Mail, have sent an incredible 32,000 cheques, many accompanied by letters that have moved our staff to tears.The scenes on the banks of the Danube show why such generosity is desperately needed. Many refugees have travelled about 200 miles from the city of Odessa, which is on the brink of being surrounded by advancing Russian forces.The ferry makes about eight trips a day. Last week, cars queued on the Ukrainian side with refugees sleeping in them overnight.'It was so cold on the deck,' said Larissa Kronenberger, who was fleeing with her daughter and six grandchildren. 'It's so hard to be kicked out of your own home. Especially with little children.'As they waited, Larissa searched for nappies at the Red Cross tent, where volunteers hand out baby food, sanitary products, formula milk and toys. Aid worker Stefania Bejenaru brought nappies and asked, 'What else do you need?''What do I need?' Larissa replied. 'I left everything. I just didn't have enough hands to carry things.'Firefighter Jacob Claudiu, 37, has been a Red Cross volunteer for 14 years but has never witnessed such scenes. 'There are so many children, all scared of the unknown, of another language, another place.'Paying tribute to the generosity of Mail readers and other Red Cross donors, he added: 'Some days we need hygiene products, some days food, and if you donate money, this is what it goes towards.'As well as cheques, readers have sent money by bank transfer, telephone and via our JustGiving Page. The appeal was launched by a £500,000 donation from the Mail's parent company DMGT at the personal request of Lord and Lady Rothermere.As well as the money for the Red Cross, Mail Force has also sent £500,000 to Care International and Unicef. The Amar Foundation, a charity that helps children caught in conflict, has received £250,000.Mike Adamson, chief executive of the British Red Cross, said: 'We are extremely grateful to Mail readers for their generosity in supporting this appeal.'Vital funds raised through the Mail Force Ukraine Refugee Appeal helped save little LukaBorn two days after Vladimir Putin's forces invaded Ukraine, Luka has known only war during his short life.Indeed, his mother Valeria gave birth as the hospital in Kyiv in which she was being cared for came under bombardment.Born with pneumonia, little Luka initially clung precariously to life. But his prospects have dramatically improved thanks in part to the astonishing generosity of Mail on Sunday readers.The Mail Force Ukraine Refugee Appeal has sent £500,000 to Unicef to fund the life-saving work of its aid workers. The charity was last week able to deliver critical medical supplies to ten hospitals and health centres caring for children in Kyiv, including that tending to Luka. The supplies included respiration monitors, which warn doctors if the breathing of children with pneumonia such as Luka, becomes dangerously low.After spending the first two weeks of his life underground in a shelter, Luka has now been moved to Okhmadyt children's hospital also in Kyiv. Valeria, 42, last night said the doctors have worked 'miracles' and that Luka, her first child, is getting stronger.'Luka is making positive progress,' she said. 'I was feeling so helpless. Being a new mother in a war time is a nightmare.'She recalled being woken by explosions on the day of the ***invasion*** and, fearing for the safety of her unborn baby, rushed to hospital. 'The first day of war my husband and I spent in the basement of the maternity hospital,' she explained. Two days later she gave birth as rockets landed outside. 'The labour was happening as the district of Kyiv where our maternity hospital is located was heavily bombarded.'There were loud explosions but I was trying to stay focused and strong for my baby.'Unicef is sending up to eight trucks into Ukraine each day filled with medical supplies and other aid.Hailing the Mail's readers, Murat Sahin, Unicef's representative in Ukraine, said: 'I am seeing on social media the amazing interest of children in the UK and also from your readers. It's really motivating us. It's keeping us going.'Thank you SIX MILLION times: That's how much our amazing readers and others have raised through the Mail Force Ukraine refugees appeal in less than two weeks By Sam Greenhill Chief Reporter for the Daily MailCheques from kind-hearted Mail readers have taken the total raised in our Ukraine fundraising appeal to more than £6million in less than two weeks.The amount contained in the torrent of envelopes arriving in the daily post has burst through the £2.5million barrier, accompanied by letters of compassion for refugees and rage at Vladimir Putin.Horrified at the tragedy unfolding in Ukraine, some people have dug ***exceptionally*** deep, writing cheques for thousands of pounds, while others without so much to give have sacrificed small luxuries to help.Richard Halliday, of south-east London, sent £20 with a handwritten note included saying: 'I have very little money. Every Saturday night, I treat myself to a nice steak and chips, but I will replace this meal with baked beans on toast.'An anonymous reader accompanied their cheque with a handwritten note that read: 'At the turn of the 20th century my grandfather left Ukraine to escape persecution from the Tsarist regime.'The British took him in and gave him a safe new life, but 120 years on nothing has changed. The Russian regime is still persecuting innocent people. This cheque is in memory of my grandfather.'The Kilmarnock Burns Club sent £50, with club treasurer John McCracken saying simply that its members had felt the need to contribute towards ending 'this humanitarian disaster'.Twice-married widow Doris Hanczaryk sent £20 in memory of her late husbands, both of whom were Ukrainian.The 87-year-old, nee Wright, from Hemel Hempstead, Hertfordshire, said: 'I am English-born and still feel English but in many ways I feel Ukrainian.'I miss my menfolk so much - as many refugees will miss theirs in this terrible war. Both of my husbands fought to push Russia out of the Ukraine in the Second World War.'These people need all the help we can send for them.'A farmer who spoke to the Mail on the phone said: 'We have had Ukrainians on our farm in Carmarthenshire. They are honest hardworking people.'I feel so desperately sorry for them. I feel I had to give to the Daily Mail appeal.'Something must be done to stop this evil dictator. It cannot go on.'And Brenda Seaton, from Exmouth, Devon, gave £100 and said: 'I have cried so many tears watching the TV coverage and I hope that my small donation will help a little.'My heart goes out to the brave men and women and I hugely applaud their wonderful leader.'Animal campaigner Irene Davies sent £20 and saluted the 'wonderful and brave people' of Ukraine, adding: 'They also saved their pets and didn't think just of themselves.'The Mail Force charity has also received generous donations via bank transfer and on the telephone, and through the Just Giving fundraising website.At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.Mail Force does not take a penny in administration costs and is passing the money to good causes helping refugees on the ground in Ukraine and the countries they are fleeing to.Some four million are running away, making this the worst refugee crisis in Europe since the Second World War. DAY 12 - 11, 2022 - DAILY MAIL Readers go the extra mile for our campaign as Ukraine appeal fund soars over £5.5million By Josh White for the Daily MailOur fundraising is already record-breaking - and now Daily Mail readers are going the extra mile to help the people of Ukraine.For dozens have set up their own mini appeals to raise money for those who have been plunged into crisis amid Vladimir Putin's barbarism.Generous readers have already responded magnificently, donating £5.5million to the Mail Force Ukraine Refugee Appeal. This includes a £500,000 donation from the Mail's parent company DMGT at the request of Lord and Lady Rothermere.Now ten-year-old Lilia Dohoney is hoping to raise that total by another £500 - challenging herself to cycle 50 miles in a month. She is already well on the way to hitting her target, having clocked up ten miles riding along the canals near her home in Warrington, Cheshire, with her father Gary.'The picture in my mind is of all those families who might lose their dads, because if you are over 18 you have to stay behind and fight,' said Lilia.As well as cycling five or six times a week, the schoolgirl is also selling bookmarks with pictures of sunflowers - the national flower of Ukraine - to raise extra funds.'I just wish the war could stop and they could all be happy again,' she said.Caroline Coulson, a procurement manager from Maidenhead in Berkshire, was also inspired to start training for a half marathon after being left 'devastated' by images from the conflict.The 42-year-old, who is running with her husband Mark, said: 'We never thought something like this could happen in our lifetime. The images of people suffering just really hit so hard. We felt we wanted to do something to raise some money and a half marathon seemed like a great idea.'The couple are already nearly a third of the way towards their £1,000 target. But, although they are both training now, Mrs Coulson joked that her husband is quite competitive so will 'probably outrun' her.Raising money in a very different way is Steve Mitchell, 51, who has loved the music of George Michael since he was a teenager.The station supervisor, from Egham in Surrey, has previously raised money for the NHS with a cycling 'singathon' to the Wham frontman's music.And now he's taking his musical talents farther afield - with a Michael tribute concert which will be livestreamed next Thursday. Mr Mitchell, who has already raised £250, said he has been studying Michael's music and voice since he was 15 and joked: 'There is no difference between us.'The father of two, whose partner Edyta is Polish and knows people who have been personally affected by the crisis, said the singer was a 'great humanitarian' who would have wanted to support the people of Ukraine.Adding that the concert will be interspersed with footage of the conflict, he said: 'I have found these images coming out of Ukraine just devastating. 'It is just heartrending and if by performing for an audience, we can help contribute, then that is what we should do.' DAY 12 - 10, 2022 - DAILY MAIL It's a fabulous £5million! Mail readers and businesses help to raise staggering sum as 32,000 cheques pour in to Ukraine victims appealBy Sam Greenhill for the Daily Mail It is a truly humbling sight - an incredible mountain of 32,000 cheques, sent with love, generosity and fury at Vladimir Putin's barbarism.They are all from Daily Mail readers who want to help the people of Ukraine in the face of Russia's illegal ***invasion***.In total, the amount donated to the Mail Force Ukraine Refugee Appeal has now soared to an astonishing £5 million - and that does not even include the full value of these cheques, which could add at least an additional £1 million to the funds raised.Most of the cheques sent in so far are accompanied by handwritten letters.They express horror at Putin's merciless attacks on homes, schools and hospitals. And there are heartfelt words of compassion and admiration for the brave Ukrainian people standing up to the Kremlin despot.£250,000 for Unicef again Mail Force is giving a further £250,000 to Unicef - taking the amount it has donated to the UN children's charity to £500,000.Unicef's aid workers are delivering life-saving medical supplies to 100 hospitals across Ukraine.Mail Force sent the first £250,000 at the weekend. Jon Sparkes, chief executive of Unicef UK, said: 'Yet again, Unicef is deeply grateful for the incredible generosity of the Mail and its readers. Children in Ukraine are being killed, injured and traumatised.'There has never been a more critical need for these funds. Thank you, Daily Mail. Every penny will help us deliver for children affected by this crisis.'For many, there are no words to describe the evil. But that has not stopped them sending money to help the innocent victims.As for how much money, we don't know exactly yet - so many readers have posted cheques, it is swamping the finance team opening them at the Mail Force nerve centre.But this extraordinary pile of envelopes, many containing a tenner or £20, but also frequently £50 or £100, is going to add up to well over a million pounds.Opening the envelopes has reduced some of our finance staff to tears. Yesterday credit controller Vicky Williams described her pride at the campaign and revealed how she had to explain the Ukraine conflict to her five-year-old daughter Bella.She said: 'Bella saw the bombing on TV. At first she thought it was fireworks. But then she started to ask questions. I told her it's like a bully in the playground and all the nice people are standing up against the bully.' Her sentiment is echoed in letter after letter.June Kenyon, 81, from Irlam, Salford, sent a £10 cheque and wrote: 'My husband and I are pensioners and struggling with everything going up so much and so fast, but when we see the horrors going on in Ukraine it breaks our hearts.'As a toddler, I remember running into air raid shelters. We all sang loudly to drown out the noise. How can you do that in this conflict?'[item name=module id=101697865 style=152 /]One handwritten card, which had foxes on the cover, touched the hearts of the appeal team. It simply said: 'From Isaac 11 yrs x Phoebe 3 yrs x.'Historian Ann Bromley, of Moreton-in-Marsh, Gloucestershire, is currently writing a book on Napoleon and his ambition to rule the world. A disabled pensioner, she sent £10 and wrote: 'Napoleon was a tyrant notorious for brutality. It seems we must contend with a modern example of his ilk.'As well as fury, there is compassion for the Russian soldiers duped by Putin's propaganda into believing they are fighting a just war.Mary Gibbon, from Durham, donated £150 and said: 'Well done Mail newspapers. Hope we can help as many Ukrainians as possible whilst remembering the poor Russian conscripts.'Many of you have also remarked on the distressing images of youngsters and the elderly caught up in the war. Rosemary Mackenzie, who sent £240, said: 'My heart goes out to each and every one of these people, especially the children who sit bewildered and frightened at what is going on in their country.'Retired military policeman Terry Allsebrook, 74, and his wife, Joyce, 68, of Raunds, Northamptonshire, sent £100, and he told the Mail: 'To see 90-year-olds being wheeled around in supermarket trolleys is truly shocking. 'We hope the men, women and children forced to flee will get the opportunity to return to their homeland in the near future.'As well as cheques, readers have sent money by bank transfer, telephone and via our Just Giving page. The appeal was kickstarted a week-and-a-half ago by a £500,000 donation from the Mail's parent company DMGT at the personal request of Lord and Lady Rothermere.The growing humanitarian catastrophe - Europe's worst refugee crisis since the Second World War - led the Red Cross yesterday to warn that a 'massive, urgent response' was needed. As many as a million children have fled Ukraine in recent weeks. A growing number of these children are arriving on their own.The Disasters Emergency Committee, which has raised an incredible £120million, said some children who arrive unaccompanied have been sent by relatives who were unable to leave Ukraine but wanted their children to be safe.DAY 11 - 9, 2022 - DAILY MAILSmall businesses make a big difference as they join forces to give support and donate money to Mail Force Ukraine refugees appeal after call from entrepreneur and TV presenter Alison CorkBy Sam Greenhill for the Daily MailBritain's small businesses are today joining forces to boost the Mail Force appeal helping Ukrainian refugees.An interior design entrepreneur, a jeweller, a yurts rental firm and a single mothers network are among the first to offer their support - and money.Each has come up with an innovative way to donate to the cause, such as giving £1 per client or £10 per booking.As well as swelling the appeal fund, the initiative shines a light on the nation's small businesses after two years of hardship during the pandemic. [item name=video id=5536063 style=2 /]As more firms join in, donations will soon add up - with the scheme given the tag 'small business, big difference'. The idea is the brainchild of entrepreneur and TV presenter Alison Cork, who is donating £10 per order received by her online interiors business Alison At Home.She said: 'As a business owner myself, I knew our most resilient and resourceful community of entrepreneurs would rise to the challenge of donating to the Ukrainian people.'Miss Cork, 58, who presents ITV's Don't Move, Improve and Channel 4's Cowboy Builders, is also a business ambassador for the British Library. She said: 'By nature, entrepreneurs like me sit and twitch, and want to do something to help.'This will encourage people to buy from their local businesses, and they in turn will support the Ukrainian refugees. There are 5.6 million small businesses in the UK, who could make a very big difference with this campaign.'The initiative is the latest boon for Mail Force, which became the fastest newspaper fundraising appeal of all time when it launched a week and a half ago. Generous readers, companies and philanthropists have now given an incredible £4.5million. This includes £500,000 donated by the Mail's parent company DMGT at the request of Lord and Lady Rothermere.The Mail Force charity, which does not use a single penny for admin, is distributing the money to good causes on the ground in Ukraine and neighbouring countries.Jules Hawkins, who runs the Single Mums Business Network in Ross-on-Wye, Herefordshire, is giving 10 per cent of her members' fees for three months. She said: 'What's going on in Ukraine is so heartbreaking. I'm a great believer in trying to do something. This won't stop the war but it will make a small but tangible difference.'Miss Hawkins, 45, who has a ten-year-old daughter, added: 'We just want to do our bit for the children of Ukraine.'Becca McClure decided to act after seeing the heartbreaking pictures of fleeing families with small children. Her Leeds-based glamping and events hire business North Sky Yurts will donate £10 from each booking to the appeal.[item name=module id=101697865 style=152 /]Mrs McClure, 31, mum to two-year-old Kellan, said: 'As the mum of a toddler, the thought of being uprooted, forced to run out of your house, your city is unimaginable.'Anne Arkle, who runs Jaspersparkle Jewellers making rings from silver spoons in Anglesey, North Wales, struggled through the coronavirus lockdowns like small businesses everywhere.She feels lucky to have got through the hard times, and now says it is time to help others.Miss Arkle, 55, said: 'After Covid, I know I am lucky to be safe and have shelter and so I thought I'd help and put aside £5 from each sale. It is only a little but it will add up.'Last night humanitarian group Care International's Helen Pankhurst - the great-granddaughter of suffragette Emmeline - told the Mail: 'There are very many reasons why it is vital to support those fleeing war, and for women and girls there are extra reasons that are very difficult to think about.'Imagine the horror of giving birth in a bomb shelter while bombs go off. Or in a foreign country, on the run, with no family support.' DAY 10 - 8, 2022 - DAILY MAILHow your donations help Red Cross to help refugees: As families seek shelter and thousands are forced underground, aid workers move in to ease the burden for desperate UkrainiansBy Sam Greenhill for the Daily MailSheltering with the Red Cross - which is being funded with help from Mail readers - a mother cradles her baby daughter in the city of Mariupol. Meanwhile, in the capital Kyiv, aid workers bring food and basic provisions to around 8,000 people forced to seek sanctuary in a subway station.These are the images which show how readers' generosity makes a poignant a difference in Ukraine.As the bombs rain down in southern Mariupol, Yulia's little girl knows nothing of the horrors outside. But to the mother, the support of the Red Cross means everything. She plants a kiss on the hood of her daughter's pink woollen cardigan and says: 'We have been here since the day they started bombing.'We came here with nothing. We receive help here. We need food, clothes, batteries, and everything you need for everyday life. We are grateful for any help.'Yulia is one of 100 people staying at the centre in Mariupol, where 400,000 have been plunged into a humanitarian crisis.Escape routes out of the port city have been cut off and the civilian population has been caught in the middle of the fight.Yet Red Cross staff are working in the heart of the city, helping 4,000 people with food, hygiene items and children's toys. Mail readers' donations support this vital work.Overall, the Red Cross has given out 30,000 food and hygiene parcels, and is helping those with disabilities to flee from Ukraine.Mail readers have responded magnificently to the humanitarian crisis, with the appeal raising more than £4million in a week. This includes £500,000 donated by the Mail's parent company DMGT at the request of Lord and Lady Rothermere. An incredible 40,000 cheques have now been posted to us, nearly all accompanied by heartfelt messages of support.Reader Anne Lawrence, of Great Yarmouth in Norfolk, sent £100 yesterday with a handwritten message saying: 'I hope this will help towards your appeal for the brave citizens of Ukraine, who I think about constantly and tearfully.'[item name=module id=101697865 style=152 /]The generosity is matched by the courage of the aid workers who your money is helping to fund.In Mariupol, the situation is dire. Food and water supplies have run dry, electricity and heating supplies have been turned off and bodies of the victims of this conflict litter the streets. Residents are huddling together in sub-zero temperatures and drinking melted ice to quench their thirst. According to local officials, the shelling of their neighbourhoods has been relentless.The Red Cross says the situation is 'incredibly tense, dangerous and distressing for people'. A spokesman added: 'Our teams are seeing lots of street-to-street fighting, including near where [our] personnel are... Most, if not all stores are closed, meaning ordinary citizens have difficulty buying items.'Maksym Dotsenko, director general of the Ukrainian Red Cross Society, said: 'We are deeply concerned for the safety of communities given the recent intensification of fighting.'Nataylia, who is also staying in the shelter, said she and her family fled from the Artana area of the city under heavy and merciless bombing.'Shells fell directly on our heads, so we ran away in what we were wearing, to the basement,' she said. 'We need everything now. 'We are wearing only what kind people and the Red Cross gave us. Right now, we are in dire need of medicine and hygiene products.' DAY 9 - 7, 2022 - DAILY MAIL Mail Ukraine fund hits £4MILLION: As more desperate families trudge across the border with little else but their coats, Archbishop of York backs our appealBy Andy Jehring and Sam Greenhill for the Daily Mail The Archbishop of York has hailed the generosity of Mail readers as our Ukraine Appeal soared past £4million last night.It was helped by investment firm Abrdn, which pledged £25,000 on top of the £100,000 it has already given to Unicef's campaign.Thousands more has been raised thanks to our army of readers including Peter Hale, 76, who is doing his bit by completing a 500,000-step challenge.Their amazing donations have seen our record-breaking newspaper appeal to support refugees reach the astonishing total just eight days after it launched.At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.Stephen Cottrell, Archbishop of York, said: 'The Christian faith teaches me to love my neighbour - refugees are most definitely our neighbours, however and wherever they come from.'The crisis in Ukraine compels us to respond to this need generously and it is great to see how readers of the Daily Mail have risen to that call.'[item name=module id=101697865 style=152 /]Abrdn made its donation to the Mail - having already donated to Unicef's Ukraine appeal - after staff and partners spoke of their devastation witnessing the catastrophe unfold.More than 1.5million Ukrainians have fled into neighbouring countries, the UN said, with charities fearing that could rise to 5million. And two attempts to evacuate thousands from the heavily bombarded port city of Mariupol at the weekend had to be abandoned, with Ukraine accusing Russia of breaking a ceasefire.The £4million raised in eight days is being given to charities such as CARE International and the Red Cross which are already working inside Ukraine.Mr Hale, a retired surveyor, is one of our readers who felt compelled to do something after reading about Russia's atrocities. He set himself the challenge of completing half a million steps - around 250 miles - before his 77th birthday on Friday.'Like everyone, I have just felt so powerless looking on at what Putin is doing. I recently injured my arm playing tennis, so I thought I would use my time off to do something meaningful,' he said.Mr Hale, who lives with wife Janet, 78, in Eaton Bray, Bedfordshire, has already raised over £400 and walked over 400,000 steps with just 77,000 to go last night.DAY 8 - 6, 2022 - MAIL ON SUNDAYOlivia Colman hails Mail readers for their 'incredible generosity' as Mail Force donate £250,000 for Unicef heroes saving babies from hospitals battered by Putin's bombsBy Mark Hookham and Sam Greenhill for The Mail On Sunday An astounding flood of donations from generous Mail on Sunday readers will help brave UN aid workers deliver life-saving medical supplies to desperately struggling hospitals across Ukraine.We can today announce that Unicef, the UN's children's charity, is to receive £250,000 from Mail Force's record-breaking Ukraine Appeal.Oscar-winning British actress Olivia Colman heaped praise on the 'incredibly generous' readers of The Mail on Sunday and Daily Mail last night.The Crown star, who is president of Unicef UK, said a £250,000 donation from Mail Force to the UN's children's charity will help aid workers continue 'vital work' saving the lives of children and families caught up in the fighting.'To know children are being killed, injured and traumatised is heart-breaking,' she said.'Unicef are on the ground in Ukraine and neighbouring countries to support as many vulnerable families and children as they can.'I thank the Mail for their incredibly generous donation, which will help Unicef continue delivering vital work for children and families.'As the catastrophe in Ukraine deepens, Unicef is delivering desperately needed drugs and medical equipment to 100 hospitals, including maternity units, where terrified mothers and newborns are sheltering in basements from Vladimir Putin's ruthless bombardment.Yesterday, the first convoy of eight aid trucks arrived in the western city of Lviv carrying critical medical supplies - and thanks to the generosity of Mail readers many more will now follow.The Mail on Sunday - in parallel with its sister paper the Daily Mail - launched an appeal last week to help stricken families caught up in the spiralling humanitarian crisis. Yesterday, the appeal, the fastest newspaper fundraiser in history, hit an astonishing £3.6 million.Money collected by the Mail Force charity is already being passed to established organisations operating in Ukraine and on the borders with Poland, Romania and Hungary where more than 1.4 million people have fled, including at least 500,000 children. Colman's comments were echoed by British actor David Harewood, who is an ambassador for Unicef UK.The Homeland star said: 'Up to 7.5million children could be affected by this escalation of violence - and the situation for children caught up in the conflict in Ukraine grows worse by the minute.'Thanks to the generosity of the Mail and its readers, Unicef will be able to support even more children who urgently need it - from clean water to towels and blankets, gas burners to batteries and fuel to first aid kits.' British singer Jessie Ware, who is also an ambassador for the charity, said: 'These vital funds raised by Mail on Sunday readers will help children and families who have been forced to leave their homes and cross the border, many undertaking difficult and treacherous journeys.' Jon Spark, chief executive of Unicef UK, said last night the charity was 'deeply grateful' for the Mail Force donation, adding: 'These funds will help us continue to deliver critical and lifesaving support to the children of Ukraine.'With Ukraine's health system on the verge of collapse, the appeal is more vital than ever.Maternity wards and paediatric units have been forced into underground bomb shelters, while critical supplies - including first aid kits, oxygen, insulin and cancer treatments - are in short supply.'It is overwhelming,' Murat Sahin, Unicef's representative in Ukraine, told the MoS last night.'As we speak there are children being born in their basements at home or in the basements of hospitals. This is not what a mother and family should experience.'Unicef already has 140 aid workers on the ground in Ukraine. Its first convoy of medical aid was unpacked yesterday morning before being sent on to hospitals across the country.It included midwifery kits, which contain sterilisation and resuscitation equipment and help doctors safely deliver babies in challenging and unhygienic locations. They are urgently needed at a major hospital in the devastated suburbs of Kharkiv in northern Ukraine.Russian shelling forced doctors to evacuate newborns and their mothers into the hospital's basement. Heartbreaking images show a row of babies lined up in plastic cots under ageing ventilation pipes.Mothers breastfeed sitting on thin mattresses on the floor while pillows have been stuffed up against two small windows to protect the babies from any flying glass from explosions outside. The hospital's intensive care unit is on its fourth floor, making it impossible to move critically ill patients underground. Mr Sahin said heroic medical staff are caring for them while shelling has continued outside.Despite Kharkiv being encircled by Russian forces, Mr Sahin said Unicef was determined to resupply the hospital, adding: 'We will do everything we can to reach them.'The situation is also desperate at Okhmadyt Children's Hospital in Kyiv, where more than 20 children on kidney dialysis have been moved to a basement to continue receiving their critical treatment. Last week, Unicef aid workers supplied the hospital with ten oxygen concentrators, a device that gives patients extra oxygen, for the most seriously ill children.[item name=module id=101697865 style=152 /]On Friday morning a woman dressed as a clown toured the underground ward entertaining the children.Dozens of other youngsters, including cancer patients, were initially moved to the basement but then evacuated to Poland in a makeshift hospital ward on a train. Those requiring dialysis, however, are too sick to move.Former BBC reporter John Sweeney posted a series of emotional videos online after witnessing the appalling conditions. 'If they move they may die,' he said. 'But because of Putin's war, if they stay they may die.'The World Health Organisation said last week there were signs that hospitals and health workers were being directly targeted. On February 24 a ballistic missile struck a hospital in eastern Ukraine, while a maternity hospital near Kyiv was hit during an attack last Tuesday.Unicef is also setting up 26 so-called 'blue dot centres' in neighbouring countries to help the exodus of families fleeing the fighting. Aid workers at the centres, which can each help 5,000 people a day, distribute blankets, water and hygiene kits, offer psychological support and attempt to identify any children who are separated from their parents.Centres have opened in Romania and Moldova, and eight more are planned along the Polish border.Those backing our appeal included the Duchess of Cornwall, who gave a 'substantial' donation on Wednesday. At the request of Lord and Lady Rothermere, the Mail and Mail on Sunday's parent company, DMGT, has donated £500,000.Online donations have poured in from generous readers and cheques have arrived by the sack load from all across the UK.Kind-hearted reader Jim Fletcher is running for six hours, and hopefully covering 30 miles, on March 20 to raise funds for our appeal. Appealing for donations, Mr Fletcher wrote: 'Help me to provide much-needed money to charities giving aid, including shelter, clothes and food, to refugees who need it most.'Money raised by our appeal is already being put to good use. Mail Force revealed a £500,000 donation to CARE International last week. Thanks to readers' generosity, aid workers from its local partner, the Eastern European charity People In Need, are helping mothers and children arriving in Slovakia.Mr Sahin heaped praise on our readers last night for funding Unicef's critical work, adding: 'Thank you so much for mobilising your readers. Every penny that has been given will go to the children here whether it is medicine, vaccines, water, hygiene, psychosocial support to young people.'Mail on Sunday readers can make donations to the appeal online, by phone or by cheque.Readers can also donate through our Mail Force fundraising site - mailforcecharity.co.uk/donate.DAY 7 - 5, 2022 - DAILY MAIL The Ukraine toddler who asked 'Is the monster coming?' is safe - thanks to Mail readers: Leonel, two, was referring to the bombs raining down on his family's home city of Kharkiv and now he has escaped to SlovakiaBy James Franey in Slovakia for the Daily MailSafe at last - with thanks to Mail readers - two-year-old Leonel escaped from hell and asked his mother: 'Is the monster coming?'The bewildered toddler and his parents crossed from Ukraine into Slovakia yesterday and were welcomed by aid workers funded with donations from Mail Force.Thanks to our readers' generosity, they were immediately given essential supplies - and a chocolate bar for Leonel. As the little boy munched on his treat, he seemed to sense the family's relief to be out of harm's way.His mother Olga Legulska answered his question by saying: 'The monster is not coming any more, sweetheart,' as she tenderly brushed her fingers through his hair.She explained that by 'monster' he meant the bombs that had rained down on their bombarded home city of Kharkiv. The shocked 30-year-old teacher and her husband Ravil Gaifullin, 31, took their son and a few belongings and set off on an 800-mile journey across Ukraine.It took them 27 hours by train in a packed carriage to reach the frontier with Slovakia. Last night after crossing over, they were being made comfortable at a reception centre in the border village of Vysne Nemecke.The family is one of thousands to be helped by Eastern European charity People in Need, which is the local partner of CARE International - the UK and global aid organisation receiving £500,000 from Mail Force.Donations from Mail readers and other benefactors are funding the charity workers who have already set up reception centres and supplies to help desperate Ukrainians as they arrive across the border.People in Need's staff and volunteers offer food, blankets, children's activities and psychological counselling for the mainly women and children who have left everything behind.Olga told the Mail: 'Taking into account all the countries that helped us, I think that the people in Britain are our best friends. They are always the first to support us. We are very damaged psychologically because, any noise or sound, we think it is bombs or rockets. 'It seems to be like a horror movie, to be honest.'The young family escaped with just two suitcases of their possessions, along with their son's pushchair.'I don't know what we are going to do,' Olga says.'Thank god that we have some savings.' Their future remains uncertain. Yet they are already dreaming of when they can return to their besieged and beloved city of Kharkiv. 'I hope that we will be able to go back to my city and that our house will still be standing and not in ruins,' she said. Another refugee in the reception centre yesterday, who gave her name only as Kristina, was offered counselling.[item name=module id=101697865 style=152 /]It is here where many Ukrainian mothers can pause for a few hours after fleeing the hell of war. Specialists are on hand to offer 'psychological first aid' for those who need it.Many refugees from the fighting suffer anxiety, depression, or simply struggle to sleep.Kristina, 29, fled the capital Kyiv with her six-year-old son Artem, but without her husband or father - who stayed behind to defend their homeland from Vladimir Putin's slowly advancing Red Army. 'I still don't want to believe what's happened,' she said. 'It is like a bad dream.'She watched the 'total chaos' of the first explosions in the Ukrainian capital last week.'Just five or six hours later, we had all understood that the war had started,' the corporate HR manager said.Kristina headed west to Chernivtsi and then onwards to Svalyava before crossing into Slovakia yesterday morning where she was met by People in Need aid workers.She is defiant that her country will beat Putin and she will be back home soon.'I hope that we are only there for one or two weeks. I am already dreaming of going home. I know my country will be beautiful once again.'It is our country, and we will never leave it.' As she spoke her son, a keen mathematician and swimmer, played with a Slovak volunteer. 'This is the first playground he has seen for eight days,' she said. 'He has already made lots of friends.' The young mother also praised Britain's contribution to helping Ukraine in its hour of need. 'Thank you for everything,' she said.Her words were echoed by Jan Ciupa, People In Need's humanitarian coordinator, who praised Mail readers for their generosity, saying: 'A huge thank you to everyone for their solidarity and support.'At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.CARE International was founded in the US in 1945 to send packages of food and basic supplies to millions of people in Europe following the devastation of the Second World War.CARE International UK - the British arm of the organisation - was founded in 1985.It has teamed up with People in Need, a charity based in the Czech Republic which is also running convoys of aid trucks into war-torn Ukraine.For details of ways to donate, go to [*www.mymail.co.uk/ukraineAdditional*](http://www.mymail.co.uk/ukraineAdditional) reporting: Sam GreenhillDAY 7 - 5, 2022 - DAILY MAILStaggering generosity of Mail readers moves staff working on Ukraine Appeal to tears as cheques arrive by the sackloadBy Sam Greenhill And Isaan Khan For The Daily Mail [item name=module id=101697865 style=152 /]The astounding generosity of Mail readers reduced staff working on our Ukraine Appeal to tears yesterday.Cheques have arrived by the sackload - and from all across the UK - since the campaign launched last Sunday.And opening the envelopes yesterday, two Polish-born colleagues in our accounts department were overwhelmed with emotion.They found many kind-hearted readers sparing whatever they could to help those desperately trying to flee the savagery of Vladimir Putin's forces.Sylwia Pazyniak, 26, said: 'I am so proud of my company and my colleagues and the readers for the help they are giving. We are seeing people dying every day. It's terrible.'And Angelika Dawson, 36, added: 'My family live on the Poland-Ukrainian border and say it is a humanitarian crisis.'The pictures of the bombing and the Russian soldiers are so frightening. And the thousands of families fleeing their homes is heart-breaking. But people have responded with such generosity and kindness. I have cried a lot in the last week.'£2,000 in memory of my grandmother from Ukraine Mail Force's record-breaking Ukraine Appeal has reached the hearts of many across the UK. And the Kyral Charitable Trust - founded by Mike and Angela Schumann - is among the generous contributors, donating £2,000.The trust was set up in 1985 and contributes to about 20 charities a year, among them The Prince's Trust, British Legion and Salvation Army.But it was Mr Schumann's family links to Ukraine that encouraged him to donate Kyral's largest-ever single contribution to a charity.Mr Schumann, 80, said: 'I had a grandmother, Marina Oksiusov, who was born in Mariupol in 1885 and married my grandfather Carl Landsdorff in 1905.'Marina moved to the UK in 1923 and passed away in 1963 aged 78.Former engineer Mr Schumann, who has two daughters and five grandchildren, said: 'I think this appeal is absolutely the right thing to do and I hope the Mail have had lots of contributions.'It is going to cost millions to support the children and women affected by this war.Mrs Schumann, 72, added: 'This is a great appeal, thank you to the Daily Mail. You always have great appeals.'It is less than a week since we launched our appeal to help families caught in the Kremlin's sickening blitzkrieg of Ukraine.So much devastation has been wrought that already more than a million Ukrainians have fled to neighbouring countries.In just six days, the Mail Force Ukraine Appeal has raised an astonishing £3.5million to help them, making it the fastest newspaper fundraiser in world history.But it is not just money that is flooding in, for the cheques arriving at our nerve centre for donations in Leicester are invariably accompanied by messages to tug at the heartstrings.Many of our readers are from the older generation, and have written eloquently about their memories of war and the chilling lessons from history.Sylvia Cousins, 81, from Ashford, Kent, sent £50 and wrote: 'I was born in 1940 at the start of World War Two.'My earliest memories are of my mother waking me and carrying me - still in my nightie - down to the local air raid shelter. Of watching my grandmother praying aloud, clutching her rosary.'Her prayers were not just for us but her youngest son who later survived D-Day. I hate the thought of today's children still having memories of war when they are my age.' A lot of the donations come from pensioners offering a fiver or tenner and often a note apologising that they cannot send more. Jennifer Hancock, of Coventry, gave £20 and wrote: 'I am sorry this is not much, but as an OAP being born in the Second World War, this is all I can afford.'A £30 cheque from Vivienne Card, of Swindon, was accompanied by the poignant note: 'This terrible situation reminds me of my dad in World War Two when he was a young boy. 'My late mother raised funds for aid to Russia when she was young and her brother was on the Russian convoys.'I am glad that neither of them are alive to see what has happened to Ukraine and the dreadful aggression of the Russians.'It is so sad to see such suffering again.' Rosemary Barry, of Potters Bar, Hertfordshire, wrote: 'My partner and I are in our eighties and are horrified at the situation in Ukraine.'My late mother helped Hungarian refugees and I lived for two years in the British sector of Berlin in the 1970s. Well done for what the Mail is doing.'Meanwhile a couple from Nottingham penned a heartfelt letter to the defiant president of Ukraine, Volodymyr Zelensky 'and the whole of the Ukrainian people'. Maureen and John Ward sent a £25 cheque and wrote: 'We are in awe of their courage and determination to save their country and the world. 'Be brave, cry freedom.' Mrs Ward, 84, added: 'Please excuse writing and spelling - recovering from a stroke.' And there was a further £50 from Mr and Mrs Jones, of Holywell, Flintshire, Wales, who said it was 'a small donation for the brave people of Ukraine suffering at the hands of a deranged cowardly monster, happy to send his own people to war. May he rot in hell.'We have had cheques from £5 up to several thousand. Michael and Alison Gaskell, of Colden Common, Hampshire, sent £500, and Christopher Boyce from Newport an incredible £1,000.Some of the letters are written beautifully and others seem hastily scrawled, but all convey the sense of utter despair at the horrific scenes unfolding in a European country in 2022. It seems incomprehensible to so many that the appalling refugee crises of the Second World War in Europe and the Far East could happen again.A man named Mr Alain, of Guernsey, who with his wife donated £100, recalled how his father fought in Burma with the Chindits - British empire troops who carried out guerrilla-style operations - and wrote: 'To the Ukrainian people in their fight against the Russians. 'In 1940, my mother evacuated with me, aged five months, my brother, 19 months, and grandmother. My father fought in the Chindits.' Alan Jones, of Horley, Surrey, who with his wife donated £200, sent a message supporting the Ukrainian people which read: 'May they succeed in saving their country.'On Wednesday, the Duchess of Cornwall gave a 'substantial' amount to the Mail's appeal after meeting British-based Ukrainians. And at the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000. DAY 6 - 4, 2022 - DAILY MAILNow our refugee appeal hits £3m: Lord Ashcroft praises 'astonishing bravery' of Ukrainians defending their homeland against Russian troops as he boosts aid fund with £100k donationBy Sam Greenhill for the Daily Mail Mail Force's Ukraine Appeal burst through the £3million mark last night as Lord Ashcroft gave £100,000. The businessman and philanthropist hailed the 'astonishing bravery' of those defending their war-ravaged homeland.And as generous readers continued to donate in their droves, Sir Cliff Richard added his name to those urging help.The singer said: 'Along with other citizens of the world, I too have watched in horror as events unfold in Ukraine. 'I cannot imagine the needless pain and suffering the people are going through in their beautiful country, and all because of one man's evil ego.'I implore you, where possible, please support the Daily Mail's hugely important campaign in donating money to help the refugees in their time of need in Ukraine. We stand with them.'With one million people now having fled the fighting, the appeal is more vital than ever. The £3million was raised in just five days, breaking the record for a newspaper appeal. Money is being given to established charities such as CARE International and the Red Cross who are already working inside Ukraine.£500,000 for Red Cross heroes Your donations really will make a difference, as today we announce the Red Cross is to receive £500,000 from the Mail's appeal.The charity already has thousands of staff and volunteers helping people in need in Ukraine. These funds will support the charity in its efforts to get food, water, medicine and other essentials to those affected by the conflict, not just in Ukraine but also in neighbouring countries.More than 30,000 food and hygiene parcels have been distributed by the Red Cross, along with warm clothing for 8,000 refugees sheltering in metro stations.The Red Cross is also working to restore water supplies, provide support to medical facilities, and arrange shelter for those fleeing the fighting.The £500,000 from donations was approved last night by the Mail Force charity.Mike Adamson, chief executive of the British Red Cross, thanked the readers of this newspaper. He said: 'We are bowled over by the generosity of Daily Mail readers.'Millions of people are at risk of deadly consequences of conflict in Ukraine.'Right now, the Red Cross is providing life-saving assistance to men, women and children caught up in this crisis.'Your donations will help us reach people in Ukraine and neighbouring countries with food, water, medicine, medical equipment and other essentials - and also to repair critical infrastructure.'Mr Adamson added: 'We cannot thank people enough for these vital donations.'The International Committee of the Red Cross has been working in Ukraine for eight years and the Ukrainian Red Cross Society has local teams of about 3,000 volunteers across the country.Adding his £100,000 yesterday, Lord Ashcroft said: 'The scenes that we have all seen from Ukraine over the past week have been utterly heart-breaking.'This is clearly going to be the worst refugee crisis that Europe has witnessed this century and it is only going to intensify in the short term. 'Hundreds of thousands of decent, law-abiding citizens have lost everything through no fault of their own.'The author and pollster added: 'I have decided to make this donation - specifically to support the Ukrainian refugees - because I have been so moved by both their terrible suffering and the astonishing bravery of the nation's people in trying to defend their homeland.'All the signs are that over the coming months, millions of refugees are going to need humanitarian aid and I would encourage everyone to dig deep to support this incredibly worthy cause.'The United Nations warned yesterday one million refugees have fled Ukraine in the week since Russia's ***invasion***. Unless Vladimir Putin's onslaught ends immediately, millions more are likely to flee, it added.Foreign Secretary Liz Truss said: 'I know Mail readers share the Government's deep concern for the people of Ukraine, and it is heartening to see so many willing to help during this terrible moment in Ukraine's history.'Lynn Knowles, of Mexborough, South Yorkshire, sent a note with her cheque saying: 'Thank you for organising the appeal and for your excellent coverage of the situation, and a special thank you to your reporters on the ground. 'A terrible situation always seems to bring out the best in journalism.'Daily Mail readers can make donations to the appeal online, by phone or by cheque. Readers can now also donate through our MailForce fundraising site - visit [*www.mailforcecharity.co.uk/donate.Those*](http://www.mailforcecharity.co.uk/donate.Those) who have already donated can complete a form to reclaim Gift Aid on mymail.co.uk/ukraine.Yesterday, the Queen made a 'generous' personal donation towards the British aid effort for Ukrainian refugees. The 95-year-old donated to the Disasters Emergency Committee, which brings together 15 UK charities to raise money quickly and efficiently.It thanked her on social media yesterday for supporting their Ukraine Humanitarian Appeal. The Government has pledged to match donations up to £20million.On Wednesday, the Duchess of Cornwall gave a 'substantial' amount to the Mail's appeal following an emotional meeting with British-based Ukrainians. DAY 5 - 3, 2022 - DAILY MAILCamilla's tears for Ukraine: Duchess of Cornwall makes 'substantial' donation to Mail's appeal after emotional visit to London churchBy Rebecca English, Sam Greenhill and Jason Groves for the Daily MailThe Duchess of Cornwall gave a 'substantial' donation to the Mail's refugee appeal last night after an emotional meeting with British-based Ukrainians.On the day Vladimir Putin was accused of genocide, Camilla visited the Ukrainian Catholic Cathedral in London and told the wife of the country's ambassador: 'We are praying for you.'She was in tears for much of the time speaking to representatives of the UK's 70,000-strong UKrainian community about the humanitarian crisis unfolding in their home country.The duchess has now made a private contribution to the Mail's record-breaking refugee appeal, with the total raised now in excess of £2.5million just four days after the campaign launched.Her spokesman said last night: 'No one could fail to be moved by the appalling scenes of Ukrainians fleeing their homes and the duchess wanted to help in whatever way she could.'The appeal is the fastest newspaper fundraiser of all time.Camilla was accompanied on her visit yesterday by her husband Prince Charles, who paid tribute to the 'extraordinary bravery and fortitude' of the Ukrainian people in the face of 'such truly terrible aggression'. It is understood that he has made personal donations to two charities he is patron of, the British Red Cross and World Jewish Relief.Putin was accused of 'a full-scale genocide' after he unleashed a blitz of missile and rocket attacks on cities across Ukraine yesterday.In the conflict's bloodiest 24 hours so far, thousands of civilians were feared to have been killed with alleged war crimes happening 'almost hourly'. [item name=module id=101697865 style=152 /]Residents endured relentless attacks on their neighbourhoods with some regions suffering 14 hours of non-stop bombardment and 'colossal destruction'.At an emergency session of the UN general assembly, Ukraine's ambassador Sergiy Kyslytsya said of the Russian ***invasion***: 'They have come to deprive Ukraine of the very right to exist. It's already clear that the goal of Russia is not an occupation only. It is genocide.'The assembly voted overwhelmingly to approve a resolution calling for the withdrawal of all occupying forces, with 141 in favour and just five against.In other developments:

* Roman Abramovich announced he was selling Chelsea Football Club, saying that 'net proceeds' would go to a charitable foundation to support 'all victims of the war in Ukraine';

1. Boris Johnson said ministers were working to publish a 'full list of all those associated' with the Putin regime, many of whom are likely to face UK sanctions;
2. Downing Street warned legal firms they could face penalties if they frustrated efforts to sanction Putin cronies;
3. The Mail Force charity is back in operation, meaning readers who want to use Gift Aid can now swell their appeal donations by 25p for every £1 they give;
4. Author Barbara Taylor Bradford issued a powerful warning about 'monstrous tyrant' Putin as she donated £20,000 to our appeal.
5. There were reports of a Russian rocket strike near Kyiv's central rail station where thousands of women and children were being evacuated;
6. A 'full-scale genocide of the Ukrainian people' was feared to be underway in the southern port of Mariupol with hundreds of people feared dead;
7. Russia claimed to have seized control of its first major city so far, Kherson, though this was strongly disputed;
8. The northern city of Kharkiv suffered an intense bombardment, likened by a Ukrainian official to the siege of Stalingrad in 1942-43;
9. At least 2,000 civilians were estimated to have died so far;
10. Top US diplomat Antony Blinken called Putin's 'provocative' nuclear rhetoric 'the height of irresponsibility';
11. Defence Secretary Ben Wallace again ruled out the idea of Nato enforcing a no-fly zone over Ukraine, suggesting it could be counter-productive;
12. Questions mounted about the appetite of ordinary Russian soldiers for the conflict as some troops allegedly fled their posts, while the Russian ministry of defence admitted at least 498 had been killed

Mr Johnson yesterday told MPs: 'What we have seen already from Vladimir Putin's regime in the use of the munitions that they have already been dropping on innocent civilians, in my view, already fully qualifies as a war crime.'The UK and 37 allies last night announced they had 'referred atrocities in Ukraine' to the International Criminal Court - the largest referral in the court's history.In the Commons, MPs put on a rare show of unity, giving the Ukrainian ambassador an ***unprecedented*** two-minute standing ovation when he arrived to observe Prime Minister's Questions.But Mr Johnson came under pressure to move faster to sanction Russian oligarchs with links to the Putin's regime before they can dispose of their assets.His spokesman told reporters that possible war crimes were occurring 'almost hourly' in Ukraine, including the targeting of apartment blocks and the Russian attack on the Kyiv Holocaust memorial at Babyn Yar, scene of one of the biggest single Nazi massacres of Jews.'Obviously, formally it will be for a criminal court to make that ruling but I think no one can be in any doubt that what we're seeing daily, almost hourly now, are horrific acts that would certainly appear to be war crimes,' the spokesman said.The PM also welcomed the vote at the United Nations, which underlined the growing isolation of Putin's regime. The only countries to vote against were Eritrea, North Korea, Syria, Belarus and Russia - with China abstaining and even longstanding allies of Putin like Cuba and Venezuela refusing to back his war.French president Emmanuel Macron gave a television address, insisting that the world was 'not at war with Russia or its people', but only with Putin who he labelled 'the aggressor'. Standing in front of the flags of France, Ukraine and the European Union, Mr Macron said: 'This war is the fruit of a spirit of revenge born of a revisionist reading of the history of Europe.'Earlier, Mr Wallace underlined Britain's opposition to Ukrainian calls for Nato to impose a no-fly zone over the conflict. He warned the move could trigger a third world war, and suggested it could even hand the advantage to Russia, which has used rockets and artillery rather than jets to conduct its bombing campaign. DAY 5 - 3, 2022 - DAILY MAILNow our campaign gets a boost with Mail Force charity as appeal total hits £2.5m... and we send first £500,000 to help those on front line in UkraineBy Sam Greenhill for the Daily MailThe appeal to help Ukrainian refugees was given a huge boost tonight by the Mail Force charity.Readers who want to use Gift Aid can now boost their donations by 25p for every £1 they give.Mail Force is a registered charity that was initially set up by the Daily Mail during the pandemic to get personal protective equipment (PPE) to brave NHS workers. Now it is turning its help to a different front line - the one Ukrainian families are fleeing.So far, an astonishing £2.55million has been raised in just four days to help provide shelter, food and clothing to desperate refugees escaping Vladimir Putin's bombs and bullets.Today, best-selling novelist Barbara Taylor Bradford offered a stunning £20,000 donation - and issued a heart-rending warning from history.The 88-year-old author, whose books have sold more than 92million copies worldwide, said: 'I am very proud to be an Englishwoman, born and bred in a country I consider to be unique, where freedom, free speech, justice and compassion reign supreme.'My heart goes out to the heroic and brave Ukrainians who are battling Vladimir Putin, a monstrous tyrant. 'My late husband Bob Bradford, born into a Jewish family, was taken out of Berlin as a child to escape the horrors of Hitler's Third Reich. 'He often remarked that we should always believe tyrants, because they were actually telling us what they were going to do.'Putin proves Bob's point. He won't stop unless we defeat him. I am making a contribution to the Daily Mail's fund to help Ukrainian refugees. Please join me, even if you can only give a small amount. Freedom has no price.'Readers of the Daily Mail, Mail on Sunday and MailOnline have responded in their droves to the urgent request for aid.[item name=module id=101697865 style=152 /]The vast majority of those crossing the borders are women, clutching all the belongings they can carry, and their children. Ukrainian men have to stay behind and fight the Red Army.Every penny of the appeal money now being collected by the Mail Force charity is being passed to aid organisations already operating inside Ukraine and on the borders with Poland, Romania and Hungary where more than half a million people have so far crossed to safety.In 2020, Mail Force helped procure 42million items of life-saving personal protective equipment for frontline health and care staff.Then last year, when it became clear that one in five under- privileged children were missing out on home-schooling during lockdown due to a lack of essential computer kit, it provided more than 26,000 laptops.The appeal for Ukrainian refugees has become the fastest newspaper fundraising appeal in world history - and it has been backed by celebrities and leading politicians. At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.Readers have sent in cheques big and small, and every pound counts. Catherine Lindsay, from Blaydon-on-Tyne, sent £20 with a note saying: 'Thank you to all at the Mail newspapers. You have done it again, appealing to your readers for a traumatic cause. Thank you.'DAY 4 - 2, 2022 - DAILY MAIL TWO MILLION thank yous! Readers send Ukraine refugee appeal total past milestone as Judi Dench and Michael Palin give their support and - one British firm gives £250,000By Sam Greenhill for the Daily Mail The Mail's fund for refugees surged past £2million yesterday - thanks in no small part to a £250,000 donation from a British firm with business partners trapped in Ukraine.Peak Scientific pledged the astonishing sum as Dame Judi Dench and Sir Michael Palin became the latest big names to back our appeal.The firm's chief executive Jonathan Golby said: 'This is a huge crisis and the people of Ukraine are in a desperate situation.' His Glasgow-based company, which makes gas generators for laboratories, has 650 staff in 24 offices around the world. 'We have close business partners in Ukraine, and our hearts go out to them and all the Ukrainian people under siege,' Mr Golby added.'We do stay in touch with our friends there and of course their businesses have all shut down as everyone just waits with bated breath to see how the next week plays out. 'Whatever we have going on in our day-to-day business here is irrelevant when you think of the families being separated, newborn babies in underground bunkers rather than being in specialist hospital units, and untold suffering. 'We are a family-owned business, and we just hope this £250,000 will help in some way.'Oscar-winning actress Dame Judi, who has also offered a generous donation, urged others to back the Mail Newspapers crusade to help families caught in the horror.She said yesterday: 'If, like me, you are appalled by the desperate plight of the people of Ukraine, I urge you to get behind this worthwhile appeal and donate as much or as little as you can.'Immediate help is needed as hundreds of thousands of innocents flee the Kremlin's brutal onslaught. Aid agencies are mobilising to provide shelter, clothes and food to refugees flooding over the borders in freezing conditions with their children and just a handful of belongings. This essential work costs money, and there is no time to waste - which is why the Mail launched its appeal within three days of Vladimir Putin's assault on his neighbouring nation.Monty Python star Palin said: 'This war is outrageous. Please support the Daily Mail's campaign and help the people of Ukraine any way you can.'Children's TV presenter Konnie Huq also urged people to help, saying: 'This humanitarian crisis will devastate millions.'Four million people could be displaced, not to mention the death toll that comes with such conflict. Please help and support this Daily Mail campaign.' Harrowing images from Ukraine have spurred record-breaking generosity, leading our appeal to become the fastest newspaper fundraiser in world history.Since Sunday morning, readers of the Daily Mail, Mail on Sunday and MailOnline have sent in more than £1.25million. At the request of Lord and Lady Rothermere, the Mail's parent company DMGT has donated £500,000.All this money will go to charities helping those most in need. In the town of Przemysl in Poland, near the main border crossing from Ukraine, exhausted refugees expressed their gratitude to the Mail's readers.Viktoriya Luchka, a 29-year-old mother-of-one who fled the city of Lviv on Monday, said: 'I am touched and proud that so many of your readers have mobilised so quickly to help Ukraine.'When it's a public effort, I feel moved with the support people are providing us with. Both the British and Ukrainians stand for common values, for freedom, for human dignity.' She said her husband, brother and father have all stayed behind in her homeland, where men of fighting age have been ordered to take up arms.One of Poland's top humanitarian organisations also hailed the Mail's readers yesterday.Rafal Sakowski, chief rescue coordinator for the Polish Red Cross, said: 'We need to help the Ukrainian people in Poland with food and trying to find a place for them to stay. The money from the Mail will be very useful to help those fleeing Ukraine, so thank you very much. The British people are very generous.'Of course, the cash is not just coming from individuals - and yesterday's pledge from Peak Scientific paves the way for other businesses to step forward. The offer of £250,000 follows the same company's generous donation to the Mail's lockdown campaign to fund laptops for schoolchildren.One of the firm's gas generators even played a small but important role in the discovery of a Covid jab. Its machines can produce nitrogen gas - literally out of the air - saving the need for compressed gas bottles. The nitrogen is then used in mass spectrometers, the devices used to calculate the exact molecular weight of a sample.One of Peak Scientific's gadgets was duly used by Pfizer's partner BioNTech during the creation of its coronavirus vaccine.DAY 3 - 1, 2022 - DAILY MAILALEX BRUMMER: Britain saved my dad from hell in Eastern Europe. Let's show today's refugees in Ukraine that we still have a heartBy Alex Brummer for the Daily MailSome two decades have passed since I made the emotional journey with my father and other family members to his childhood home in western Ukraine.When we got there, we found a modest red-brick and stucco building still known locally as the 'Brummer House'.Seeing it for the first time from the deserted street outside, I felt a well of emotion - not just because it represented so important a part of my family's story, but also because it was a stark reminder of how war in Europe had destroyed lives, turned friends into enemies and vaporised entire communities.For many years when my grandparents lived there, it had been a place of domestic bliss and tranquillity. The kitchen was where my grandmother Fanya would fill rolled cabbage leaves with meat, rice and spices. In the garden my grandfather Sandor would sit on Sabbath afternoons under the shade of a peach tree, teaching the children stories from the Old Testament.But this harmonious, contented life was shattered by the Nazis and their collaborators. My grandparents were rounded up and perished in concentration camps along with three of their sons.It was only thanks to the generosity and kindness of the British people that my father survived. After crossing a Europe at war, he managed to escape the Holocaust, arriving in Britain as a penniless refugee.The despairing scenes this week of young, elderly and vulnerable refugees streaming across the borders of Ukraine in search of safety brought to mind all this suffering from the past. For me it was a jolting and deeply felt reminder of how my father fled Ukrainian territory. Many of his family were forcibly removed from their homes during World War II.Seeing those pictures of frightened people - women, children, brothers and sisters all brutally uprooted from their happy family lives - reinforced my view that we must do all in our power to help them. Our shock, horror and anger at their treatment will I am sure help us rediscover the extraordinary British trait of generosity that so staggered my father when he was welcomed here. And what better way of displaying that generosity than contributing to the Mail's Ukraine Refugee Appeal?[item name=module id=101697865 style=152 /]As Vladimir Putin launched his barbarous assault and the skies lit up over Kyiv, I became tearful when I tried to talk to my wife Trici about the ***invasion***. My voice trembled and words became trapped.The scenes of dislocation and desolation seem totally incongruous in a post-Cold War era. Yet they are all too reminiscent of what has gone on before in that part of the world.The tragedy, hardship, torture and murder which befell my own family in the 1930s and 1940s was something I only gradually became aware of as I was growing up.For much of my early life, the horrors they endured had been shrouded in a deep silence. What I did know came only from whispered conversations when surviving siblings - who had scattered to all corners of the world - came together for family reunions.In time I gradually came to learn about my family's hometown of Tiszaujlak (known as Vylok in Russian). It sits close to the Tisza river where on balmy summer days my grandmother liked to swim.It is now in Ukraine, but that part of the world has been fought over so many times that it has also been part of Czechoslovakia, Hungary and the Soviet Union.It was in 1938, as the grip of Nazi Germany tightened across Europe, that my father decided to come to Britain and join his elder brother Philip, who was by then a rabbi in Merseyside.Shortly before he left, he was beaten up by fascist thugs at the local railway station.After making his way through a Europe already at war he eventually arrived at London's Victoria station - and, by accident, found himself in the women's waiting room. There, he was befriended by an 'elegant English lady' who helped him across the city and put him on a train for Liverpool.From that single act, he developed a lifelong admiration for British kindness. Back in middle Europe, Hungary's sympathies with Hitler ironically protected some of the family from the worst of Nazi atrocities, since the Jews from that area were not shipped off to the death camps until June 1944 when Adolf Eichmann was charged with liquidating the Jewish communities.Three of my father's brothers were recruited into work camps. At first there were letters, and food and clothing parcels were dispatched to them. But after 1942 they were never heard of again.In 1944 Sandor and Fanya, their two young daughters Rose and Sussie and granddaughter Shindy were shipped off to Auschwitz. As the family left the town on cattle trucks they begged for water from friends and neighbours. Salt was thrown at them.My grandparents were consigned to the gas chambers. Miraculously my two aunts and cousin survived, and were rescued by the Swedish Red Cross.In the months spent in the death camps, freezing in rough cotton garments, they underwent enormous privations and unspeakable procedures at the hands of the Nazis.A younger brother, Martin, was transported to Theresienstadt, a transit camp for Jews, and on to an odyssey of work camps. When he and a friend tried to escape they were captured by guards and tied to the railway tracks. As a locomotive approached they were cut free with seconds to spare.When the war ended and Martin was freed, he was the only member of the family to head home. By now the post-war carve-up of Europe meant my father's childhood home was in the Soviet Union and occupied by the Red Army.Martin met a childhood sweetheart, Rosie. They decided there was no future under Soviet control - the cattle from the farm perished and the town became a ruined backwater.And so the next time a Brummer visited Brummer House was that visit I made with my father, my late brother Daniel and first cousin Shindy in 1997. It was after my mother died and he expressed a wish to return.We knocked on the door and were initially treated with suspicion by its residents, who thought we had come to reclaim property. They were persuaded in Hungarian that we meant no harm and were interested only in a little family background.There is no shortage of history in those parts, much of it bloody. But as terror once again visits Ukraine, I'd rather dwell on the redeeming qualities of human nature. The compassion in the face of pain and suffering. The many small acts of kindness meted out to those in need. And, of course, the generosity of Mail readers when confronted by the plight of a benighted people. DAY 3 - 1, 2022 - DAILY MAIL Thanks a MILLION for helping them! Record-breaking generosity of Mail readers as our appeal raises £1.2 million for Ukrainian refugees in just TWO DAYSBy Sam Greenhill, John Stevens and James Franey for the Daily MailGenerous Mail readers have opened their hearts - and wallets - to send our record-breaking Ukraine appeal past £1million in two days.On top of £500,000 pledged by the Daily Mail's owner, a sensational £710,000 has been donated already - for a grand total of more than £1.2million so far, making this the fastest fundraising appeal in newspaper history.There are now even more ways to give, as we launch new services to donate via phone and text message. The vital funds will go to charities helping families who are desperate to escape the Kremlin's missiles. As Vladimir Putin unleashed cluster bombs near homes and schools yesterday, thousands more men, women and children rushed to the borders. More than half a million have now fled since the Russian ***invasion*** began, according to the UN's High Commissioner for Refugees.With Putin's troops swarming into Ukraine from the north, south and east, refugees are heading west to Poland, Romania and Hungary. Wearing winter coats to protect against the freezing conditions, they arrive in EU countries with nothing but a few suitcases.At a makeshift refugee centre in the Polish village of Korczowa, two miles from the border, one volunteer praised the 'incredible' generosity of Mail readers.[item name=module id=101697865 style=152 /]Magdalena Wierzbinska, a 27-year-old jewellery shop assistant who has taken time off from her day job to help distribute supplies, said: 'I am really grateful, because they don't need to do it. 'I hope their hearts are open to give maybe the little that they can.'She said the centre - formerly Korczowa's indoor market - still needs donations of food, drink, toiletries and medical supplies.She added: 'The sheer number of people coming means we are short. 'There's a lot more who will come. 'We will need your donations to help these people.'Our urgent appeal, run in parallel with our sister paper, The Mail on Sunday, has already been backed by the Prime Minister and Labour leader. Their support was echoed yesterday by two more leading figures from opposite sides of the political divide.Tom Tugendhat, Tory chairman of the foreign affairs select committee, said: 'Brits have always admired courage and patriotism and we're seeing both in Ukraine.'I know we will stand with those who need it.' Sarah Champion, Labour chairman of the international development select committee, said: 'As this immoral ***invasion*** intensifies, more people will need our help. 'The British have always done the right thing and stood by those in need. 'Please do all you can to support the Mail campaign and help the Ukrainians who stay, and those are forced to flee.' DAY 2 - FEBRUARY 28, 2022 - DAILY MAIL Magnificent Mail readers' £268,000 of kindness: Boris Johnson and Keir Starmer back call for urgent donations to aid Ukraine victims - as we add £500,000 to our appealBy Sam Greenhill, John Stevens and David Barrett for the Daily Mail Magnificent Mail readers yesterday gave £268,000 on the first day of our Ukraine Appeal as Britain's political leaders united behind our crusade to help the desperate.Boris Johnson and Keir Starmer cast aside their differences to back the Daily Mail's call for urgent donations.[item name=module id=101697865 style=152 /]And as well as reader contributions, the newspaper's owner gave £500,000 - sending the first day's monumental total soaring past £750,000.Our appeal's storming start came as thousands more terrified mothers and children fled the Russian onslaught.And these are the people who we want to help - mothers struggling in the snow clutching children, belongings and pets on the Ukraine border as their menfolk are ordered to stay and fight Putin's Red Army.Since Vladimir Putin stunned the world last week, at least 368,000 Ukrainians have so far escaped his ruthless troops' ferocious ***invasion***.EU chiefs warned yesterday that seven million forced from their homes will seek sanctuary in European and other neighbouring countries.Q&A on Mail's campaign Where will the cash go?All donations to the Mail Ukraine Appeal will be distributed to charities and aid organisations providing essential services. We are negotiating with a number of reputable charities, and formal announcements are expected in the coming days.How will it be spent?Heartbreaking images and stories show families - mostly women, children, the infirm and elderly - fleeing from Russia's invading armed forces.As this tally of misery increases over the coming days and weeks, these innocent victims of a tyrant will require accommodation, schools and medical support. Many aid agencies are already on the ground in Ukraine and neighbouring countries to help people fleeing the conflict.What are the aid agencies doing?Mike Adamson, head of the British Red Cross, said last night that it was concerned about the consequences for evacuees if essential services, such as water and healthcare, begin to fail.He stressed that donations were 'vital' to help the charity support as many people as possible. The Red Cross, which has launched its own Ukraine crisis fund, will spend the money on delivering food, water, first aid, medicines, warm clothes and shelter, he added.Another charity raising funds for Ukraine, CARE International, is working with one of the largest non-governmental organisations in eastern Europe, People in Need. It is distributing vital emergency supplies to cover daily needs as well as specialised staff to offer support to refugees.Who is at risk?Women and children are being separated from the male members of their family as they flee the conflict zones. CARE International said this phenomenon presents its own unique perils.In addition, pregnant women will face difficulties as it becomes harder to access healthcare, presenting a risk not only to them but to their unborn child.How many people could be forced to flee?The United Nations Refugee Agency has forecast that up to five million Ukrainians could be forced to flee.The UN High Commissioner for Refugees said last night that so far 368,000 people have left the country - a figure that many fear will continue to rise relentlessly.What is the UK doing for refugees?Foreign Secretary Liz Truss said yesterday that ministers are 'urgently' looking at what more they can do. She told the BBC's Sunday Morning programme: 'It is a desperate situation. We're working with the United Nations, we're working with the Red Cross, to keep humanitarian corridors open.'In what could potentially become the bleakest humanitarian crisis in Europe since the 1990s Balkans war, the Daily Mail is urging readers to send donations.The money, being raised in conjunction with our sister paper, The Mail on Sunday, will go to reputable charities that are already on the ground doling out hot food, blankets and vital shelter to stricken families.Yesterday the newspaper's parent company, Daily Mail and General Trust (DMGT), led the way with a £500,000 donation.Its chairman, Lord Rothermere, said: 'The scenes we are all watching unfold in Ukraine could scarcely be more harrowing.'Courageous citizens forced to take up arms against an aggressive and immoral Russian state.'At the borders, hundreds of thousands of refugees - the vast majority of them women and children - in desperate need.'The heroism of the Ukrainian defence humbles us all. But we in Britain can play our part, too.'That is why the Daily Mail and Mail on Sunday have together launched an urgent appeal to support the charities already on the ground assisting stricken families.'There is no time to lose, so DMGT is today making a donation of £500,000 to kickstart the campaign.' He added: 'I hope it may inspire you and your families to give generously.'Last night the Prime Minister said: 'The people of the United Kingdom have a proud legacy of coming to the aid of those experiencing persecution.'Russia's barbaric ***invasion*** of Ukraine is provoking perhaps the biggest humanitarian disaster in Europe in more than a generation.'The Government has stepped forward in the last few weeks to provide millions in humanitarian aid and defensive military support to the people of Ukraine, and will continue to do so.'Mr Johnson added: 'I pay tribute to the Mail readers who are playing their part in helping those in dire need.'Meanwhile, Labour leader Sir Keir said: 'The Ukrainian people have shown immense bravery as they continue to resist Russian aggression.'Appeals such as this that seek to support Ukrainians with vital resources as they defend their homes and country are vital.'There were distressing scenes yesterday as Ukrainian families endured sub-zero conditions fleeing to Poland.At the Medyka border post, where 40,000 people have crossed from Ukraine since Thursday, a queue of cars and buses snaked back through the snow 22 miles to the town of Sudova Vyshnya.Fathers, husbands and sons over 18 cannot join the exodus - they are ordered to drop off their loved ones before turning back to join the battle, leading to heartbreaking scenes at the border as divided families sob their goodbyes.Aid agencies such as the Red Cross are already on the ground giving basic assistance to the new arrivals.The authorities have set up makeshift reception centres in tents where people can get medical aid and ***process*** asylum papers.In Poland, volunteers have been turning up in their droves offering donations of food, blankets and clothes. Kitchens were set up serving hot meals alongside roads.Mike Adamson, chief executive of British Red Cross, said: 'We are gravely concerned about the intensification of fighting in Ukraine over the past few days...We are asking the UK public to help - your donations help us to deliver food, water, first aid, medicines, warm clothes and shelter.' DAY 2 - FEBRUARY 28, 2022 - DAILY MAIL BEL MOONEY: Sorrow is not enough. We can and must send help By Bel Mooney for the Daily Mail What would you take? Imagine the moment - hearing the sound of sirens, the crump of weapons, the crash of bombs - when you know you must flee from your beloved home to any place of safety.You grab a bag or two - you can't carry much - your children are crying, your heart cold with terror. Do you take your little one's beloved teddy bear?Will you stuff that treasured framed photo of your late parents into the rucksack, as you hold back your tears for the sake of the kids? Of course somebody must carry your cat, your dog, because they are family too.The nightmare of the Ukrainian people is all too real and in this, the 21st century, we have a ringside seat at a humanitarian catastrophe.Through the internet and the tireless efforts of news crews, reporters, and photographers, we are witnessing the grief and guts of a European nation attacked by a ruthless tyrant.Seeing the dramatic images and reading the detail of how the terrible events are playing out, what else can we do but feel an impotent mixture of horror, sadness and rage on their behalf?But of course, we can do more. At times like this it is not enough to shed a tear at the heart-rending picture of a toddler screaming in terror at a packed train window.Such powerful images possess the power to cut through the ranting of a dictator and the rhetoric of international leaders and the mind-numbing detail of international finances, sanctions, and so on. They must be allowed to speak to our hearts.Now is the time to allow those faces to appeal to us as fellow men, women and children as we reach out with the practical help they so urgently need.Yes, of course it is significant for people in Western nations to take to the streets and protest against war. But the harrowing images of lives turned upside down cry out to us for concrete support in terms of cash.We may well be witnessing the worst refugee crisis on the European continent since the fall of Yugoslavia in the early 1990s.[item name=module id=101697865 style=152 /]That is why the Daily Mail is joining with our sister paper the Mail on Sunday to launch an appeal for donations to help the innocent people of Ukraine.Oh, it's easy to turn away from events in a foreign land. Too easy to say: 'Not my problem.'But when you see pictures of the streets of Kyiv - glimpsing the kind of coffee shop you pop in to on the way to work, a beauty salon where women like you get their nails done, a big supermarket for the weekly family shop, and so on - you are looking at a busy European city like ours, where people like us fall in love, feel sad, study, worry about Granny and want the best for their children, just as we do.When I read about the hundreds of thousands of displaced women and children separated from husbands and fathers and stumbling long, cold, freezing miles to the Polish and Romanian borders of Ukraine, I couldn't help thinking about my own family.What if my own daughter had to flee in terror with her two children, leaving her soldier husband, my beloved son-in-law, behind to fight?To make that emotional leap and imagine your own family torn apart is not to make their suffering all about you; on the contrary it is to invoke one of the most precious and uplifting aspects of humanity.'Empathy' means understanding and feeling the situation of another person as if it were your own.This reaches far beyond mere 'sympathy' - or feeling sorry for somebody. No, vital empathy is the vast imaginative energy that catapults you into their hearts.What if the bombs were falling on Manchester? What if your 19-year-old son were lying on his stomach, weapon at the ready, to protect your city?What if it was your sister giving birth to her baby in an Underground station packed with terrified people?Would you be joining your friends and neighbours in a panicky production line of improvised weapons to keep the invaders out of your street?Perhaps your home town is twinned with another town elsewhere. You may remember that the 'twin town' movement after the Second World War was seen as a way to bring European people into a closer understanding of each other and to promote cross-border projects and peace.In other words, the universal dream of humanity that is usually destroyed by politicking and power.But we must cling to the dream and never let it go. That's why it pleases me to write that Kyiv is still twinned with Edinburgh, Donetsk with Sheffield, Luhansk with Cardiff, Lviv with Rochdale, Odessa with Liverpool...and I'm sure there must be more.The idea of 'twinning' may be symbolic, but it does matter. To feel the plight of our brothers and sisters in Ukraine as if it were our own is to make a powerful statement about all that is best about the human spirit.We are moved by the agony of those who have left their homes in fear because we know how we would feel were the circumstances the same.And in that case, wouldn't we be hoping and praying with all our hearts and souls that strangers somewhere would open their hearts and help us?Nearly 15 years of writing my Saturday advice column for the Mail have brought me very close to readers - and that's why I know what good hearts you have.The generous people of Poland and Romania have already shown what it is to offer immediate practical help to their needy Ukrainian neighbours as they desperately cross the borders.In Britain we are not so near, but we can still dig deep, in the certain knowledge that the crisis can only worsen.Clothes, food, medical supplies and shelter are already in short supply and reputable charities are making concrete plans to help stricken families in the best ways possible.But let us be realistic: this will need a lot of money. My cash and yours. Please help us to help them.DAY 2 - FEBRUARY 28, 2022 - DAILY MAIL DAILY MAIL COMMENT: How YOU can help the victims of tyrannyWith each passing hour, the sheer scale of the humanitarian catastrophe engulfing Ukraine worsens.Hundreds of thousands of terrified refugees, their worldly belongings crammed into suitcases or carrier bags, are fleeing Vladimir Putin's monstrous act of aggression.Such harrowing scenes are redolent of the Second World War's darkest days. That the exodus is happening in 21st century Europe, supposedly a beacon of peaceful, civilised prosperity, is deeply shocking.Wrenched from their menfolk, who are staying behind to fight the Russian invaders, almost all of this heartbreaking human tide are women, children, the elderly and infirm.Tonight, the luckiest will sleep in tents in makeshift camps after reaching neighbouring countries.The less fortunate must slumber in appalling squalor on freezing streets.Against this distressing background, it is easy to remember how war brings out the worst in people.The Kremlin's armed forces have shown savagery and sickening indifference to civilians, blasting apartment blocks and even a hospital with missiles.Nothing could illustrate more starkly Putin's deranged depravity than his threat to unleash nuclear hell, perversely blaming Nato 'aggression'. Is the killer president so befuddled he doesn't realise the Western alliance only galvanised because his troops stormed a peaceable sovereign nation?The truth is, the tyrant is ratcheting up tensions because it is dawning on him he may have miscalculated.Ukrainian fighters, bolstered by weapons from Britain and others, have proved impressively resolute.And the ligature of sanctions - initially lamentably tame - is tightening around Putin's neck. Russia's trade (which finances its war machine) is crumbling and its economy is wobbling.But as well as bringing out people's worst, war can also conjure up their best.Take Ukraine's president Volodymyr Zelensky. A comic actor not long ago, he's rallied his citizens by defiantly shunning offers of exile to fight for democracy.And who could fail to be inspired by the courage of ordinary Ukrainians?[item name=module id=101697865 style=152 /]This time last week, they were going about their everyday lives. Now they are taking up arms to defend their cherished liberties.Closer to home, Boris Johnson has handled the crisis with aplomb. Leading from the front, he has succeeded in shaming EU foot-draggers to step up support for Ukraine - a huge blow to Putin.Today, we ask you - our remarkable readers - to join the struggle. With our sister paper, The Mail on Sunday, we are campaigning to raise money for the refugees.Over the coming weeks, these victims of an immoral dictator will need shelter, hot food, schooling and medical support.Every single penny we receive will be distributed to charities and aid organisations providing such essential services.And the appeal has got off to a flying start. On day one alone, you dug deep to donate £268,000. And the Mail's parent company added £500,000. The Prime Minister has applauded readers for 'playing their part in helping those in dire need'.And with the Government making it easier for some stricken Ukrainians to come here, Britain is upholding its fine tradition of supporting refugees from conflict.Many have called for ministers to throw the doors open. That sentiment is noble.But leave aside the practicalities of housing the displaced. The Ukrainian ambassador himself says it is better to support them to remain near their homes so when conditions improve it's easier for them to return.In all this paper's campaigns, from fighting plastic pollution to volunteering for the NHS, to funding PPE for nurses, you have exceeded our highest expectations.Charity and compassion are your bywords. So we are confident you will help those who have lost everything to Putin's barbarism.DAY 1 - FEBRUARY 27, 2022 - MAIL ON SUNDAY MAIL ON SUNDAY COMMENT: Give till it hurts: How you can ease the pain of Ukraine's refugeesIn the midst of civilised Europe in 2022 there is now bloody, pitiless war. There is no human action that is more unjust and wrong than armed aggression. As many Russian people have bravely recognised, their leader has done a terrible, unforgivable, indefensible thing.The Mail on Sunday hopes that he will fail, that his overweening arrogance will remove his unpleasant despotism from Russia, and that a just and lasting peace can quickly be brought about. But the shock is still appalling.There we were, used to a gentle cushioned world of instant gratification, in which politics and diplomacy barely intruded into our lives. We heard rumours of wars, but paid little attention. And then war came with the menacing boom of explosions and the accompanying misery as homes and neighbourhoods were smashed and burned, and previously contented people were forced to flee into the unknown.Nobody even begins to know how many innocent lives have been brutally ended, or how many more deaths and maimings there will be. Vladimir Putin has deliberately stepped far beyond the limits of civilised behaviour. His name now joins the list of the infamous and the cruel, conquerors, would-be conquerors and tyrants.We had thought such events were confined to the past, or to the poorer and more unstable parts of the world. But here they are unfolding in modern cities not unlike our own. Thank heaven, it has not come to us, though Ukraine is less than three hours flying time from London and we would be wise to pay more attention to what is going on around us. We are not prepared for such things, nor are we especially well defended against them. These are matters for urgent consideration by Ministers and MPs.But there is an even more urgent matter. Unknown numbers of Ukrainians are now refugees. This tally of misery is bound to increase, for any sane person will get out of the way of a modern army, with its terrifying powerful weapons and its cold indifference to civilians. [item name=module id=101697865 style=152 /]Almost all of those fleeing are women and children, or the old, because men of military age in many cases wish to stay and fight the cruel invader - and in any case they are not being allowed to leave.Ukraine's free and democratic neighbours are doing what they can to take in these terribly mistreated people, following the hospitable traditions of European civilisation. But these countries are not rich and have limited facilities to house their distressed and frightened guests. That is why they need our immediate help. Even if they do not come far beyond their nation's borders, Ukrainians fleeing from Putin's tanks, planes and missiles need to be housed, kept warm and fed. Who knows how long the crisis will last or when they will be able to return? In the meantime it will also be necessary to provide the other essentials of civilisation - above all, schools and medical treatment.So, having no doubt that they will respond, we appeal to all our readers to support our campaign to aid these refugees, swiftly and generously. Let us show that we in this country still uphold the virtues of charity and compassion. And in doing so let us heap coals of fire on Putin's head - a man who claims to be a Christian but who has launched fire and death against the weak and the innocent in defiance of all Christian belief.For all those who have spent the last few days asking what on earth they can do to counter the barbarism and spite now loose in Ukraine, here is something all of us can tackle. Give till it hurts.DAY 1 - FEBRUARY 27, 2022 - MAIL ON SUNDAY'God knows if we'll ever get to safety': As 120,000 desperate women and children flee Ukraine, the Mail on Sunday launches an urgent appeal so YOU can help the innocent victims of warBy Ian Gallagher and Mark Hookham for The Mail On Sunday As the world stands horrified at the spiralling humanitarian crisis engulfing Ukraine, The Mail on Sunday today launches an appeal to help those most in need.Harrowing images of mothers and children wrenched from their menfolk and forced to scatter to neighbouring countries have touched Britain's heart. More than 120,000 Ukrainians have already fled across borders. In all, some four million may be forced from their homes by the conflict, potentially the worst refugee crisis in Europe since the collapse of Yugoslavia in the early 1990s.Our plea is simple: send us your donations and we will ensure that they reach the reputable charities best placed to help stricken families.The launch of our appeal - run in parallel with our sister paper the Daily Mail - came amid fears that a rattled President Vladimir Putin is on the verge of unleashing terrifying new weapons after his ***invasion*** stalled.Defiant resistance by Ukrainian soldiers has stopped Russia from seizing major cities, and destroyed several armoured military convoys. Some reports already put the Russian death toll at 1,000 troops. Two transport aircraft, potentially carrying more than 300 Russian paratroopers, are believed to have been shot down.[item name=module id=101697865 style=152 /]Last night, as air-raid sirens rang out in Kyiv as the capital braced itself for another Russian bombardment, disturbing evidence emerged of a lorry carrying TOS-1 thermobaric rockets - dubbed the 'father of all bombs' - rumbling towards northern Ukraine.During another frenzied day of activity:

* British intelligence said strong Ukrainian resistance and 'acute logistical difficulties' appeared to have slowed Putin's onslaught, but Russia's defence ministry last night ordered a fresh wave of attack on all fronts as the bulk of its troops massed around Kyiv;

1. Intense street fighting broke out in Kyiv as families sheltered underground from a 'rolling thunder of explosions';
2. Kyiv's mayor, former boxing champion Vitali Klitschko, imposed a curfew until tomorrow morning, warning that anyone seen in the streets will be considered a Russian 'saboteur';
3. Dramatic footage showed a Russian missile slamming into a Kyiv apartment block, obliterating part of the building, and wounding six - but, astonishingly, the death toll was put at just two;
4. Ukraine's civilian death toll reached 198, including three children, with a further 1,115, including 33 children, wounded;
5. In an extraordinary act of defiance, Ukraine's President Volodymyr Zelensky rejected an offer by Washington to evacuate him, declaring: 'I need ammunition, not a ride';
6. Boris Johnson pledged more weapons during a phone call to Mr Zelensky while the Duke and Duchess of Cambridge pledged to 'stand with all of Ukraine's people';
7. Russia is to be kicked out of the Swift banking system, which underpins international trade, after EU opposition to the ban crumbled, but there are fears the tough sanction could provoke retaliation;
8. Defence Secretary Ben Wallace told The Mail on Sunday that setbacks for Russia could result in Putin resorting to 'total violence';
9. China, India and the United Arab Emirates were condemned after abstaining from a UN Security Council resolution that would have 'deplored' Russia's ***invasion***;
10. Billionaire Roman Abramovich handed the 'stewardship and care' of Chelsea FC to a charitable foundation amid criticism of his links to the Russian state - but a source insisted the club was not for sale;
11. Tory MPs demanded TV regulator Ofcom take action against Russia Today after the Kremlin-backed broadcaster described the ***invasion*** as a 'special military operation' to 'liberate' Ukraine.

Amid an exodus of families fleeing the bloodshed, the UN Refugee Agency said more than 100,000 people had fled to neighbouring nations. It fears the total may hit four million if the situation worsens

Afshan Khan, of UN children's agency Unicef said the conflict 'is quickly escalating into a humanitarian crisis' that is spreading 'by the hour'.

He added: 'For those staying in Kyiv, life has gone underground with significant numbers of people moving to subways and shelters to protect themselves. In eastern Ukraine thousands are without safe water, heat or electricity.'

Celebrities last night threw their support behind The Mail on Sunday's appeal.

Oscar-winning writer Julian Fellowes said: 'Many of these people will lose sons and husbands and everything they possess, through no fault of their own. Surely we must try to help if we can?'

Presenter Dame Esther Rantzen said: 'The unfolding tragedy is heartbreaking. We can only hope this fund will support Ukrainians whose lives are being destroyed and make it clear that the UK applauds their courage and determination.'

Actress Dame Maureen Lipman said: 'Please join me in empathising enough to raise money for a peace-loving democracy in peril.'

Broadcaster Gyles Brandreth added: 'Watching this horror unfold, we all feel helpless and humbled by the courage of the Ukrainians. Let's get on board with the MoS and send some money where it might help.'

Putin reportedly summoned his inner circle to the Ural mountains yesterday and voiced anger at how his battle plan had been derailed.

Former Russian MP Ilya Ponomarev claimed Russia only had enough missiles for 'three or four days' and that other weapons are in short supply. He predicted Putin would have to negotiate if Ukraine could hold out for nine more days.

A video on social media appeared to show a Russian tank parked up because it had run out of fuel.

At dawn yesterday, President Zelensky again took to Kyiv's streets to rally his countrymen, vowing: 'We will not lay down our weapons. We will defend our state because our weapon is our truth.'

In a major shift, Germany announced last night that it would transfer 1,000 anti-tank weapons and 500 Stinger class surface-to-air missiles to Ukraine.

On Twitter, the Duke and Duchess of Cambridge wrote: 'In October 2020 we had the privilege to meet President Zelensky and the First Lady to learn of their hope and optimism for Ukraine's future.

'Today we stand with the President and all of Ukraine's people as they bravely fight for that future.'

And on a visit to RAF Brize Norton last night Mr Johnson hailed the Ukrainians' 'brave fight', adding: 'We've got to do everything we can to change the odds they face to help them and that's why we're sending humanitarian, financial and military supplies.'

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**Body**

[*PM: I can't shield everyone from cost-of-living crisis*](https://www.telegraph.co.uk/politics/2022/05/10/queens-speech-boris-johnson-says-priority-help-ease-cost-of/) Queen's Speech at a glance: The key pledges [*Rishi Sunak backs mental health GP surgery campaign*](https://www.telegraph.co.uk/news/2022/05/10/chancellor-rishi-sunak-backs-putting-mental-health-staff-gp/) [*Scaled-down Queen's Speech poses an unusual problem*](https://www.telegraph.co.uk/royal-family/2022/05/10/going-need-bigger-car-scaled-down-queens-speech-poses-transport/) [*Ukraine latest news:*](https://www.telegraph.co.uk/world-news/2022/05/10/russia-ukraine-war-putin-latest-news-nato-mariupol-donbas/) [*Russia 'wasn't ready to fight an army'*](https://www.telegraph.co.uk/world-news/2022/05/10/russia-ukraine-war-putin-latest-news-nato-mariupol-donbas/) Theresa May has warned Boris Johnson not to tear up the Northern Ireland Protocol amid reports that Liz Truss could trigger Article 16 as soon as next week.Responding to the Queen's Speech in the Commons on Tuesday afternoon, the former Prime Minister also urged Mr Johnson to ensure the Government "works for everyone" amid the cost-of-living crisis.Noting the lack of explicit reference to any future decision on the Protocol in what was published today, Mrs May told Mr Johnson: "I do not think that that would be the right move for the Government."I think the Government needs to consider not just some immediate issues, but also the wider sense of what such a sense would say about the United Kingdom and its willingness to abide by treaties that it has signed."Mrs May claimed she put a deal before the House when she was PM "which actually met the requirements of the Good Friday Agreement and actually enabled us to not have a border down the Irish Sea or to have a border between Northern Ireland and the Republic of Ireland".The Prime Minister's official spokesman said the Government had yet to take a decision on the future of the Northern Ireland Protocol.10 May 2022-07:39PM BSTThat's all for today...It was a Queen's Speech like no other-not least because of the absence of the Queen herself, with Prince Charles opening Parliament for the first time.Boris Johnson unveiled 38 new pieces of legislation that covered topics from economic crime to schools, animal welfare and energy security as Britain seeks to become more self-sufficient.But many of his own backbenchers suggested it did not go far enough, urging him to do more on the cost-of-living crisis and cut taxes for their constituents.

Theresa May, Mr Johnson's predecessor, warned that the Government must not rip up the Northern Ireland Protocol, which is reportedly under consideration.Sir Keir Starmer insisted Mr Johnson was "out of touch"-fully aware that his own political future is currently hanging in the balance-while the PM himself admitted that not everyone can be shielded from the economic malaise of the coming months.My colleague Jack Maidment will be back early tomorrow morning to bring you all of the latest news, analysis and reaction from Westminster.10 May 2022-07:29PM BSTSir Keir Starmer will not resign over 'beergate' if he broke rules but isn't fined Sir Keir Starmer intends to dodge resignation on a technicality if he broke Covid rules but is not fined, write Tony Diver and Martin Evans.Labour sources say the party's leader will not resign unless Durham Constabulary issues him with a fixed penalty notice, despite his statement on Monday that he believes in "the principle that those who make the laws must follow them".The Durham force, running the investigation into the "beergate" gathering in April 2021, has a policy not to issue retrospective fines and may choose to treat Sir Keir the same as any member of the public.After Dominic Cummings was reported to the force in 2020 for his trip to Barnard Castle, detectives chose not to issue a fixed penalty notice but issued a statement that suggested he "may" have broken the rules.[*Full story: Cummings precedent 'could be a real headache'*](https://www.telegraph.co.uk/politics/2022/05/10/sir-keir-starmer-will-not-resign-beergate-broke-rules-isnt-fined/) 10 May 2022-07:22PM BSTLegal immunity for Troubles veterans if they co-operate with new commission into deaths Every death during the Troubles will be investigated by a new truth and reconciliation-style commission, the Government has announced.The Legacy Bill, unveiled in the Queen's Speech, will give legal protection from prosecution to military veterans who co-operate with the new body.The Northern Ireland Troubles (Legacy and Reconciliation) Bill is expected to bring an end to the prosecution of retired soldiers, some in their 80s, over deaths during the conflict. It will also give an effective immunity to terror suspects on both sides provided that they also co-operate.The new Independent Commission for Reconciliation and Information Recovery is being set up to "enable individuals and family members to seek and receive information about Troubles-related deaths and serious injuries" and to "produce an historical record of what is known in relation to every death that occurred during the Troubles".[*Robert Mendick, our Chief Reporter, has the full story*](https://www.telegraph.co.uk/news/2022/05/10/legal-immunity-troubles-veterans-co-operate-new-commission-deaths/) 10 May 2022-07:19PM BSTQueen's Speech does nothing for millions in poverty, argues Jeremy CorbynFormer Labour leader Jeremy Corbyn, now an independent MP, told the Commons that more than four million people children now live in households in poverty."Dealing with poverty, dealing with those issues does require wage rises, does require an increase rapidly in Universal Credit. It does require recognising the desperate state of poverty in Britain and it became very obvious during the Covid pandemic that poverty and food hunger is unacceptable in our society."There is nothing in the Speech that says anything that gives hope to those living in desperate poverty at this time."Mr Corbyn reflected on the amount of British householders who "[can]not afford to charge the key meter, they cannot afford to heat their homes", and asked why a France-style energy price cap had not been introduced or promoted public ownership of energy.10 May 2022-07:10PM BSTRobert Jenrick calls for tax cutsRobert Jenrick, a former Housing Secretary, criticised the "repeated failure of governments to build more homes... of all types of tenures, from social housing to those homes that aspirational young people want to buy to get on the ladder"."In that respect I welcome the Queen's Speech, because on a number of fronts it brings forward bills that may answer those challenges... But more I think needs to happen. The Queen's Speech is not a fiscal event, as has been said in one way or another as has been said by many across the House."But I do think we have to recognise and take further steps, firstly to support the poorest and most vulnerable in society. I think it is inevitable that we will up-rate Universal Credit. There is a strong case to do so on a one-off, ***exceptional*** basis as soon as possible to help those poor and vulnerable families to get some extra money and alleviate some of that pain for the months ahead."It is clear that taxes on working people are too high. The tax burden is now at the highest burden for more than 40 years, and we're going to have to work to bring it down. I appreciate the Chancellor's position that a tax cut will occur in 2023 or 2024 prior to the end of this Parliament, but that doesn't seem soon enough to me and my constituents."We need to have a more competitive tax system and that means work now when household incomes of any level are under strain, rather than in a year or two when potentially inflation will be starting to ease."10 May 2022-07:07PM BST'Particularly perilous' position for Britain, warns Robert JenrickRobert Jenrick, the Conservative MP for Newark, warned the position Britain finds itself in "is a particularly perilous one for the country"."The hit to household incomes this year and next is going to be the greatest we've seen since records began. We may see a recession later this year, I don't think that's certain but I think only a fool would bet against it seeing the economic indicators as they are. And there is a very real risk of a new inflationary era, and an inflationary era is one which should concern us all. It's one that should concern the poorest in society, of course, the most."Mr Jenrick spoke of "stagnant economic growth" that should "worry us the most in the long-term"."We will need those tax receipts more than ever, and yet they are not forthcoming... We have to come together to tackle [anaemic economic growth]. And we see a number of major issues on which this House should be coming to tackle failure. Energy policy is clearly one, and this year we are reaping the whirlwind of poor planning on energy."10 May 2022-06:58PM BST'People don't want crappy jokes'Alison McGovern, the Labour MP for Wirral South, said for all the "self-deprecating jokes" at today's Queen's Speech, "people don't want crappy jokes from us, they want action and particularly when it comes to making ends meet"."I am at a loss to understand why we are not having an Emergency Budget. There was no Employment Bill in the Queen's Speech despite promise after promise after promise. And there's simply no credible ban contained in that Queen's Speech to end the need for food banks in our country.Ms McGovern described the Government's levelling up promises as "meaningless", and added: "We are letting the country down."10 May 2022-06:57PM BSTWhy there was no mention of foie gras, fur or the Northern Ireland Protocol in Queen's Speech While 38 pieces of legislation made their way into today's Queen's Speech, there were several notable absences, writes our Whitehall Correspondent Tony Diver.Ministers have committed to introducing some bills that there was no space to include in the speech, while others have been quietly shelved amid internal opposition within the Conservative Party.Boris Johnson had previously pledged to ban imports of foie gras, fur, shark fins and hunting trophies, but Tuesday's speech made no mention of a new ban.And ministers had originally planned to ban controversial "conversion therapy" for both gay and transgender people, but the ***measures*** have now been watered down to remove any trans ***measures***.[*Read the full story here*](https://www.telegraph.co.uk/politics/2022/05/10/no-mention-foie-gras-fur-northern-ireland-protocol-queens-speech/) 10 May 2022-06:50PM BSTPeople are hurting now, Sir Roger Gale tells Rishi SunakSir Roger Gale, the veteran Conservative MP for North Thanet, raised three issues with the Queen's Speech.He criticised the way in which the Government's "desire to build houses seems to have overridden local planning desires", while stressing that it must be compatible with sustainable food and farming."It is not possible to have sustainable food and farming if we are going to build all over our Grade I and Grade II ***agricultural*** land which is what is happening in Thanet at this very moment. And that has to stop. So I hope very much that the frontbench will take account of the fact that that circle has to be squared. And that to me is incredibly important."The Queen's Speech contains many mentions of the cost-of-living increase. I have full confidence in the ability of our Chancellor to get that right. I understand entirely he probably wants to wait until the autumn to address the matter of fuel price rises. But I would say to him that people are hurting now."In constituencies like mine in North Thanet, there are families facing very real hardship and these are normal, hardworking families that ordinarily would expect to be able to heat their homes, put food on the table and maybe have a bit left over to enjoy themselves. That's practically gone out of the window. So I hope very much the Chancellor will take on board the need for urgent action now, as well as addressing other matters in the Budget in the autumn."10 May 2022-06:46PM BSTKeep it short...ish, MPs toldMPs were told to "confine their remarks to about 10 minutes" after Amy Callaghan, the SNP MP, receive a spontaneous round of applause by urging the Government to let Scotland decide its own future.Her own contribution lasted almost seven minutes.10 May 2022-06:38PM BSTSir John Redwood's verdict on the Queen's SpeechA good speech, it needs economic success, it needs a policy based on going for growth, it needs a policy based on supply-side shortages. It needs a policy based on lower taxes, because we need to give something back now to start to lift the cost-of-living crunch.10 May 2022-06:31PM BSTSir John Redwood: Levelling up must be led by private sectorSir John Redwood, the Tory MP for Wokingham, welcomed the emphasis on growth in the Queen's Speech and the proposed policy solutions around transport and energy self-sufficiency."We won't level up all of the mighty cities and towns of this country that are below average with public spending. We need to level them up with ambition and private investment and people going on their own personal journeys so they can develop a business of their own... That is the way the successful parts of the country have got many more people into higher incomes and better living standards."In an appeal to Rishi Sunak, he said: "We are still running on Maastricht-lite, we still think that the way to control the debt and deficit. I've got news for him, if we get growth and inflation right the debt and deficit will come closer to taking care of themselves."Sir John added more energy and food self-sufficiency was "crucial" in order to keep inflation down: "The one thing you can rely on is if you produce more of your own energy and grow more of your own food, because you then have more control over the pricing."10 May 2022-06:23PM BST'Marshall Aid Plan' needed to tackle cost-of-living crisis, says veteran Labour MPJon Trickett, the veteran Labour MP for Hemsworth, called for a "Marshall Aid Plan" akin to the economic recovery package after the end of the Second World War."This is one of the richest countries in the world. But where is that wealth? It's in the hands of a very small group of people and a tiny group of corporations. It's time to introduce a wealth tax."And by the way while I'm talking about it, why is it that money earned from wealth or from property is taxed less than money earned from work? Why is it we privilege wealth and capital over labour?"This is a profoundly divided society, a restless and angry society which wants change. In a society with divisions running so deep, it's not surprising that the levels of consent and consensus, which a democratic country requires in order to be governed, they are breaking down. Dissent is emerging because of the lack of social justice."What's the Government's response to that? Is it to try and create a more socially just society? No it's not, it's actually to try and crack down on dissent. Authoritarianism will never resolve the problems of a breakdown in consent in society which people feel profoundly uneasy about because of how it treats them."10 May 2022-06:15PM BST'Our incomes are low and being held back'Jon Trickett said today has been the first time he was able to speak in Parliament for several months after he had a bad accident at the turn of the year.He said the first thing that was raised with him when he was in hospital was the state of the NHS."I just want to give this message [to Boris Johnson] not from me but from the clinicians and all the people who spoke to me in those quite intense moments... What they said is the money isn't getting to us."They said 'our incomes are low and being held back', they said there was a scourge of restructuring going on all the time preventing them providing the level of care that they wanted to provide. And they were fed up with outsourcing."I want to just move on to the question of levelling up. One might ask the question that after 12 years of Tory government, why is it necessary to level up?"He said levels of inequality in his constituencies could not be justified.10 May 2022-06:12PM BSTChancellor Rishi Sunak backs campaign to put mental health staff in GP surgeries A campaign for quicker access to mental healthcare has been backed by the Chancellor, as pilot schemes found it dramatically cut hospital pressures.Tory and Labour MPs have urged ministers to boost provision of help in GP surgeries as demand for talking therapies surged in the wake of the pandemic.Despite a near doubling in levels of depression since the first lockdown, NHS figures show a fall in referrals to talking therapies by GPs.In February James Starkie, a former adviser to cabinet ministers Michael Gove, Priti Patel, and Dominic Raab, launched the No Time to Wait Campaign in The Telegraph.[*Laura Donnelly, our Health Editor, has the story*](https://www.telegraph.co.uk/news/2022/05/10/chancellor-rishi-sunak-backs-putting-mental-health-staff-gp/) 10 May 2022-06:06PM BSTThe new political cartoon from Blower10 May 2022-06:01PM BST'Very positive, very optimistic' Queen's Speech praised by senior ToryDame Andrea Leadsom, the Conservative MP for South Northamptonshire, paid tribute to a "very positive, very optimistic" Queen's Speech."I absolutely will be delighted to support the Government in implementing it."And why is that? Because we as the Conservative Party, as the Government, truly do believe in opportunities and I believe opportunities, and a hand up, ran through the Queen's Speech today in full ***measure***."I was delighted to see that. I think there is a lot in there that will enable people right across the country to find their lives better and their opportunities greater."Ms Leadsom cites the "absolutely brilliant" Energy Security Bill, with a view to achieving net zero objectives and competitive green technology, and plans for levelling up.10 May 2022-05:57PM BSTDUP: UK-Ireland relations at a low in living memoryFor as long as the Protocol stands, it will "make Northern Ireland less stable, not more stable", David Davis said as he recalled why he resigned as Brexit Secretary.After Mr Davis's intervention, Sir Jeffrey continued: "East-West relations between the United Kingdom and the Republic of Ireland are at an all-time low for as far as I can remember. But it goes further."The Court of Appeal in Belfast has ruled that the Protocol changes our constitutional status. It overrides Article 6 of the Acts of Union. Now this is a fundamental building block of our relationship with the rest of the United Kingdom. Article 6 confers on the people of Northern Ireland the right to trade freely with the rest of our own nation."Yet we now have an Irish Sea border, we have barriers to trade, Article 6 has been breached and overriden by the Protocol without the consent of people of Northern Ireland. I reiterate my commitment to lead my party into the political institutions and I will do so as soon as the Government takes decisive action to deal with this Protocol and to remove the Irish Sea border."10 May 2022-05:54PM BSTHonour your promises to us, Sir Jeffrey Donaldson tells Boris JohnsonSir Jeffrey Donaldson insisted he was only asking Boris Johnson to "honour the commitments that he has given to us" and not do anything beyond that."When people say that it's a nonsense to link the cost of living to the Protocol, the evidence is stark and it is clear."Yes, there is a cost-of-living crisis in Great Britain but it is enhanced in Northern Ireland by the presence of the Protocol and the presence of the Irish Sea border. That's why I have had to take the reluctant decision as the leader of the Democratic Unionist Party not to nominate ministers to the executive until this issue has been addressed."It is "simply not fair that as unionists we are asked to engage in an act of self-harm against our own people in Northern Ireland" when the DUP does not support the Protocol or believe it is necessary, Sir Jeffrey said.10 May 2022-05:48PM BSTDUP leader: We have no representationSir Jeffrey Donaldson, the leader of the DUP, said that while the Government talked about taking back control, "in respect of Northern Ireland we have not yet completed that part of the journey"."I've now been elected to a Northern Ireland Assembly that is the legislator for Northern Ireland dealing with those devolved matters that are not principally a matter for this House, and yet many of the regulations that apply to trade in Northern Ireland, business in Northern Ireland are enacted by the European Parliament, by the European Commission."Sir Jeffrey said not a single Northern Irish citizen had a say over what gets passed in Brussels."What have we in Northern Ireland? We have tax laws on VAT that apply in Northern Ireland, but we have no representation in how those laws are enacted. That is not the essence of democracy."He expressed his disappointment that ***measures*** to cut red tape in the Queen's Speech would not apply to Northern Ireland as it still had to diverge from its main market by complying with EU standards.10 May 2022-05:43PM BST'It's time for a new model conservatism'Britain is spending more than the OECD average on healthcare "but we are not delivering" more than the average on cancer care or strokes or diabetes, David Davis told the Commons."We are not doing as good a job as we should for the money and the work and the skill and the commitment that goes into it. So my argument here is that we should look at the other countries that are doing better than us."Whether it's Germany or France or Estonia or Austria or Sweden or Canada or Australia... [They] have different systems. They're all free at the point of entry. I've been a beneficiary of the Canadian system. And it's insurance based system but it's free at the point of delivery, it's supported by the state if you can't afford it. And it works better than our system."And I think we need to look at those other systems and learn from them. And stay with the fundamental principle of a health service, but actually learn and improve what we have. We on this side need to rebuild ourselves as the party of low taxes, as the party of and for homeowners, as the party of aspiration and opportunity and security. It's time for a new model conservatism fit for a new Britain aa new world."10 May 2022-05:40PM BSTDavid Davis: 'Simply not true' our NHS is best in worldAll of us support the national health service, all of us no doubt applauded the brilliant staff and doctors and nurses who did a fantastic job.But we tell ourselves over and over again that we have the best healthcare system in the world. But it is not true. It is simply not true. 10 May 2022-05:27PM BSTLow taxes are key, says David DavisDavid Davis warned a Queen's Speech is "built on sand if it is not built on strong economic foundations"."Taxes today are too high. So we need to get some fundamentals right. High taxes don't deliver growth, they stifle it. Low taxes deliver investment. Low taxes deliver higher productivity, therefore low taxes deliver growth. Therefore low taxes are the biggest answer to stagflation which is the biggest threat to the stagflation on our horizon in the coming year."So I would say to the House that I rather agree with some of the points coming from some of the Opposition benches about an emergency budget. I don't agree with an argument for windfall taxes... but there's certainly need to act quickly."We need to deploy our fiscal firepower now, when our constituents need it, not after they've already suffered the increases in prices they face now and the more that they'll face in the latter half of the year."10 May 2022-05:22PM BSTBritons 'don't know how they'll make the end of the month'Labour's MP for Rochdale labelled the Queen's Speech "a tale, almost of two countries".Tony Lloyd said issues such as housing were the issues that most frightened his constituents-"the lack of social housing, the lack of affordable housing, across this country is very much the same"."The biggest issue undoubtedly, and I've not had such a large number of emails at a personal level, is people's concerns about the cost-of-living crisis when we've got, again, a tale of two countries."The Centricas of this world, the BPs of this world, the Shells of this world making record profits, many of it going to their already well-heeled shareholders. And yet my constituents, who have already seen a 50 per cent increase in the energy tax... they're frightened of what that means."People who really are frightened to put the heating on. People who are frightened to cook and to use the oven. People who really don't know how they'll make things through the end of the month."10 May 2022-05:17PM BST'Only joint solutions will work', Brussels tells BritainIn the wake of reports that Liz Truss is preparing to scrap parts of the Northern Ireland Protocol as soon as next week, Brussels has warned that "only joint solutions will work".Maros Sefcovic, the vice-president of the European Commission, said in a statement that "unilateral action by the UK would only make our work on potential solutions more difficult"."From the very beginning, the EU has worked tirelessly to propose creative and durable solutions, showing flexibility on how the Protocol should be implemented... We want to finalise these solutions as quickly as possible."But to do this, we will need the UK government to show the same level of determination and creativity."The Protocol, as a cornerstone of the Withdrawal Agreement, is an international agreement. Its renegotiation is not an option. The European Union is united in this position."10 May 2022-05:06PM BST'Everybody here misses his decency, his kindness, his smile'Anna Firth, the Conservative MP for Southend West-who has succeeded Sir David Amess after his killing-was called to make her maiden speech:It's the honour of my life to be the first MP to be elected for the new city of Southend. Yet I will never forget that the circumstances that have brought me here are truly horrific. Sir David was and remains a legend across the whole of Essex, an outstanding MP for Basildon for 14 years and for Southend West for a further 24. Quite simply, Sir David embodied all that is good about our parliamentary democracy. He had a gift for building bridges across this House. And I think that everybody here misses his decency, his kindness, his smile and his wicked sense of humour. Here in Westminster, it's already obvious to me how easily you could become disconnected from normal life and from the constituents we serve. Yet in nearly 40 years as an MP that never happened to Sir David. He always remained absolutely dedicated to the people he represented. From his successful private members' bill on fuel poverty, still relevant today, to eliminating cruel tethering, Sir David championed causes close to his residents' hearts-animal welfare, the incredible Music Man project, endometriosis and of course making Southend a city. The life of an MP is clearly demanding, but there are rewards and recognition that go with that. One group of people however share many of the pressures of our journey but little of the recognition. So I want to pay tribute to Lady Amess and her five children. No one, I repeat no one, has paid a higher price for our democracy as they have. As we carry on with our lives, they have been shattered forever. The dignity, love and spirit of reconciliation that they have shown has been an inspiration to me. And I know the whole House would wish to join me in telling them their sacrifice, their contribution to our democracy will also never be forgotten... Attacks on our democracy will only ever bring us closer together.10 May 2022-04:58PM BSTSir Ed Davey: Stop ignoring unpaid carers and sewageSir Ed Davey lamented the lack of support for millions of unpaid "making big sacrifices" to look after their loved ones while facing serious financial hardship."They were once again forgotten in the Queen's Speech. The very least the Government can do was missing from the gracious speech... it's just not good enough."Without these unpaid carers, these family carers, our health and social care systems would crumble. The Government is ignoring them at their peril."Sir Ed also insisted ministers can no longer the "growing public anger" about raw sewage being dumped into rivers and seas, citing sewage pollution in a chalk stream in his own constituency in Kingston and Surbiton. He gives way to Jeremy Corbyn-the former Labour leader-who asks him whether the answer is to nationalise water companies.Sir Ed's riposte: "I have to say I disagree with the honourable gentleman. I want a sewage tax, I want punitive laws and regulations on these companies that have been getting away with it. We can't wait any longer, we need clean rivers, we need clean seas."10 May 2022-04:49PM BST'This should have been a cost-of-living Queen's Speech'Sir Ed Davey told the Commons that today "should have been a cost-of-living Queen's Speech" and said households faced the biggest squeeze on household budgets and living standards "at any time during Her Majesty's whole long reign, going back to the 1950s"."Yet the Government's programme offered nothing. And there was a hint in the Prime Minister's speech, I don't know if you caught it, he said that there was going to be some ***measures*** brought forward by him and the Chancellor in the next few days."The press are reporting that the Treasury are saying they have no idea what the Prime Minister was referring to. So it'd be wonderful if at least a minister from the front bench could enlighten the House."Our constituents need some help, and there is nothing in this Queen's Speech when inflation is at seven per cent and rising, its highest rate in 30 years-predicted to get into double digits by the end of this year."The Liberal Democrat leader pointed to the party's gains at last week's local elections, and claimed these sent a message to Boris Johnson that "enough is enough".10 May 2022-04:45PM BSTTheresa May: This Government must work for everyoneUnderlying the Government's programme is the "desire to level up the economy", Theresa May observed."A country that works for everyone is about opportunity, levelling up across the country. But the economic background against which the Government is working does not make delivering on those aspirations easy."The cost-of-living crisis is making life difficult for many across the country. We have rising inflation, the need to restore public finances, the number of people who are economically inactive in this country is rising as well as we've seen a hit to sterling, and forecast growth is well below trend."All of those make for a very challenging environment. And it's a time like this when the conservative principles of sound public finances and competent economic management are needed more than ever. And as we level up across the country, we should ensure that we're a government that doesn't just work for certain parts of the country, but a government that truly works for everyone."10 May 2022-04:41PM BSTDo not tear up the Northern Ireland Protocol, urges Theresa MayTheresa May urged Boris Johnson not to rip up the Northern Ireland Protocol as she called on Boris Johnson to address the Northern Ireland reforms in the Queen's Speech "sensitively"."What is important is that people who did lose loved ones during the Troubles and the majority of those losses will have been at the hands of terrorists... are able to feel that sense of first of all understanding what has happened, and being able to know what has happened, and they will want to be able to feel some sense of closure which they have not been able to see for so many years."Noting the lack of reference to triggering Article 16, Mrs May told Mr Johnson: "I do not think that that would be the right move for the Government. I think the Government needs to consider not just some immediate issues, but also the wider sense of what such a sense would say about the United Kingdom and its willingness to abide by treaties that it has signed."I put a deal before this House which actually met the requirements of the Good Friday Agreement and actually enabled us not have a border down the Irish Sea or to have a border between Northern Ireland and the Republic of Ireland. Sadly the DUP and others across this House chose to regret that, but it was such an opportunity for what [they] wanted."She also said the Government should "move ahead" on building regulations "to ensure that we embrace now the standards that will be required for our reaching net zero"."We are still seeing new homes being built with gas boilers, and those are going to be retrofitted in a few years' time. And so wouldn't it make more sense to actually make sure that the regulations ensure that we actually take the moves now for net zero?"10 May 2022-04:32PM BSTTheresa May welcomes modern slavery and housing reformsFormer prime minister Theresa May welcomed the Modern Slavery Bill and its impact on Government departments by way of cleaning up their supply chains."Business has a huge role to play here, so does Government... It is excellent that the Government is moving it forward and is going to enhance this legislation."Mrs May also welcomed the Social Housing Regulation Bill in the wake of the Grenfell Tower tragedy and wider the cladding crisis across the country."There were too many occasions where those responsible for social housing were simply not listening to the points that their tenants were raising. [We must] raise the value for people of social housing so the stigma is not attached to social housing and being in social housing."We're all one community. The type of housing we live in should be irrelevant to how we are treated."10 May 2022-04:19PM BSTBoris Johnson using 'headlines or dog whistles', claims Labour MPDame Meg Hillier, the Labour MP for Hackney South and Shoreditch, accused Boris Johnson of "mere headlines, or worse dog whistle headlines" that appeal to "a certain section of our electorate" but do not solve constituency problems.Ms Hillier said it was "disappointing" that so much work still needed to be done on cladding reform as she urged "real support for the people who have been left behind" amid the cost-of-living crisis."In my constituency, we see a huge challenge with one in two children living in poverty after housing costs are taking into account, and in London we know 60 per cent of households in poverty are working households."And it's a reflection of the law pay that too many workers are paid, and of the high housing costs in constituencies like mine. Employment is a huge opportunity but it is not a route out of poverty for many people in London because of those high living costs."She called on levelling up to encompass "parts of London within our amazing capital, and of all people the Prime Minister who had the honour of serving as the elected Mayor of London should be aware of that, and it is a shame on him that he is not tackling this head on. We need much better support."10 May 2022-04:13PM BSTPlanning inspectors must not be allowed to 'toss a coin'Dominic Penna here, taking over from Jack to guide you through the rest of the day on our politics live blog.Sir Peter Bottomley, the Father of the House, referred to a Parliamentary petition about banning developments on farmland.He noted that more than 700 of his own constituents have signed it in the last week.Sir Peter urged the Government to "never again allow two inspectors to play toss a coin" after a recent case, which has gone to judicial review, saw opposing advice given.10 May 2022-03:53PM BSTBoris Johnson promises 'long term sustainable solution' to cost of living crisisConcluding his remarks in the Commons, Mr Johnson said: "We will get through the aftershocks of Covid just as we got through Covid, as I have told you, with every ounce of ingenuity and compassion and hard work, not by irresponsible spending that merely treats the symptoms of rising prices while creating an ever bigger problem for tomorrow but by urgently pressing on with our mission to create the high wage, high skill jobs that will drive economic growth across the whole United Kingdom. "That is the long term sustainable solution to ease the burden on families and businesses. That is the way to get our country back on track after the pandemic." 10 May 2022-03:45PM BSTBoris Johnson appears to mock Keir Starmer over 'beergate' resignation pledgeReferring to the Government's plans to tackle illegal immigration, Mr Johnson said: "I know that the Leader of the Opposition, or perhaps I should in deference to his phrase, I should refer to him as the Leader of the Opposition of the moment."The Leader of the Opposition of the moment likes to oppose these plans or he claims he opposes them. "But it turns out that legislation to permit the offshoring of asylum seekers... were pioneered in 2004 by a Labour government."10 May 2022-03:40PM BSTBoris Johnson defends Government's energy plansBoris Johnson, the Prime Minister, delivered a passionate defence of the Government's plans to improve the UK's energy security. New nuclear power stations are at the heart of the Government's strategy. Mr Johnson was heckled by Labour MPs as he referred to the plans, prompting him to say: "They [Labour] didn't want a single nuclear power station. Come on, be honest. Look at them, great quivering jellies of indecision that they are."10 May 2022-03:37PM BSTBoris Johnson stresses importance of economic growthBoris Johnson told the House of Commons that the Queen's Speech is "all focused on driving growth and jobs". He said: "However great our compassion and ingenuity we cannot simply spend our way out of this problem, we need to grow out of this problem by creating hundreds of thousands of new high wage, high skill jobs across the country."10 May 2022-03:29PM BSTBoris Johnson hints at extra help on cost of livingBoris Johnson said growing the economy means the Government has the "fiscal firepower to help families up and down the country with all the pressures they face now".He added: "We will continue to use all our ingenuity and compassion for as long as it takes and my right honourable friend the Chancellor and I will be saying more about this in the days to come."But at the same time as we help people we need the legislative firepower to fix the underlying problems." The comment from the PM immediately prompted speculation of a major announcement in the coming days. 10 May 2022-03:25PM BSTBoris Johnson: 'Aftershocks' of pandemic still being feltBoris Johnson, the Prime Minister, is now on his feet as he sets out the Government's plans contained within the Queen's Speech. He started by telling the House of Commons that "this country has seen off the biggest challenge any post-war government has faced but the cost of the pandemic has been huge".He said the "aftershocks are still be felt across the world" with spiking energy and food prices. But he added it is because the Government "got the big calls right" that the UK had the fastest economic growth in the G7 last year.10 May 2022-03:22PM BSTSir Keir Starmer claims PM is 'entirely out of touch'Sir Keir Starmer said a Labour government would "rise to the moment where this Government has badly failed". He said: "We have a Government whose time has passed. A Cabinet out of ideas and out of energy, led by a Prime Minister who is entirely out of touch. "It doesn't have to be this way, it won't always be this way. A Labour government would tackle the cost of living crisis head on."10 May 2022-03:18PM BSTSir Keir Starmer slams Government over Energy BillSir Keir Starmer said the Energy Bill announced in the Queen's Speech is "not up to the moment" and will not be enough to tackle rising household bills. He described it as the "latest chapter in a pathetic response to the cost of living crisis". The Labour leader said: "Where there should have been support, it has been tax rise, after tax rise on working people."10 May 2022-03:15PM BSTSir Keir Starmer warns UK facing 'stagflation crisis'Sir Keir Starmer, the Labour leader, said the Government is not doing enough to tackle the cost of living crisis. He repeated his call for an emergency Budget and for a windfall tax to be imposed on oil and gas firms. He told the House of Commons: "This Government's failure to grow the economy over a decade combined with its inertia in the face of spiralling bills means we are staring down the barrel of something we haven't seen in decadces: A stagflation crisis."Sir Keir said the Government and the country as a whole is "bereft of leadership". 10 May 2022-03:12PM BSTSir Keir Starmer says Government's 'time has passed'Sir Keir Starmer told the House of Commons that "times are hard but they are much tougher than they should be". The Labour leader said that while the UK is facing "great challenges", there are also "great opportunities" which are "within our reach".Delivering his verdict on the Queen's Speech, he said: "This thin address, bereft of ideas or purpose, without a guiding principle or a roadmap for delivery shows just how far this Government is from that. "Too out of touch to meet the challenges of the moment, too tired to grasp the opportunities of the future, their time has passed." 10 May 2022-03:07PM BSTSir Keir Starmer pokes fun at PM over local election lossesSir Keir Starmer, the Labour leader, is now on his feet in the House of Commons to respond to the Queen's Speech. Sir Keir started by poking fun at Boris Johnson as he told the PM he had "achieved a new first" as the "first resident of Downing Street to be a constituent of a Labour council"-a reference to Labour winning control of Westminster Council at last week's local elections. "I am sure they will serve him well,' Sir Keir added with a smile.10 May 2022-02:58PM BSTMP reveals fatherly advice ahead of Commons speechFay Jones, who has been the Tory MP for Brecon and Radnorshire since the 2019 general election, is the second MP to speak in the Queen's Speech debate.Ms Jones said that she was given tips for her speech at a rehearsal yesterday with her father, Gwilym Jones, a former MP, who told her "well you are going to have to tell the jokes better than that".10 May 2022-02:47PM BSTTory MP pokes fun at Keir StarmerThe speeches at the start of the Queen's Speech debate are often filled with humour. Conservative MP Graham Stuart told the House of Commons about the rarity of Tory victories over Labour in the north of England at past general elections. He then joked: "The Leader of the Opposition must wish it was so today. Instead the only thing opening up for him in the north is a police investigation." The remark prompted widespread laughter on the Tory benches. 10 May 2022-02:43PM BSTTory MP jokes he is an 'old duffer whose best days are behind him'Tory MP Graham Stuart has been given the job of kicking off the debate on the Queen's Speech in the House of Commons. He started with a message for the Queen: "We wish Her Majesty the best of health and thank her for her seven decades of service." Tradition dictates that the first day of debate on the Queen's Speech is started by one long-serving MP and one newcomer to the House. Mr Stuart joked he had been chosen for the honour as the "old duffer whose best days are behind him".10 May 2022-02:37PM BSTDebate on the Queen's Speech begins in House of CommonsThe debate on the Queen's Speech has now started in the House of Commons. It is the first of six days of debate on the Government's new legislative plans. The final day of debate will be Wednesday next week.10 May 2022-02:31PM BSTTory MP says ministers should cut taxesDamian Green, a senior Tory MP and former first secretary of state, this morning urged Rishi Sunak to cut taxes now to help people with the cost of living crisis (see the post below at 10.00). Stephen McPartland, the Conservative MP for Stevenage, echoed the call at lunchtime, telling the BBC: "I'd definitely like to see taxes reduced, I'd like to see more money in people's pockets so they have the opportunity to spend it in their local economies and I'd like to see far more about what we can do around job creation..." 10 May 2022-02:27PM BSTTory MP urges Government to do more on cost of living crisisStephen McPartland, the Tory MP for Stevenage, told the BBC the Government needs to be more "courageous" when it comes to dealing with the cost of living crisis. He said: "I think we've been doing some stuff on the cost of living but I've been saying since January we need to be far more courageous on this."We need to get out there, we need to make sure that we're helping families, getting money into their pockets and ensuring that we're actually alongside them, as we did with Covid, to ensure they have the support they need to get through what's going to be a very difficult two or three years."10 May 2022-02:18PM BST'No plans for emergency Budget'Kit Malthouse, the policing minister, said this morning that the Government was not ruling out an emergency Budget in the coming months to respond to the cost of living crisis (see the post below at 08.14). But Downing Street has now poured cold water on the idea, telling reporters that there are "no plans for an emergency budget". 10 May 2022-02:14PM BSTBritish Chambers of Commerce urges Government to do moreShevaun Haviland, director general of the British Chambers of Commerce, said: "Today's Queen's Speech had some welcome ***measures*** for business, but unless the Government takes immediate action on the economy, they will come too late to help many firms. "An emergency budget is needed to provide firms with the breathing space they need to raise productivity and strengthen the economy." 10 May 2022-01:29PM BSTThink tanks respond to Queen's SpeechA selection of think tanks have delivered their verdict on the Queen's Speech: Adam Smith Institute: "Despite pledging to 'drive growth and strengthen the economy and ease the cost of living crisis,' the Queen's Speech announced a raft of meddling pet projects, rather than focusing on ***measures*** that can deliver meaningful change. The only growth the Government is achieving is the growth of the state."Institute of Economic Affairs: "The Queen's Speech lacks ambition in the face of Britain's immense challenges."IPPR Centre for Economic Justice: "Today's Queen's Speech contains almost nothing for families who are struggling to make ends meet."

10 May 2022-01:15PM BST

Save the Children criticises Queen's Speech over cost of living

Dan Paskins, director of UK impact at the Save the Children charity, said the Queen's Speech represented a missed opportunity for the Government to tackle the cost of living crisis.

He said: "The cost-of-living crisis is an emergency the UK government should be dealing with right now. The Queen's Speech was a major opportunity to support those most affected by rising costs, and the Government didn't take it.

"Families we work with are skipping meals, rationing their power and taking on unsustainable levels of debt. But again, instead of taking serious action ministers have buried their heads in the sand."

10 May 2022-12:52PM BST

Boris Johnson issues warning over Northern Ireland Protocol

Boris Johnson told Micheal Martin, the Irish Taoiseach, during a phone call this morning that the situation on the Northern Ireland Protocol is now "very serious". He repeated the UK's threat to take unilateral action to tear up post-Brexit border rules unless the EU gives ground.

A Downing Street spokesman said Mr Johnson had made clear the "balance of the Belfast (Good Friday) Agreement was being undermined and the recent elections had further demonstrated that the Protocol was not sustainable in its current form".

The spokesman said: "Despite repeated efforts by the UK Government over many months to fix the Protocol, including those sections related to the movement of goods and governance, the European Commission had not taken the steps necessary to help address the economic and political disruption on the ground.

"The Prime Minister reiterated that the UK Government would take action to protect peace and political stability in Northern Ireland if solutions could not be found".

10 May 2022-12:42PM BST

Tory MP: PM asked Keir Starmer if he had a 'good weekend'

Boris Johnson and Sir Keir Starmer walked from the House of Commons to the House of Lords together this morning as they attended the Queen's Speech (see the post below at 11.34).

It is tradition for the PM and the leader of the opposition to make the short walk together.

Greg Hands, the energy minister, claimed in a tweet that Mr Johnson had greeted Sir Keir by asking him if he had a "good weekend".

He tweeted: "Boris asks Sir Keir with a smile 'Did you have a good weekend?'"

Mr Hands suggested it was a "cheeky" greeting given that the Labour leader reportedly spent the weekend sounding out allies over whether he should resign if he is fined over "beergate".

10 May 2022-12:24PM BST

Queen's Speech at a glance: The key pledges

The Telegraph's politics teams has examined all 38 bills which are being brought forward under the Queen's Speech and assessed what they actually mean.

You can [*read the Queen's Speech "at a glance" explainer here*](https://www.telegraph.co.uk/politics/2022/05/10/queens-speech-2022-summary-key-points-new-policies-laws/).

10 May 2022-12:12PM BST

Lib Dems: Queen's Speech 'does nothing' to help struggling families

Sir Ed Davey, the leader of the Liberal Democrats, has criticised Boris Johnson's Queen's Speech and accused the Government of not doing enough to tackle the cost of living crisis.

He said: "This Queen's Speech does nothing to help the millions of families and pensioners facing soaring bills and eye watering inflation.

"The Conservatives have failed to deliver a cut to VAT that would have saved families an average of £600, failed to help pensioners and failed to help the most vulnerable in our society. The Conservatives are continuing to neglect rural communities.

"There was nothing in these plans to support farmers on the brink, to tackle soaring ambulance waiting times and GP shortages, or to stop the dumping of filthy sewage into our river and seas.

"It shows a Prime Minister refusing to listen to the clear message sent by voters at last week's local elections who are fed up of being taken for granted by this Conservative Government."

10 May 2022-12:09PM BST

'Easing' cost-of-living crisis is priority, says Boris Johnson

Ben Riley-Smith, The Telegraph's Political Editor, has assessed the contents of the Queen's Speech:

Boris Johnson has declared in his Queen's Speech that helping people with the cost-of-living crisis and growing the economy is his biggest priority but announced little new immediate support. Instead the Prime Minister focused on structural reforms around energy supply, education, planning rules and community improvement to unlock stronger and more geographically spread growth. Mr Johnson said he understood the pain households across the country are feeling with prices soaring and energy bills jumping as the aftershocks of the Covid pandemic and the Russian ***invasion*** of Ukraine are felt. But there was also a warning that the Government could not protect everyone from the impact of the cost-of-living crunch which is impacting people across the world.

You can [*read the story in full here*](https://www.telegraph.co.uk/politics/2022/05/10/queens-speech-boris-johnson-says-priority-help-ease-cost-of/).

10 May 2022-12:01PM BST

Snap analysis: Labour will pounce on lack of new action on cost of living crisis

The first line of the Queen's Speech gave a firm indication of the Government's priorities for the months ahead: "To grow and strengthen the economy and help ease the cost of living for families".

However, the speech itself contained little in the way of new concrete legislative ***measures*** to help families who are struggling now with rising bills and soaring inflation.

This is likely to be pounced upon by Sir Keir Starmer when he and Boris Johnson debate the address in the House of Commons this afternoon.

Labour has repeatedly accused the Government of not doing enough to support households and this Queen's Speech is likely to reignite those accusations from the opposition.

10 May 2022-11:48AM BST

Prince Charles concludes Queen's Speech

The Prince of Wales has now finished delivering the Queen's Speech in the House of Lords.

Concluding, Prince Charles said: "In this year of my Platinum Jubilee, Her Majesty looks forward to the celebrations taking place across the United Kingdom and throughout the Commonwealth, and to the Commonwealth Games in Birmingham this summer."

He then closes by saying: "Her Majesty prays that the blessing of Almighty God may rest upon your counsels."

Prince Charles has now left the upper chamber and will make his way back to Buckingham Palace.

10 May 2022-11:45AM BST

New Bill of Rights to be introduced

Ministers will bring forward a new Bill of Rights to "restore the balance of power between the legislature and the courts".

There will also be new laws to "improve the regulation of social housing to strengthen the rights of tenants and ensure better quality, safer homes".

10 May 2022-11:43AM BST

Boris Johnson vows to protect the Union

The Prince of Wales said: "The continued success and integrity of the whole of the United Kingdom is of paramount importance to my Government, including the internal economic bonds between all of its parts.

"My Government will prioritise support for the Belfast (Good Friday) Agreement and its institutions, including through legislation to address the legacy of the past."

10 May 2022-11:41AM BST

Government promises new powers for the police

The Prince of Wales said "legislation will be introduced to ensure the police have the powers to make the streets safer" in the form of a Public Order Bill.

A new Economic Crime and Corporate Transparency Bill will "further strengthen powers to tackle illicit finance, reduce economic crime and help businesses grow".

There will also be a new National Security Bill to provide extra powers for the security services.

10 May 2022-11:40AM BST

Ministers promise farming innovation

The Government will bring forward a Genetic Technology (Precision Breeding) Bill to "encourage ***agricultural*** and scientific innovation at home".

The legislation will "unlock the potential of new technologies to promote sustainable and efficient farming and food production".

10 May 2022-11:39AM BST

Vow to slash business red tape

Prince Charles said the Government will "seize the opportunities" of Brexit to "support economic growth".

He said "regulations on businesses will be repealed and reformed" while a new Brexit Freedoms Bill will make it easier to change laws the UK inherited from the EU.

10 May 2022-11:38AM BST

Promise of education reform

Prince Charles said the Government will bring forward a Schools Bill and a Higher Education Bill to reform education and ensure every child can "fulfil their potential wherever they live".

10 May 2022-11:37AM BST

Planning reform to give people more of a say on developments

The Government will overhaul the planning system to give residents "more involvement in local development".

This will be enshrined in a Levelling Up and Regeneration Bill.

A Transport Bill will be brought forward to improve transport across the UK "delivering safer, cleaner services and enabling more innovations".

An Energy Bill will be brought forward to "deliver the transition to cheaper, cleaner, and more secure energy".

10 May 2022-11:36AM BST

Government pledges to cut taxes

The Prince of Wales said the Government will "drive economic growth to improve living standards and fund sustainable investment in public services".

This will be "underpinned by a responsible approach to the public finances, reducing debt while reforming and cutting taxes".

Prince Charles also said the Government will support the Bank of England as it tries to get inflation back to its target of two per cent.

10 May 2022-11:36AM BST

'Government will play a leading role in defending democracy'

Moving onto Ukraine, Prince Charles said: "In these challenging times, my Government will play a leading role in defending democracy and freedom across the world, including continuing to support the people of Ukraine."

10 May 2022-11:35AM BST

Prince of Wales begins Queen's Speech

Prince Charles is now delivering the Queen's Speech as he addresses a packed House of Lords.

He begins by saying the Government's priority will be to improve the economy and tackle the cost of living crisis.

The Prince of Wales said: "My Government's priority is to grow and strengthen the economy and help ease the cost of living for families.

"My Government will level up opportunity in all parts of the country and support more people into work.

"My Ministers will continue to support the police to make the streets safer, and fund the National Health Service to reduce the COVID backlogs."

10 May 2022-11:34AM BST

Prince Charles arrives in the House of Lords

Prince Charles has now taken his seat in the House of Lords.

Black Rod is now making her way to the House of Commons to invite MPs to make their way to the upper chamber to listen to the Queen's Speech.

Black Rod bangs three times on the door of the Commons, as is tradition, before she is let in to extend the invitation.

MPs then make their way to the Lords, with Boris Johnson walking alongside Sir Keir Starmer. Angela Rayner walked alongside Rishi Sunak.

10 May 2022-11:17AM BST

Prince Charles arrives at Parliament

Prince Charles has now arrived at the Palace of Westminster.

He is expected to deliver the Queen's Speech in the House of Lords at about 11.30am.

10 May 2022-11:09AM BST

Prince Charles leaves Buckingham Palace

Prince Charles has now left Buckingham Palace and he is making his way to the Houses of Parliament.

He is being accompanied today by Prince William, the Duke of Cambridge, who has just arrived at Parliament ahead of his father.

10 May 2022-11:05AM BST

Pictured: Household Cavalry arrives at Parliament

10 May 2022-11:03AM BST

Pictured: Dignitaries leave Buckingham Palace to head to Parliament

10 May 2022-10:57AM BST

Parliament prepares for arrival of Prince Charles

The atmosphere is now building in Westminster as MPs and peers wait for the Prince of Wales to arrive to conduct the State Opening of Parliament.

We are expecting Prince Charles to begin his address in the House of Lords at 11.30am.

10 May 2022-10:39AM BST

Micheal Martin and Boris Johnson discuss Stormont stalemate

Boris Johnson and Micheal Martin, the Irish Taoiseach, have spoken this morning to discuss the Northern Ireland Assembly elections and the Northern Ireland Protocol.

Mr Martin tweeted: "We both agreed on the need to see the NI Executive formed as soon as possible.

"On the Protocol, I stressed need to intensify EU and UK discussions, and to avoid any unilateral action."

10 May 2022-10:17AM BST

Minister resists calls for windfall tax

The boss of Tesco, John Allan, said this morning he believes there is an "overwhelming need" for the Government to impose a windfall tax on energy company profits (see the post below at 09.51).

The Government has said it is against imposing such a tax now but that it could be an option in the future.

Kit Malthouse, the policing minister, was asked if the Government will look again at the policy after Mr Allan's comments.

He told the BBC: "We have to balance the tax that we raise from the energy companies, and don't forget they already pay double the corporation tax that others do, against our need for them to invest in our domestic energy system."

He added: "As the Chancellor has said, there is nothing off the table, we will have to see what happens."

10 May 2022-10:10AM BST

Minister responds to calls for tax cuts

Kit Malthouse, the policing minister, was told that Damian Green, the senior Tory MP, had urged the Government to cut taxes now to help alleviate the pressure of the cost of living crisis (see the post below at 10.00).

Mr Malthouse told the BBC: "As he [Rishi Sunak] said in the last couple of days, he and the Prime Minister are constantly monitoring the situation, the impact on the households and deciding whether and how they should move."

Asked if that was a hint that there could be tax cuts before the next Budget in the autumn, Mr Malthouse said: "Well, I don't know. You would have to get the Chancellor on and ask him but I do know that he is monitoring on a daily basis what the energy market is doing, what the commodity market is doing, how that is impacting on households and how he should design his response accordingly."

10 May 2022-10:00AM BST

Senior Tory MP calls for tax cuts

Damian Green, a senior Tory MP and former first secretary of state, has urged Rishi Sunak to cut taxes now to help people with the cost of living crisis.

Mr Green told BBC Radio 4's Today programme: "I absolutely accept the underlying logic that millions of people need some help at the moment and I think the Government should go through a two stage ***process*** of working out how much we can sensibly afford to do it and then actually as a Conservative government, it would be a more Conservative way to help people... to cut taxes, particularly aimed at those at the lower end of the economic spectrum and perhaps do things like increase the amount of Universal Credit that people keep themselves as they get pay rises.

"Rishi Sunak did that at a recent Budget. Doing that again so that people could keep even more of their own money I think would help a lot of people that are struggling."

10 May 2022-09:51AM BST

Tesco chairman: 'Overwhelming need' for windfall tax on energy firms

John Allan, the chairman of Tesco, said there is an "overwhelming need" for a windfall tax on energy companies to help with the cost of living crisis as he said some of the supermarket's customers are now "extremely stretched".

Asked what he would like to see in the Queen's Speech, Mr Allan told BBC Radio 4's Today programme: "First of all, I think action to help people cope with a very, very sharp increase in energy prices.

"It's harder for people to mitigate energy than it is with food, and I think there's an overwhelming case for a windfall tax on profits from those energy producers fed back to those most in need of help with energy prices."

Mr Allan said he believes energy companies are "expecting it" and doubts "they would actually be much fazed by it".

10 May 2022-09:29AM BST

Minister 'confident' Rwanda plan will take effect in coming months

Kit Malthouse, the policing minister, said he is "confident" the first migrant flights to Rwanda will take place in the coming months, despite any "legal response" to the Government's new "offshoring" policy.

Asked when the earliest is that migrants would be sent there, he told Talk TV: "As I understand, it's going to be at some point in the coming months.

"As you probably gather, notifications will be sent out in the next week or so but we expect that to prompt some, shall we say, legal response. That will have to play out."

Asked if that could take years, he said: "Well, hopefully not. We're confident that the first people will be going in the next couple of months."

10 May 2022-09:12AM BST

Sir Keir Starmer was 'definitely' working after curry

Bridget Phillipson, the shadow education secretary, said Sir Keir Starmer "definitely" went back to work after stopping to eat a curry at the "beergate" gathering.

She told BBC Breakfast: "He will have been working definitely after the curry and I know Keir Starmer works incredibly hard.

"It is not unusual for politicians, not least during an election campaign, to be working at 11 o'clock, midnight, I do it, other politicians will do it. I am confident that no rules were broken and that is what the police investigation will conclude."

10 May 2022-09:11AM BST

Shadow minister signals Keir Starmer will only quit if he is fined

There has been some discussion about what Sir Keir Starmer would do if he is criticised by Durham Police over "beergate" but not fined.

Bridget Phillipson, the shadow education secretary, suggested this morning that Sir Keir will only quit if he is fined.

She told BBC Breakfast: "Well, the way in which you are found to have broken the law is when you are issued with a fine and it is determined that you have broken the law.

"That is the penalty for a Covid breach and that is why he has been clear that in the event he is found to have broken the law, and I maintain that I think he has done absolutely nothing wrong, he is Mr Rules, he is the former director of public prosecutions, he takes it incredibly seriously."

10 May 2022-09:07AM BST

Shadow minister: Sir Keir Starmer is a 'man of integrity'

Bridget Phillipson, the shadow education secretary, said Sir Keir Starmer has "demonstrated that he is a man of integrity and a man of honour" after he announced he will quit as Labour leader if he is fined over "beergate".

Ms Phillipson told BBC Breakfast: "I think it was a principled decision by Keir Starmer. I think he has demonstrated that he is a man of integrity and a man of honour who will always seek to do the right thing by the country.

"I am confident that he hasn't broken any rules. We know of course that the Prime Minister broke the law and has still failed to resign.

"I think the contrast there between Keir Starmer and Boris Johnson is very stark and very striking."

10 May 2022-08:57AM BST

Pictured: Sir Keir Starmer heads to Westminster for State Opening of Parliament

10 May 2022-08:30AM BST

Minister: Boris Johnson will intervene in Northern Ireland talks 'if required'

Kit Malthouse, the policing minister, said Boris Johnson will personally intervene in Stormont powersharing talks "if required".

Downing Street yesterday said the Prime Minister does not currently intend to get involved.

Mr Malthouse told Sky News: "He stays very close to his Northern Ireland Secretary [Brandon Lewis] and I know that they talk a lot about the negotiations and if required I am sure he will."

10 May 2022-08:22AM BST

Ministers look with 'alarm' at rising inflation

Kit Malthouse, the policing minister, said ministers are looking with "alarm" at soaring inflation levels but he hopes the Bank of England's decision to raise interest rates will help to "dampen" spiking prices.

The Bank forecast last week that inflation will hit 10 per cent by the end of 2022.

Asked for his prediction of how high inflation could go, Mr Malthouse told Sky News: "I am a Government minister so I can't make a personal prediction to you but obviously we look with alarm at the predictions the Bank of England have made just in the last week or so of inflation peaking towards the end of the year and we will have to think carefully about what our response to that might be.

"Obviously the Bank is taking the ***measures*** it needs to do by raising interest rates to start to restrict that money supply to dampen things down a little bit so that inflation doesn't get out of control and I sincerely hope that that works."

10 May 2022-08:14AM BST

Government not ruling out emergency Budget

Kit Malthouse, the policing minister, said the Government is not ruling out an emergency Budget to respond to the worsening cost of living crisis.

Asked if their could be an emergency budget, he told Sky News: "Well, I don't know, you would have to get the Chancellor on and talk to him about that but I think he said in the media yesterday that he is constantly reviewing what he can do to assist."

Told that he did not appear to be ruling it out, Mr Malthouse said: "Well, we don't rule anything in or anything out. I am afraid you are asking me questions above my pay grade."

10 May 2022-08:10AM BST

Kit Malthouse: PM and Chancellor in 'constant conversation' on cost of living crisis

Kit Malthouse, the policing minister, would not be drawn during the morning media round on what will be included in the Queen's Speech on tackling the cost of living.

But he said Boris Johnson and Rishi Sunak are in "constant conversation" about how the Government can help struggling families.

He told Sky News: "As far as the cost of living crisis is concerned, it is incredibly challenging for people out there at the moment.

"Obviously legislation takes some time to put in place. It has to go through both Houses, it can often be many months, sometimes over a year before it hits the statute book.

"But I do know that the Prime Minister and the Chancellor are in constant conversation about how we can be agile in assisting people through this challenging time."

10 May 2022-08:05AM BST

The schedule for today

The State Opening of Parliament will get underway at approximately 11.30am.

The Prince of Wales will deliver the Queen's Speech in the House of Lords, with both peers and MPs in attendance.

The announcements made by Prince Charles will then be debated in the House of Commons from 2.30pm.

MPs will then continue to debate the contents of the speech on Wednesday and Thursday this week as well as on Monday, Tuesday and Wednesday next week.

10 May 2022-08:02AM BST

Good morning

Good morning and welcome to today's politics live blog.

We have a busy day ahead, with the State Opening of Parliament and the Queen's Speech as Boris Johnson sets out his legislative plans for the new parliamentary session.

However, The Queen will not be taking part as she continues to suffer with "episodic mobility problems". The Prince of Wales will deliver the address on her behalf. (You can [*read the full story here*](https://www.telegraph.co.uk/royal-family/2022/05/09/queen-miss-state-opening-parliament/) ).

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[***Briefing by Foreign Ministry Spokeswoman Maria Zakharova, Moscow, March 24, 2022***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:653H-PGD1-F19S-P0NK-00000-00&context=1516831)

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**Body**

Foreign Minister Sergey Lavrov to chair a meeting of the Board of Trustees of the Alexander Gorchakov Public Diplomacy Fund

As we mentioned at the previous briefing, on March 25, Sergey Lavrov will chair a meeting of the Board of Trustees of the Alexander Gorchakov Public Diplomacy Fund. The attendees will review the Fund's performance in 2021 and approve its action plan with due regard to the ongoing comprehensive transformation of international relations.

Meeting of United Russia General Council Commission on International Cooperation and Support for Compatriots Living Abroad

On March 28, at the Foreign Ministry Mansion, Sergey Lavrov will chair the second meeting of the United Russia Party General Council Commission on International Cooperation and Support for Compatriots Living Abroad established under the instructions of President of Russia Vladimir Putin

The meeting will focus on the long-term violations of the rights of the Russian-speaking population in Donbass and Ukraine, ensuring security and protecting the rights and interests of Russians living abroad, the comprehensive countering of the anti-Russian media campaign and the illegal sanctions by the collective West. The discussion will also include the further development of inter-party cooperation with the CIS, Asian, African and Latin American countries.

Upcoming ministerial conference of Afghanistan's neighbouring countries

On March 31, Tunxi, China, will host the third ministerial conference of Afghanistan's neighbouring countries of (Russia, China, Iran, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan). The Russian delegation will be led by Foreign Minister Sergey Lavrov.

This meeting is a good opportunity to discuss the coordination of regional efforts on humanitarian and socioeconomic assistance to Afghanistan and to compare approaches to counter the threats of terrorism and drug trafficking coming from the territory of Afghanistan.

A dialogue between the foreign ministers of Afghanistan's neighbouring countries and a delegation of the Taliban is planned on the sidelines of the event, as well as a regular meeting of special representatives of the "expanded troika" on Afghanistan (Russia, China, the United States, and Pakistan).

We will promptly inform you of any additional meetings the Foreign Minister may have.

Update on Ukraine

It has been a month since the start of the special military operation in Ukraine. Its goals to demilitarise and de-Nazify Ukraine, to protect the residents of the DPR and the LPR against the aggression by the Kiev regime and to neutralise threats against Russia emanating from that country remain unchanged. The operation is carried out strictly in accordance with the plan. All of the stated goals will be achieved.

I would like to emphasise that the Russian military are fulfilling the goals assigned to them accurately and with great care, sparing civilians and unilaterally opening humanitarian corridors for them to leave to safety. The armed forces of Ukraine and the nationalist battalions that are part of them are trying to prevent this from happening. Normal life is being restored in the areas liberated from the nationalists.

The Kiev authorities don't care about their citizens. Ukrainian armed formations are using civilians as a human shield (the world has not seen this in modern history), forcibly keep them in blockaded towns and prevent them, under the threat of execution, from evacuating to Russia. Some Ukrainian citizens want to leave the regions that are in the harm's way in the direction of our country, because they have family and friends here. The punishers (it is impossible to call them anything else) don't let them do so.

The humanitarian corridors were open to the people and the evacuation began only after Mariupol had been unblocked and the resistance of the neo-Nazis by the People's Militia of the DPR with the support of the Russian Armed Forces had been overcome. At the same time, the Ukrainian militants, who have been illegally holding the civilians hostage, are again shamefully hiding behind the women and children's backs trying to escape under the guise of ordinary citizens.

Ukrainian embassies abroad continue to recruit volunteers and mercenaries to take part in hostilities, which is ***unprecedented***. The governments of many countries where such recruitment is going on turn a blind eye to the fact that this is a violation of international law, primarily the 1961 Vienna Convention on Diplomatic Relations and their national legislations.

NATO member states continue to flood Ukraine with weapons, which not only prolongs hostilities, but is also fraught with unpredictable consequences. In recent weeks, Washington alone has sent military assistance to Kiev totalling $1 billion, with hundreds of Stinger MANPADs, thousands of Javelin anti-tank missiles, grenade launchers and other weapons. According to the White House, at least 30 more countries have provided Ukraine with various types of weapons. This represents a threat to security of the civilian population given that the Ukrainian nationalists and militants are using them as a human shield and are hiding behind their backs in residential areas.

By making such deliveries, the Western countries are grossly violating their own commitments regarding the non-proliferation and safe storage of weapons, including the OSCE documents on small arms, the Principles Governing Conventional Arms Transfers and the Principles for Export Controls of Man-Portable Air Defence Systems.

Let our Western "partners" not be surprised when the weapons they had made available to Kiev will later surface in the most unlikely places, as it has always been the case before. By their actions, they created a terrorist threat for Europe and the entire world. We have seen civilian aircraft shot down before, when extremists, terrorists, or militants used US-supplied MANPADS around the world where they supported regime change or moderate extremist terrorists, countries where they saw fit to "support democracy." Then, the extremists used these weapons to shoot down civilians from NATO countries. The examples abound.

The Ukrainian military have created grave risks for shipping in the Black Sea and other seas. We are talking about 400 obsolete Ukrainian anchor mines installed outside the ports of Odessa, Ochakov, Chernomorsk and Yuzhny. As a result, about 60 ships are unable to leave Ukrainian ports. The untethered naval mines are drifting towards the Bosporus Strait and can even reach the Mediterranean Sea, which poses a threat to civilian navigation. The Department of Navigational Hydrography and Oceanography of the Turkish Navy has issued a notice in this regard.

The Russian-Ukrainian talks about a draft treaty on the settlement of the situation in Ukraine, its neutrality and guarantees of its security are ongoing via videoconferencing. Military, political and humanitarian aspects are being discussed.

We hope that Kiev will come to realise the inevitability of a peaceful solution to the problem of demilitarisation and de-Nazification of Ukraine, and its transformation into a neutral state for the benefit of its people and all of Europe. The sooner the Kiev regime and its handlers understand this, the sooner the special military operation will be over. We call on the Zelensky administration to think about the future of the country and its people, draw their conclusions and adopt corresponding decisions.

They have missed the big chance to keep Ukraine sovereign and independent within its own borders in 2014 and 2015. For seven years now, we tried to persuade the teams of President Poroshenko and then President Zelensky to use it and make the state prosperous. We used all platforms, including international and bilateral channels, to make it clear that there is no other option for the state of Ukraine than to take the steps under the Minsk Action Plan or the country will fall apart, which is what we are witnessing now. This is happening before the eyes of the whole world. In all likelihood, the "will" of the Kiev regime's chief curator, who did not need Ukraine as a state, is too strong. For Washington, Ukraine and the Ukrainian people are a tool, an inanimate object. They were thrown "into the furnace" in order to keep the ambitions warm and to assert themselves in their own "exceptionality."

Now, the chance is really there, despite the fact that we are hearing questions as to why we are having a dialogue with the individuals who hate even their own people and are ready to do anything for the sake of the ideology imposed on them. We believe there is still a chance.

Recruitment of militants in Syria for Ukraine

Active recruitment of militants for use against the Russian Federation is underway in the Middle East with reliance on local Ukrainian embassies. These activities violate the 1961 Vienna Convention.

According to the available data, Western security services and the Security Service of Ukraine are working closely together on coordinating these efforts. In effect, this is yet another attempt by certain circles in the West to "tame" Middle Eastern radicals and channel their destructive energy into fighting Russia and in general the international order based on international law. The previous failures of such experiments have not stopped the Anglo-Saxon political engineers. Apparently, the Russophobic frenzy has completely blocked their memory of the 9/11 attacks in New York, terrorist attacks in London and other European capitals, thousands of their compatriots killed in Iraq and their shameful exodus from Afghanistan. They hope the Ukrainian experience will be a success and that they will eventually manage to breed "obedient" terrorists who will obey them in the future. The West has had such illusions for decades. They bred those militants and were then subjected to their fierce attacks. Those extremists and terrorists are raised on blood. Now it is the blood of Russians, Ukrainians and other ethnic groups living in the region. We look the same to the militants brought to Ukraine from the Middle East. They won't distinguish a Russian soldier from a Ukrainian, a Hungarian, a Pole, a Jew or a Greek. They will simply revel in the violence that their recruiters will let them commit.

The Westerners' extraordinary cynicism is manifested in the fact that they are recruiting terrorists on a mass scale in Syria - on the territories that are not controlled by the lawful government of that country. Using the excuse of fighting international terrorism, US and other NATO countries' military have been illegally present there since 2014. They are not going to report to anyone, wear sackcloth and ashes or try to justify their actions in any way. They are simply staying there. They are pumping oil, recruiting terrorists and sending them to other regions. They need to be there and they are there. Journalists do not ask their governments any questions. Who dies at the hands of American military? Why are they there? Who profits from the illegal sale of Syrian oil and other natural resources of this independent country? This struggle has probably developed into a "combat fraternity" over time that allows these people to count on the help of ISIS POWs in "defending democratic Ukraine from Russian aggression."

I would like to ask: How do these moves conform to the operating Russian-US deconflicting mechanism in Syria? Is there anyone on the other side of the line in Washington who can respond?

We are warning again that flirting with terrorists will not produce any benefits. Those who set a rabid dog on their neighbour risk being torn up by it.

Video prank with UK Defence Secretary Ben Wallace

A surprising event has come to our attention. It shocked not only us but also Great Britain: an interview of UK Secretary of State for Defence Ben Wallace gave to pranksters. He had a wonderful conversation with them.

At first, we wondered if it was a real video or a deepfake? Based on the statements from the UK Ministry of Defence, it is indeed a real interview of their Defence Secretary.

What is surprising is not that Mr Wallace was unable to distinguish between prankers and Ukrainian officials. I leave that to the judgment of the British public. What is truly astounding is the ease with which UK officials talk about Ukraine possessing nuclear weapons and, as a matter of principle, about the possibility of London supporting such a development. There is no protest, no questions and not even fear. It confirms only one thing: Ukraine indeed had such plans, as did NATO. They were ready for such a scenario.

I understand the protests of the UK Ministry of Defence, which demands that YouTube remove the video. They say it "poses a threat to UK national security." In essence, it reveals the plans for what was to be done to Ukraine.

The plan was as follows: first to pump it with arms, then to complete the "story" in Donbass by force, and then follow a direct, open path to the deployment of everything that implies a NATO presence there. Creation and development of nuclear weapons should have been as the cherry on the cake. Of course, from their point of view, the video should be removed as a matter of urgency, as it is a historical fact.

Briefing by Chief of Russian Radiation, Chemical and Biological Protection Force Igor Kirillov

NATO ideologists had their own scenario for Ukraine in the near future. In this context, I would like to draw your attention to a briefing by Igor Kirillov, the Chief of Radiation, Chemical and Biological Protection Force of the Russian Armed Forces. The two of us are on the same sanctions list, probably because we both cite facts that are impossible to refute.

Today, Mr Kirillov gave a regular briefing. He spoke about new evidence and incoming reports that make it possible to follow the link between the US state machinery and Ukrainian bio facilities. This is a direct link.

"It is noteworthy that the structures that are directly linked with the current US leadership, for instance the Rosemont Seneca investment fund, are involved in funding the said activities." The fund is headed by Hunter Biden. "The fund has substantial financial resources and is closely linked with the main subcontractors of the US Defence Department. This applies to Metabiota, a company that is, together with Black&Veatch, the main supplier of equipment for the Pentagon's biolaboratories throughout the world."

The link between the Biden family and Ukrainian businesses is well known, both in the United States and beyond. But this time, new horrible evidence has emerged. What they were going to do there is really the road to hell. The US state sector, a huge business is obviously involved in illegal activities related to biolaboratories and the development of bio weapons in Ukraine. This is essentially a corruption link with Ukraine.

I would like to draw your attention to Mr Kirillov's briefing once again. He quotes evidence that cannot be refuted by idle statements of representatives from the White House, the Department of State or the Pentagon. There is nothing for press secretaries to do in this respect. This is a job for specialists and lawyers who must investigate US criminal activities in Ukraine.

This poses a threat not just to Ukraine or even the whole region. This is a threat to continents, primarily to Europe and Asia, to Eurasia.

Ukrainian activist Yelena Berezhnaya's arrest

The continuing arrests of Ukraine's civil society activists cause grave concern.

In particular, this is the case with Yelena Berezhnaya, who heads the Institute of Legal Policy and Social Protection. She was detained on March 17, 2022.

Yelena Berezhnaya is a prominent member of the international human rights community. In 2014, she made quite a few appearances at the UN, the OSCE and the Council of Europe to speak out against the discriminatory policies of the Maidan government against Russian-speakers in Ukraine. She was relentless in exposing the persecution of the Ukrainian Orthodox Church and vociferously opposed attempts to build the cult of Bandera and other Nazi accomplices in Ukraine.

There are serious grounds to fear for Yelena Berezhnaya's life in the context of her detention. We see what is going on in Ukraine: people are being taken hostage, used as human shields and kidnapped, both adults and children. We demand that the Ukrainian human rights activist be freed immediately along with all other civil society figures and civilians who have been detained illegally.

We also expect the specialised international structures and agencies within the UN and the OSCE to respond to and weigh in on this situation, since they keep saying that repression against human rights activists is unacceptable and pay close attention to this issue.

French Foreign Minister Jean-Yves Le Drian's statements

We took note of the statements by Foreign Minister of France Jean-Yves Le Drian several days ago in the context of Russia's special military operation in Ukraine.

Let me emphasise that several Western foreign ministers have lately indulged in statements that run counter to professional ethics and the legal aspects of the matter in question, as if forgetting all rules of decency and legality. Jean-Yves Le Drian is among them. He used several media outlets as a rostrum for exercising emotional anti-Russia rhetoric by accusing the Russian leadership of perpetrating "war crimes" in Ukraine, as well as unleashing "an information and propaganda war." Was he talking about us? I think that he got something wrong here. Can it be that he has not learned the history of his country? My advice for him would be to read his history books. This way, he may stumble upon Libya. To speak of a propaganda and information war - he got everything so mixed up. Maybe he should watch and read the French media. Has the French Foreign Minister seen the Charlie Hebdo edition? If not, I can tell him that this "satirical magazine" referred to Ukrainians as "animals." You can think about the politicians and the regime anything you like, and excel in satire and humour, but if you support people and civilians, you have to keep an eye on the way your media and journalists treat them. We do understand that the situation in Ukraine and statements by Ukrainian journalists transcend all the legal boundaries (this is what the operation to denazify Ukraine is all about), but the French state has until know respected its correspondents and promoted the freedom of expression. What is going on there? Where is the objective perspective and the plurality of opinion? Don't the people forced to flee their country and seek refuge across Europe deserve at least some respect? They are being prevented from fleeing to the Russian Federation by force, while they want to come here. And the French media call these people "animals." Judging by these statements, like Foreign Minister, like satirical magazine, as the saying goes.

This begs a question. So many years have gone by. How can it be that Paris has never bothered finding the underlying cause of what caused the Ukrainian crisis? After all, they were the co-sponsors, it was their job to remain constantly involved, not just from time to time. Let me remind you that France had as many as eight years during which, together with Germany, it acted as a guarantor and a de facto mediator in promoting a settlement in southeastern Ukraine within the Normandy format, without any success, as we can now see. From the very moment when the dramatic events started in Ukraine following the anti-constitutional government coup supported by the West and perpetrated by extremists through a power grab, we have been patiently drawing the attention of Paris and Berlin to the outrageous selectiveness of their approach to these developments. Time and again, we spoke of the dangers of intentionally sweeping under the carpet the illegal Russophobic actions by the Kiev regime and its refusal, recognised in public, to abide by the Minsk agreements against the backdrop of never-ending military aggression against the people of Donbass by Kiev, the Ukrainian Armed Forces and the nationalist battalions which had infiltrated the Ukrainian army. The collective West also ignored the numerous civilian casualties.

Today, our Western partners are energetically supplying the discredited Kiev authorities with all kinds of weapons, including man-portable air-defence systems (MANPADS). It is no secret to anyone that these weapons are being handed out to anyone caring to take them, including criminals released from custody. After all, Paris must understand where these criminals with their MANPADS in hand may go later. Neither Poland, nor the Czech Republic will be able to stop them. They will head further West. Currently, the West is shaping its own future. There is no need to ask rhetorical questions as to where and when the distributed Western weapons will fire and what the nationalists and criminals released from prisons who laid their hands on them will choose as their targets? The answer is clear: these weapons will be used against NATO members and residents of countries which are actively encouraging the handouts. You may ask: why so? Because it has always been this way. All extremists and militants whom the West indoctrinated and armed always came back to roost. I don't know what "law of philosophy" or a mystical combination of circumstances is behind this. Hard to say. But it has always been this way, and it will be so now.

This seemingly odd logical connection is described in numerous works of fiction and documentaries. Better to grasp that now. Could it be that Paris, Berlin and London have a feeling that perhaps the militants will be stopped by the East European buffer? No, it won't. They will reach the coveted destination, as they always have. I am not trying to frighten anyone. I am just warning and explaining what is going to happen.

Before speculating about "war crimes," they should for starters recall their own history and NATO's air strikes against Yugoslavia and Libya. There was also Iraq. I know that France was not involved there, but as a NATO member-country it participated in many other events. Today, everyone has hastily forgotten that Ukraine itself was involved in the campaign against Iraq, and it was OK with them, they could only praise its contribution. You will laugh but Nadezhda Savchenko herself was a member of the Ukrainian contingent sent to Iraq to assist the NATO operation there. Some "grimaces of history." And history will follow the same course now.

As for the collapse of the Libyan statehood, Paris played the "first fiddle" in this sense. All of this led to a humanitarian disaster that has plagued Libya, once a prosperous country, since 2011. When is the Champs-Elysees going to face the consequences of its own actions? Never? It's a pity. In this connection, we would like to remind the French foreign minister that their actions have resulted in the emergence of numerous terrorist groups there that have rapidly spread from Libya to the Sahara-Sahel zone. In this context, as we can see, Paris' decade-long attempts to put something up against the terrorist threat in Sahel have proved absolutely futile. Perhaps Paris remembers the terrorist attacks that rolled across France not so long ago. They did not happen out of the blue. They must have been linked to something as well. This is always the case when you experiment with regime change and arms supplies to extremists and terrorists. There is a law of history: later all of this will boomerang against the countries where the evil originated.

As a rule, the criticism that Paris and other Western countries have levelled at Russia fits in well with the Russian saying "We see the speck that is in our brother's eye, but don't consider the beam that is in our own eye."

Statement by a group of Western countries on the anniversary of the developments in Syria

We have taken note of the joint statement by the United States, Britain, Germany, France and Italy, published on March 15, 2022, on the 11th anniversary of what they refer to as the "Syrian uprising."

I would like to repeat that Russia's policy imperative in Syria has always been and still is respect for the sovereignty, independence and territorial integrity of the Syrian Arab Republic. Over the years, we have listened to a lot of abuse, experienced a lot of intimidation, and heard many promises. History has put everything in its place. Thanks to Russia's actions, the Western campaign, launched to destroy Middle Eastern statehood, came to a standstill in Syria. The success of that campaign would have been a disaster for the world, given, sadly, the presence of technologies that could have been used to create weapons of mass destruction there (undeclared, "dirty" weapons), the number of weapons in the region, as well as extremists, terrorists and the fundamentalist ideology.

The campaign launched by NATO, and primarily the United States, could have resulted in an all-out catastrophe. It was prevented by Russia, which made a decisive contribution to routing ISIS, the biggest terrorist group in history. Have you forgotten about this? Has the memory of the huge risk of a global disaster been erased in the West? Irreparable damage has also been done to other illegal armed groups. It is regrettable that all this has been forgotten. The ruined statehood of such countries as Iraq and the destruction of their armed forces after foreigners came to their countries meant that orderly, government-controlled organisations were replaced by disorganised armed groups with the fundamentalist ideology, creating a breeding ground for ISIS. But those who were responsible for this situation do not feel any regret or self-recrimination.

As we can see from the example of Libya, NATO's activities have led to chaos in the region, and now all North African and Sahel countries are dealing with the consequences. The bombing of Libya by a number of NATO countries cannot be described as anything other than a war crime, which has resulted in the destruction of the state, the impoverishment of the population, hunger, large numbers of refugees, and civil war.

This product of propaganda reflects the faulty Western interpretation of events in Syria, based on bias and double standards. The West has probably decided to take advantage of the current situation to present a new interpretation of past events. They will not succeed. The above-mentioned statement is part of the collective West's policy of spreading disinformation to delude the international community into changing its views on developments in Syria and other parts of the world. It repeats the usual allegations against the legitimate Syrian authorities and Russia. A cynical attempt has been made in the above statement to draw parallels between the Syrian conflict and the situation in Ukraine. Russia is being accused of creating a humanitarian catastrophe in both cases (it is a favourite allegation). The only similarity between these two situations is that Russia acted in response to a request from the leaders of sovereign states to defend them and their people and restore balance to the situation which had been destabilised through the fault of the West.

We consider it necessary to again remind everyone about the destructive role played by the United States and its allies, which deliberately fuelled the conflict in Syria from the very beginning. While acting in their own short-term selfish interests, they stopped at nothing to provide all-round support to the forces that were fighting against the Syrian Government. They were nurturing extremists and creating a new "class" of international terrorists. At the same time, the West was bound to know that this policy was drawing out the crisis and the bloodshed. But this was probably what they wanted.

The US-led International Anti-Terrorist Coalition did not so much fight ISIS as it carried out massive bombardments of Syrian territory causing numerous civilian casualties and destruction of civilian infrastructure.

Their strikes also often targeted the Syrian military who were liberating their country from hordes of terrorists, brought in and armed with Western help. I would like to remind you of the dirty chemical provocations carried out by groups supervised by Western intelligence agencies. Although referred to as "humanitarian" and "human rights" NGOs (remember the White Helmets), in fact, those organisations were part of an extremist network. They provided all kinds of support to the terrorists. Naturally, they were doing it with Western money. The State Department openly financed everything (when it came to the White Helmets). This activity was led by a retired British intelligence agent who was later "eliminated" when he became unnecessary and stood in their way.

The Americans are still hindering the restoration of Syria's sovereignty east of the Euphrates. They are pushing the local Kurds towards separatism, contributing to a dismemberment of the country. The United States continues to occupy a 55-kilometre "deconfliction zone" around its illegal military base in Al-Tanf in the south of the country. This stripped the Syrian government of access to hydrocarbon deposits and other natural resources located in the northeast.

They continue to declare the improvement of the humanitarian situation in Syria, but in fact, the United States and its allies are making every effort to slow down the country's post-crisis recovery, consistently expanding the scope of unilateral restrictive ***measures*** against Damascus. We remember how they imposed restrictions despite the worsening situation on the ground due to the pandemic. They continued to hit Syria again and again, trying to hurt civilians, to make their lives unbearable, in order to put pressure on Damascus. A dreadful story. First, attempts to change the regime, destabilisation, chaos in the country, weapons supplies to Syria, recruitment of extremists and militants, dangerous experiments and terrorist attacks, including with the use of chemical weapons, bombing from air, pumping of oil and plundering of the state. After that, when this did not work out due to Russia's decisive action, they began imposing the suffocating sanctions on Syria against the backdrop of the pandemic, at a time when the country had been resisting and trying to survive for ten years.

I recall the words of former US Secretary of State Madeleine Albright. In the 1990s, Western journalists (then they were allowed to ask) asked her how the United States assessed the lives of thousands of children (they cited a figure close to half a million) who died from US sanctions against Iraq. She answered calmly (there is a video) - as reasonable ***measures***. That was it. Then they coined the term "collateral damage" to describe the sacrifice that had to be made to ensure that the American point of view prevailed, so that they could dominate and see themselves as being ***exceptional***. Justified casualties, and that was it. Now they are considering what is happening in Ukraine, counting refugees, etc. Count the number of civilian casualties from US sanctions in Latin America alone, in the Middle East. I will talk about the bomb strikes separately. In Syria, the political settlement ***process*** and the return of refugees and internally displaced persons is being artificially hampered. Westerners are doing this too.

I would like to emphasise that the countries that released the said statement bear the main responsibility for the tragic events in Syria causing almost half a million deaths and even more injuries, multi-billion-dollar damage to the Syrian economy and social infrastructure, the gravest suffering of the people, as the overwhelming majority resisted that geopolitical project of the West. It is not for them to denounce Syria or Russia, which played a key role in defeating ISIS and continues its consistent efforts to promote the long-awaited peace on Syrian soil.

We have called on them to do it together, to create a global anti-ISIS, anti-terrorist coalition. That was in 2015. They only laughed at us in response because it did not fit in with their plans. They thought we couldn't do it, but we did. Apparently, they decided to take revenge. But this won't work this time either.

Anniversary of NATO's aggression against Yugoslavia

On this day 23 years ago, on March 24, 1999, NATO launched its aggression against Yugoslavia - a European country, a full member of the UN, the OSCE and other multilateral structures. NATO trampled over everything, the UN Charter and the fundamental principles of international law. For 78 days, the United States and its allies bombed cities and towns, civilian infrastructure, bridges, passenger trains and buses, killing women, children and the elderly. Hundreds of Yugoslavian security services' officers died courageously defending their country. It was then that the West destroyed the foundation of Europe's post-war security with its own hands.

We are hearing statements that Europe has never seen anything like Ukraine right now. You don't say. You have forgotten what you were doing in the 1990s in Eastern Europe and specifically in Yugoslavia. Perhaps you have forgotten but they remember. We remember. The world will not forget.

Washington and its satellites arrogantly and single-handedly assumed the right to use force whenever they feel like it - for example, when their geopolitical experiment starts to falter, not everything is going smoothly and not everybody is saluting. The people of Yugoslavia, Iraq, Syria, Libya and other countries have paid a horrendous toll to the Moloch of NATO. Hundreds of thousands of people have died. Some of the survivals were poisoned with depleted uranium from the ammunition used against Yugoslavians. There were victims among the citizens of other countries and on the other side, among NATO's corps on the ground. But blaming was pointless. Nobody was found guilty. No lawsuits were ever sustained. The problem was swept under the carpet. That's it.

Nobody carried a punishment, ever. Not in a single of the cases I have mentioned. They were written off as "collateral damage" - losses associated with the United States, Great Britain and their satellites who were realising their geopolitical ambitions. Only after several most egregious murders of civilians were committed, US troops reluctantly apologised. And that was it.

In the current circumstances of protecting people who have been subject to genocide, abuse, torture and oppression for eight years in Ukraine, the United States and its allies are hypocritically trying to feign righteous anger and cynically discussing alleged violation of international law - which they bombed to dust in 1999, repeating this "successful" experience multiple times in the 2000s.

It is not their sermon to preach.

Waffen-SS legionnaires' march in Riga

We speak about this every year, yet there has been no response from international organisations, NGOs and human rights groups.

On March 16, 2022, a traditional march of former Waffen-SS legionnaires and their admirers from local radical nationalist organisations took place in central Riga. Meanwhile, the city's municipality chose to reject the Latvian Antifascist Committee's application to hold a protest. This manifests the true attitude to the issue of neo-Nazism. And this is happening in the middle of Europe even now.

We see an event glorifying former SS members as blatant mocking of the memory of those who saved the world from the brown plague at the cost of their lives. This has been happening for more than 70 years. Immediately after the war, these people were still a little embarrassed to do it. But then it started to happen. NATO ran off the rails and started rewriting history, textbooks, mutilating the history of WWII, mutilating people's memory, violating the memory of heroes, attributing heroism to criminals and making them into false champions. Now they are reaping the results of their own bloody experiments and perverted logic.

Latvian officials are once again condoning this phenomenon that should be shameful for modern Europe. And do not tell me that "not that many" people showed up, who cares. Well, we care.

These people have many followers who took this event as a certain signal. They know this is "normal." Everything has been twisted. These are not fighters for European freedom but simply collaborationists. Seeing this is not surprising at all, considering that Latvia is showing overarching support to the pro-Nazi regime in Ukraine.

BRICS launches vaccine research centre

On March 22 this year, a ceremony was held to launch the BRICS Vaccine Research and Development Centre, involving the heads of relevant agencies from the five countries.

The initiative to establish the vaccine research centre was recorded in the final declaration of the BRICS summit in Johannesburg (July 26-27, 2018). It has brought together leading research institutions and companies in the member states - the Oswaldo Cruz Foundation (Brazil), the Anatoly Smorodintsev Research Institute of Influenza (Russia), the Indian Council of Medical Research (India), the Sinovac Life Sciences company (China) and South African Medical Research Council (South Africa).

The new centre's main objective is to share best practices and strengthen practical cooperation in the research, development, production and distribution of vaccines to ensure their greater availability. The new format is designed to develop mechanisms for the prevention, diagnosis and prompt response to new viruses, as well as to ensure timely and widespread Covid-19 vaccination.

Russia's Healthcare Minister Mikhail Murashko underlined the centre's important role in coordinating the BRICS countries' efforts to control existing infections, in particular influenza, tuberculosis and HIV, as well as potential biological threats.

We consider the launch of the BRICS vaccine research centre as a major achievement of the five-sided cooperation in the year of the Chinese chairmanship of the BRICS. We count on the continued strengthening of cooperation in the field of healthcare, in particular through the implementation of the Russian initiative to establish the BRICS Integrated Early Warning System for preventing mass infectious disease risks.

Greek Independence Day

March 25 is a national holiday in Greece, Independence Day.

At the beginning of the 19th century, Russia supported the national liberation struggle of the Greeks, making a decisive contribution to its success and the development of Greek statehood. The year 2022 marks the 195th anniversary of the victory by the allied force of British, French, and Russian ships in the Battle of Navarino, which helped bring about the liberation of Greece.

The peoples of Russia and Greece have more than once confronted common threats, fighting shoulder to shoulder, coming to each other's rescue in difficult times, including in the struggle against fascism and Nazism during World War II.

The two countries and peoples are building strong equal and mutually respectful relations, built on the solid foundation of their centuries-old ties of friendship and mutual understanding, cultural and spiritual kinship. We are sure that the Greek citizens share this approach.

I have heard some statements from Greek politicians lately. Today, I would rather not talk to these politicians (because it is probably no use anymore), but I would like to address the people of Greece. Standing up to fascism and neo-Nazism is in your cultural code. Your 20th century culture reflects suffering from Nazism and fascism. Can you possibly fail to understand how Donbass has suffered for eight years, what a terrible disaster has befallen Ukraine when nationalist battalions became part of its army? They were incited to destroy the population that refused to obey their orders. Can't you draw a lesson from your own history that will help you understand what is really happening? I believe you must understand. You cannot betray your own memory.

30th anniversary of the CIS Interparliamentary Assembly

The agreement on the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States was signed on March 27, 1992. Established almost simultaneously with the CIS, the IPA has become the main platform for parliamentary diplomacy in the post-Soviet space. In the subsequent 30 years, it has become an effective tool for aligning the CIS states' legislations and creating conditions for all-round regional integration. The IPA is focused on creating a legal framework for the common economic space of the CIS countries, on boosting international cooperation, and on studying and promoting parliamentarism.

In the context of the ongoing development of a new world order and ***unprecedented*** pressure by the US-led West, which has been trying to dictate its views and rules on the world, the political and humanitarian importance of the institutes of people's diplomacy, including the platforms of interparliamentary interaction among countries, is increasing.

It is notable that the next meeting of the IPA CIS, which has been scheduled for March 29, will be held in Almaty, where the agreement on its establishment was adopted 30 years ago.

Gromyko Competition for Young CIS International Relations Specialists

I would like to inform you about a statement posted on our website to call for submissions for the Andrey Gromyko Competition for Young CIS International Relations Specialists.

The annual Gromyko Competition was first held in 2018. Over the four years since then, it has brought together over 1,100 young academics from 11 countries, 243 cities and 252 leading universities. The competition has been highly assessed by Federation Council Speaker Valentina Matviyenko and Foreign Minister Sergey Lavrov, the honorary chair of the Board of Trustees of the Andrey Gromyko Association of Foreign Policy Studies.

Applications can be filed online through May 12, 2022, on the competition's website. They must include the competitor's entry and participation form.

Lifting of temporary restrictions on entry into Russia

As per Government Resolution No. 522-r of March 17, 2022, temporary restrictions on entry into the Russian Federation for foreign nationals and stateless persons, including Ukrainian citizens entering Russia from the territory of the Donetsk and Lugansk people's republics and Ukraine, have been lifted as of March 18, 2022.

Restrictions have also been lifted for the citizens of the Republic of Belarus who enter Russia via the Russian-Belarusian border, and for the Russian citizens who enter the Republic of Belarus via the Russian-Belarusian state border.

Answers to media questions:

Question: Italy perceived threats in a comment made by Director of the First European Department Alexey Paramonov, who spoke, among other things, about bilateral energy cooperation. What is your comment?

Maria Zakharova: First, the crazy statements that certain Italian officials have permitted themselves to make in recent weeks have caused a massive public outcry in Russia. Second, Italy's current Russophobic anti-Russia policies are directed at looking for non-existent threats and implications. It is for this reason that the interview granted by the director of the First European Department on March 19 has been distorted in such a gross and cynical manner.

This calm and non-confrontational interview stated facts and expressed concern about the increasingly frenzied anti-Russia statements made by Italian politicians. Mr Paramonov also drew attention to the further deterioration of Russian-Italian relations. But certain information industry employees have interpreted this as a veiled threat to Italy. Perhaps it has something to do with inaccurate translation. But still, it takes a lot of effort to see a veiled threat to Italy in those lines. Perhaps this is a case of inner perception through the prism of one's phobias. The text has nothing of what was later ascribed to Mr Paramonov.

What was launched by the media and spread further was a classic fake. A sentence is taken out of context so that the meaning is different from the original. The next step is to spark off an information war which is used by the Italian establishment for no good reason at all.

We do not want to believe that a witch-hunt era has begun in Russian-Italian relations, despite their centuries-old history and spectacular examples of fruitful cooperation, an era of persecution of all things Russian.

The important thing for both the Italian media and politicians is not to fall victim to provocations in the information sphere that have clearly been organised by NATO institutions.

Question: Latvia is planning to ban Russian vessels from calling at its ports. This was announced on Monday by Minister for Transport Talis Linkaits. He called for a ban on behalf of the EU. What is your view on the prospects for and consequences of this EU decision?

Maria Zakharova: This initiative is absurd. Obviously its originators, tortured as they are by an anti-Russia frenzy, decided to do their bit and hit at the international transport and logistical chains. Even without this initiative, their disruption has led to a surge in inflation and commodity shortages in Europe, specifically in the EU. Do they need to increase the sufferings of their own populations?

It is quite clear that Latvia does not care about its own citizens or those of Estonia and Lithuania, let alone the citizens of Russia or Ukraine. They are unlikely to care about the citizens of Poland either. After all, they must understand that their proposal will directly affect even their patrons in Brussels.

You and I are aware that the Baltic countries and their political establishment are directly controlled by London and Washington, either through NATO or in a goal-oriented direct mode. Obviously, this will benefit the Anglo-Saxon duo, but Latvia must understand that they themselves will suffer.

As for Baltic ports, everyone is aware of the dynamics we are witnessing today. (I am referring to downward freight dynamics). If local politicians want to reduce their ports' cargo turnover even further, that is their problem. Indicatively, their readiness to sacrifice their countries' economic interests exists side by side with panhandling, for they are asking Brussels for compensation. If Latvia and Lithuania take another anti-Russian decision, our cargo flows will be redirected, as necessary. Russian Baltic and Black Sea ports will continue to function and develop at an accelerated pace, while European economic interests will inevitably be affected. The Europeans cannot help but understand this.

Question: What will happen to the Russian diplomatic corps when Russia leaves the Council of Europe? When do you plan to shut down the representative office?

Maria Zakharova: In view of Russia's exit from the Council of Europe, our permanent representative office in Strasbourg will be closed. Specific terms and procedures pertaining to the closure will be agreed upon further.

I would like to remind you that, according to the 1961 Vienna Convention on Diplomatic Relations, the authorities of the host country (France in this case) must provide necessary assistance to our diplomatic mission, which includes ensuring security for its staff and their family members, premises and property.

Question: Leader of European diplomacy Josep Borrell and European Commissioner for Environment, Oceans and Fisheries Virginijus Sinkevicius accused Russia of weaponising the water resources in Ukraine. Can the Foreign Ministry comment on these statements?

Maria Zakharova: This is a masterpiece and a "record" when it comes to the depth of moral and professional degradation of Brussels.

First of all, on February 19 - even before the start of the Russian special operation in Ukraine, the Mariupol City Council reported that, due to the damage of the Southern Donbass Conduit that sends water from the river to the Seversky Donets, the city switched to a reserve water supply using the local Starokrymsky Reservoir. It was reported that "the situation remains fully under control" and that "residents noticed water supply disruptions."

On March 11, 2022, the city officials reported that the water supply was being restored, distributed as follows: 30 percent from the conduit and 70 percent from the water reservoir, which is the reverse of how it normally is.

This means that the city has access to water. Overall, the issue will be resolved once the DPR troops, with the support of the Russian forces, have liberated Mariupol and the rest of the republic's territory from the radical nationalists, and once the demilitarisation of Ukraine is complete.

Second, by accusing Russian troops of cutting the water off in Mariupol on purpose, the European Union and its officials are ignoring the fact that, two days before that, on March 20, the Inter-Agency Coordinating Centre for Humanitarian Response in Ukraine announced that on March 21, the Russian Defence Ministry would open humanitarian corridors for both civilians and Ukrainian troops (without weapons) to leave Mariupol. A ceasefire was also announced.

The European officials' statement did not mention the fact that Ukrainian nationalists continue to use civilians as a human shield. Between 80 and 235 civilians had been killed by them every day in the preceding days as they attempted to leave the city. That was not mentioned either. It was not mentioned that on March 21, Russian humanitarian corridors had been organised in Mariupol from the eastern side, and that as of March 28, Russian troops had evacuated 68,000 people - without any kind of involvement from the Kiev authorities. And that yesterday, on March 23, the Russian Armed Forces announced two more exit routes from Mariupol, towards Rostov-on-Don and Zaporizhzhia.

Moreover, humanitarian corridors open daily in the Kiev, Chernigov, Sumy and Kharkov directions, with one corridor leading to Russia and one to the west. Neither of the corridors towards Russia were approved by Kiev. The European Union refuses to see that. Where is the statement from the EU on this matter? There have been no such statements. Perhaps, journalists could somehow get a response from Josep Borrell. Maybe he will force himself to say a word of truth.

Third, we could listen to all these lamentations coming from Brussels, but there is one "but." In fact, the European Union could have invested the same energy over the past eight years to speak out against the closing of the North Crimean Canal which supplied water from the Dnieper to the Crimean Peninsula. However, they never did this, not a single time, while they had all the information. Let me remind you that until 2014, this canal covered 90 percent of Crimea's freshwater needs. The Kiev regime started by closing the locks and went on to build a concrete dam in 2017. This blocked the water supply to the peninsula. They even planted something there to further cement this decision.

Ukraine did this in violation of its international obligations under Article b of the International Covenant on Civil and Political Rights, Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, Article 6 of the Convention on the Rights of the Child, and Articles 1 and 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We have pointed this out so many times in our briefings and sent so many materials to international organisations. Russia's permanent representatives at international organisations have brought this up on numerous occasions. Not a word in response. Neither Josep Borrell, nor his predecessors, nor any other figures, environmental activists or international officials ever commented on this. The suffering affected the wrong people, and the wrong civilians were deprived of fresh water. This is part of the selective attitude and the enactment of genuine segregation. All this was happening against a backdrop of statements dividing people into those who are ***exceptional*** and those who are ordinary. The first can fight for their existence, while the others cannot. The first need water, while others can get along without it for years. How about eight years? We know what to call this. We have been there. And we warned everyone about this.

In all these years, the European Union has never cared to look into this issue. The Western media, among others, bear direct responsibility because they serve Brussels' interests. They never inquired about this fact or reported on it. All these years, the European Union couldn't care less about water or human rights. Brussels never issued any statements warning Kiev against using water as war tactic. All they did was give money: tranches, millions, loans, weapons, technology. Moreover, the European Union supported the policy of discrimination against the people of Crimea by imposing restrictions to punish the people on the peninsula for making the democratic choice to be with Russia. These were the wrong people. Segregate them. This was the gist of their policy, even if they did not call it that way.

Russia resolved the water supply issue in Crimea on its own. We have shared information on this subject. A series of ***measures*** enabled the peninsula to tap its own water resources. We built new water supply inlets and conduits. The dam blocking the North Crimean Canal was blown up on February 26, 2022, in the first days of the special military operation. Water from the Dnieper resumed its perennial flow towards Crimea, and has already reached it.

This begs the question: is Brussels aware of the facts that I have just listed, or they simply refuse to recognise them? We kept publishing this information, but what did they do with it at EU headquarters? Did they just stick it under a wobbly chair leg? Depending on the answer, we will know whether this is a matter of European officials' unprofessionalism, or cynical disinformation of the European and international public.

Question: What is Russia's attitude towards Turkey's regular offers of mediation in the situation in Ukraine? We have seen Sergey Lavrov's meeting with his Ukrainian colleague with the mediation of the Turkish Foreign Minister. We know that Baku has proposed a venue for negotiations several times. What is the Russian Foreign Ministry's attitude towards these proposals?

Maria Zakharova: You have answered your own question. We have never rejected cooperation proposals from any country. We believe that over the past eight years the countries that have expressed such a desire could have used their capabilities to encourage the Kiev regime to honour its commitments.

At this point, we are analysing all constructive proposals. We have responded to positive initiatives that could be effective or at least produce some result. You mentioned some of them.

On the other hand, holding meetings and accepting initiatives that have been proposed for appearance's sake is not the goal. But we will consider any constructive idea.

We are grateful to everyone who has expressed a willingness and has supported the idea of mediating the ongoing diplomatic efforts to achieve a settlement.

Question: Foreign Minister Sergey Lavrov has held several telephone conversations with his Azerbaijani colleague. They discussed, in part, the upcoming celebration of the 30th anniversary of diplomatic relations in April. Can you tell us what events have been planned and how you assess our relations?

Maria Zakharova: I would like to remind you that our diplomatic relations were established 30 years ago, on April 4, 1992. But the history of relations between our peoples is much older and has deep historical roots. However, there is also the formal side, that is, diplomatic relations. We have prepared a series of major events to mark this jubilee, including the exchange of official messages of greeting and meetings at various levels.

We will highlight the development of our cultural and humanitarian cooperation. Exhibitions and concerts are already being held within the framework of Azerbaijan Days in Russia. The Russian Ministry of Culture is preparing a series of events to be held in Azerbaijan.

It is notable that on the eve of the 30th anniversary of our diplomatic relations the presidents of Russia and Azerbaijan met in Moscow on February 22, 2022 to sign the Declaration on Allied Interaction between the Russian Federation and the Republic of Azerbaijan. This document offers new opportunities to build up bilateral cooperation in all spheres, including trade, economic, military-political, cultural and humanitarian cooperation.

This year we will celebrate many 30th anniversaries of establishing diplomatic relations with other CIS member states. There will also be cross events. In other words, we are preparing events and have already started implementing some of them. We will inform you about this regularly.

Question: Are there plans for a meeting between our foreign ministers?

Maria Zakharova: The date has not been set yet. Let's assume that it will be. We always share this information.

Question: During their telephone calls, the foreign ministers discussed the implementation of the main trilateral agreements on the Armenia-Azerbaijan settlement. How far has this proceeded, and what is the current focus as regards unblocking transport and economic ties and establishing a border delimitation and demarcation commission?

Maria Zakharova: These talks are held behind closed doors. We share the information we can disclose. A press release on this issue was published on March 21, 2022. (1, 2)

As for the implementation of the agreements reached on November 9, 2020, January 11, 2021 and November 26, 2021, the current focus is on several priority spheres. The Trilateral Working Group co-chaired by deputy prime ministers is coordinating a package of transport development projects, in particular, railway lines and motorways. Interdepartmental consultations are underway on launching the delimitation and subsequent demarcation of the Azerbaijani-Armenian border with consultative support from Russia.

Question: The humanitarian situation has markedly worsened in Artsakh of late. The Azerbaijani side continues to hinder gas supplies to the area despite calls [to resolve the issue]. They actually installed a valve while repairing the pipeline after the explosion, and after a short resumption of gas supplies on March 18, they cut off the gas supply manually on the very next day. How does the Russian side assess the actions of the Azerbaijani side, which have created serious humanitarian problems for the population of Artsakh?

Maria Zakharova: We have previously commented on this topic. We have been reaching out to both parties, urging them to resolve the problem with gas supplies to the region as soon as possible. Russia's Ministry of Foreign Affairs, Ministry of Defence, Ministry of Energy and Gazprom are also putting effort into this. We deem it totally unacceptable to aggravate the humanitarian situation in the region, which is difficult enough already. Civilians should not suffer.

Question: According to a statement the Artsakh Information Centre made at 4 pm today, the Azerbaijani armed forces have crossed the line of contact towards the village of Parukh, Askeran Region. Representatives of the Russian peacekeeping force are trying to negotiate a termination of further advance of the enemy and a return to their original position. How do you assess this flagrant violation of the tripartite statement?

Maria Zakharova: This should be assessed by our peacekeeping forces stationed there. I can repeat what was said today: the situation is already tense and complicated. It should not be aggravated by either side.

Question: This year marks the 30th anniversary of the establishment of diplomatic relations between Armenia and Russia, as well as the 25th anniversary of the signing of the Armenian-Russian Treaty of Friendship, Cooperation and Mutual Assistance. What bilateral events are planned to mark these anniversaries?

Maria Zakharova: We will definitely publish extensive material on this score. I spoke earlier today about our preparations for anniversary events. I will definitely share this information.

Question: Back to today's offensive by the Azerbaijani troops, although it mostly concerns the peacekeepers, we can see a strong reaction in Armenian society. Similarities are being drawn with Operation Ring conducted by the Soviet Union. How does Russia plan to implement the tripartite statement?

Maria Zakharova: Regarding the political statement, I have already said: neither side should aggravate the situation, which is already tense enough. If we are talking about the situation on the ground citing specific facts, then this is a question for the military experts who are based in the area.

I will try to clarify the facts. We may make additional comments.

Question: Right now, blatantly fascist actions and statements are coming from Ukraine, from videos showing the torture of our soldiers and Ukrainians to threats of castration against our prisoners of war, threats of revenge against our troops after the special operation and their families, comparing Russians to cockroaches...

Is this a reason to convene an extraordinary session of the UN where it would be possible to go through official Ukrainian sources specifically, in order to avoid accusations of Russian propaganda? Clearly, we will not be able to convince the United States or Europe as it is pointless to try and prove anything to them. But is there a way to at least speak out?

Maria Zakharova: There is a way. Right now, we are taking efforts to denazify Ukraine. For many years before that, we have presented documented evidence, convened conferences, disseminated videos and official documents. The fact is, it goes beyond public statements and ugly hysteria. Based on this ideology, the West has been supplying weapons and incorporating nationalist battalions into the Ukrainian Armed Forces under its aegis, infecting them with the virus of neo-Nazism. This is the problem.

As for the prospects of weapons of mass destruction, I have already spoken about this today. Let's not go back to one, two, three or five years ago. We have been through all this: we invited journalists, provided information and spoke about this matter at every briefing, quoting, submitting and translating documents. But they continue to ruin their own state as they did before. They did it in a stand-alone region, intending to exterminate Russian nationals and the Russian-speaking population on their territory, the territories of Donetsk and Lugansk and the territory of our country. This rhetoric continued from one statement to the next. None of those statements were disavowed. There was no investigation or inquiry. What investigation of nationalist rhetoric can we talk about if even murders have not been investigated in Ukraine? Murderers targeted dissenting public figures, publicists, political commentators, journalists and civilians. People were pushed into the House of Trade Unions in Odessa before it was burnt down. They screamed and begged but the rampaging crowd looked on as they burned alive. And you are talking about showing, highlighting or distributing these materials. Books have already come out about the Odessa tragedy. But while the books were coming out to tell about this tragedy, a generation of nationalists was being groomed. They were joining the "battalions" and being coached (using this tragedy, among other things) to be future "great warriors" who must fight Russia and Russian culture.

As concerns the nationalist statements and threats we are hearing today, the Russian Investigative Committee is working on this. You can visit its website for any latest updates on recent decisions. Many criminal cases are open. I do not represent the committee so I can only redirect you to the original source.

As for the Western patrons, I often hear questions like "Have you tried informing them?" or "How do you counter information threats?" Well, who should we inform? Perhaps, the British? About the horrors that the Ukrainian population has been experiencing for eight years? Look what they are busy with right now. They have released lists of Russian nationals who have property and real estate in the UK. For what purpose? Are they looking for ways to exploit this property? They have already taken it over, shouting that this property must be used to house somebody. What is this? What happened to the concept of private property? Even if you have questions about the source of money, there are judicial procedures, investigations, law and lawyers. What happened to that?

There is a lack of understanding that Europe has been through this before. Remember aryanisation? Property owners were exposed in Europe using similar lists. Their property was seized and transferred to other persons, without charge or trial, without a change in the country's political course or political system. Not as a result of a revolution or rebellion. A legitimate government took away the property of people belonging to a certain ethnicity and transferred it to people of another ethnicity. Are you seeing something new happening in Europe right now? It is the same thing. Who will listen to our accounts and arguments? We have tried before. Now they are showing their true faces as they resort to the same methods used in the 1930s and 1940s.

Question: Is there any indication that the West is beginning to realise where its anti-Russia frenzy is leading? Is Russia preparing a response to a potential massacre of Russians?

Maria Zakharova: We have issued warnings and will issue more warnings to these countries' representative offices. We are acting through our embassies and through the Western diplomatic offices in Russia. We are making public statements to warn them about the effect such developments would have and what would happen if nationalism continues to spread throughout Europe. We provide facts from history and draw parallels.

As for their awareness, part of their societies is aware of the possible outcome, that is, people who are facing violence motivated by ethnic hatred. The informed and educated know what can happen not from their own experience but based on examples from history.

Even those who rely on the one-sided and frighteningly nationalistic propaganda of their media are waking up. I can tell you with full confidence that when every problem has been blamed on one nation for many years and even a decade, this is nationalism. When no evidence is provided, when the arguments that are cited prove to be false, and when any action taken by the accused nation is denounced, this is nationalist propaganda.

We are seeing all of this directed at our citizens and our nation. In English, all people living in our country are called Russians. They make no secret of that.

Question: Deputy Foreign Minister Sergey Ryabkov has said that the United States is, without a doubt, working towards severing [relations]. What does severing relations entail apart from closed diplomatic missions? What direct effect would this have on the people and the economy?

Maria Zakharova: The US Administration has been acting in an absolutely unacceptable way, fuelled by its impotent rage over the failure of its plan to turn Ukraine into the anti-Russia and subsequently use it as a bridgehead for striking our territory, which has taken our bilateral relations to the virtual point of no return. It is their choice. We have warned them many times. But they continue down this path.

The Americans probably thought and hoped that their ***unprecedented*** sanctions from hell (I can't even describe them as expropriation, which involves a legal reason) would force us to back off. They have stolen our assets, seized those foreign currency reserves that were held at Western banks, blocked our accounts, and threatened to confiscate our property. I don't know what they expected to achieve by doing that. They probably didn't think that Russia would absorb the blow, and that the problems would boomerang on the United States and its lap dogs in the European Union. They didn't expect this. They thought it would be one-way trip, but there turned out to be a return train. This is the root cause of their aggressive rhetoric and personal insults that go beyond the bounds of decency, including from the US President. It is evidence of their inner turmoil, uncertainty and irritation at the failure to play the Ukrainian card as they planned and as they played other cards before: they have made a mess on the floor but refuse to clean up after themselves.

It is Washington's fault that our diplomatic missions are losing personnel through the reciprocal expulsion of diplomats. The situation has been aggravated by the destructive US decision to stop issuing entry visas to Russians at its embassy in Russia. Of course, if we shut down our diplomatic missions in Washington and Moscow, this will not benefit either side. Problems will accumulate. But it is a fact that the US authorities have done their best to curtail mutual contacts in various fields, from sport to strategic stability. They have demonstrated what commitments are really worth to them. Justice must be dispensed on the basis of the law, and anyone can claim to be the most intelligent and honest of all, but there must be facts to prove it. Otherwise, it is international piracy, and this is exactly what the US political elite is doing now.

The economic war declared on Russia could destroy bilateral relations. This is not in our interests, because we believe that diplomatic relations and, in principle, relations between states should serve national interests, the interests of the people living in these countries.

For many years, we have been offering Washington the chance to launch a normal, candid dialogue based on the principles of reciprocity and respect for Russia's national interests. There is still a chance to come to an agreement. If the United States continues along its current path, it will miss this chance, just as it missed many others.

Question: You said that the Americans stopped issuing visas and so on. Shouldn't Russia consider doing the opposite - simplifying this procedure for US citizens, so that as many people as possible could visit and see what is happening in our country?

Maria Zakharova: Even before that, all these years, Russia offered the simplest possible procedure for issuing visas to American citizens. It did not include an interview or any special formalities. Most of the procedures involved remote paperwork. This was the opposite of the US procedures for us. Russians had to wait months, and sometimes up to a year, for an interview, to submit their documents; they had to go through requests, refusals and reviews of each specific case. We have never had any problems like this. Americans are well aware of this.

American citizens never knew what it was like for a Russian citizen to get a US visa. When we tell them, they cannot believe that in the 21st century, their government has reached a point where it takes nine to ten months to issue visas to people who have stable jobs, incomes and real estate, who are law-abiding citizens. In the end, the US authorities made it even more difficult, so that our citizens have to travel outside of Russia just to apply for a visa. Americans just do not know it is like that. Because it's absurd.

Question: My question is on the reports emerging of foreign mercenaries and foreign volunteers. Is there concern that some active-duty servicemen from foreign countries, including those of the US and the EU, could be active in the conflict right now, and how would Russia treat these active-duty servicemen differently perhaps from volunteers or other Ukrainian fighters?

Maria Zakharova: We have repeatedly commented on this topic. We do not think it's acceptable when mercenaries from other countries are recruited and sent to join the nationalist battalions or the armed forces of Ukraine. We can see that it is being done now, both overtly, through the Ukrainian diplomatic missions abroad, as well as by intelligence services, primarily from the United States, and other NATO countries. We do not accept this. We have already warned such countries and their governments that we will not answer any questions concerning these people's whereabouts. Our ambassadors have also given clear public clarifications in countries where, according to our reports, such fighters are being recruited. Just do not reach out to us later, asking what happened to them. It is clear what will happen to them. We will not talk about them or even try to find out any information about them.

Question: Has there been any progress in Russian-Ukrainian talks? What are the obstacles preventing further progress?

Maria Zakharova: I will not comment on the word "progress" because we often get it wrong by thinking that it means moving towards something better. In fact, it conveys the notion of movement, nothing more. If by progress we mean movement or development, then yes, the talks are ongoing. I do not have any information to say that there has been any meaningful improvement in the talks.

The fact that the Kiev regime cannot act independently is the main obstacle. It is not the Kiev regime that takes the decisions. Moreover, the decisions it takes run counter to the interests of its people, the citizens of Ukraine. All this is done using the relevant communication channels with Washington calling the shots, while pretending that Ukraine decides on its own. In fact, these decisions do not reflect reality and are not geared to the interests of the Ukrainian state. Behind the Kiev regime are experts who use it to promote their agenda. This is the main obstacle.

When you are dealing with negotiators representing their countries and people, their interests, you can reach an agreement with them. In this case, the Kiev regime has forces and countries behind its back who have their own agenda where there is no place for a quick resolution. All they want is for the crisis to drag on. We have seen this for eight years now. They did not need the Minsk agreements to be implemented. What they needed was a total impasse. They used all this time to pump weapons into Ukraine and bring up yet another generation of nationalists to infiltrate the Ukrainian Armed Forces. Having created a state with all the attributes of a sovereign nation, while fully subordinate to NATO structures, primarily the United States, in political, economic and military terms, they wanted to deliver a blow that would have been devastating for the region, and for Europe, maybe even for Asia, considering the data on the biolaboratories we made public today, as well as earlier.

Question: Is a dialogue between the leaders of Russia and the United States possible after US President Joe Biden publicly criticised President Vladimir Putin?

Maria Zakharova: I have already shared my comments on this. What do you mean by a possible dialogue? Possibility is about wanting to have this dialogue. There is no other way. If you want it, there will be a dialogue. We were not the ones who damaged these relations. Knowing how US politics work, we still tried to come up with ways to work together, which even cost us some domestic criticism.

We kept hearing that if we know what these "partners" of ours are worth, why are we speaking to them? Friendship is about friends, but when you lack any shared views, you engage in talks to find common ground. This is what we were trying to do. However, when faced with an ultimatum that leaves you with the only option of swearing allegiance to the will of the "collective West" (or should I say the Washington-centric West, rather than collective), is there any place left for a dialogue? If there is even a glimmer of pragmatism, let alone morality, we remain open to normal, mutually beneficial dialogue. But a no is a no. This is their choice, not ours.

Question: The United States suggested that Ankara transfer the S-400 systems to Ukraine in exchange for lifting the sanctions imposed on Turkey. What does Russia think about Turkey's refusal to hand over the Russian missile systems to Ukraine?

Maria Zakharova: I read that Ismail Demir, the head of Turkey's Presidency of Defence Industries, issued a comment rejecting this suggestion. I do not think that I need to add anything to this.

Question: The countries not included in the list of unfriendly states account for about half of Russia's foreign trade. These are ASEAN countries (except Singapore) with a total population of over 660 million people. What is the Foreign Ministry's view of Russia's relations with this region and what are the prospects for developing trade and economic links?

Maria Zakharova: Regardless of the political situation, we consider the Association of Southeast Asian Nations (ASEAN) a reliable partner. This belief has been affirmed by the Ten's current course of fulfilling all the decisions and programmes that were adopted last year at the highest level. The most relevant mid-term tasks include fulfilling the Comprehensive Plan of Action for 2021-2025. Aside from politics and security, the plan includes a large trade and economic segment. It also covers science and technology, digitalisation, countering infectious diseases, education, tourism and other fields.

We have not noted any changes in the operation of joint mechanisms at the high or the expert levels. The ministers of foreign affairs and economic ministers continue to meet as usual. Meetings of the senior officials in charge of energy and ***agriculture***, countering terrorism and transnational crime also continue to hold regular meetings. Consultations are held on emergency response, as are meetings of working groups on education, science, technology and innovation. By the way, consultations on tourism are scheduled for this year. Moreover, they have reached the ministerial level. The Year of Russia-ASEAN Cooperation in Science and Technology was recently launched, with an extensive programme of events.

In 2021, our total trade with ASEAN grew by more than one quarter, reaching almost $20 billion. This positive trend in mutual trade was maintained through the beginning of this year - trade increased by 36.6 percent in January.

During the COVID-19 pandemic, our joint efforts to counter the coronavirus became an important area of cooperation. The countries in Southeast Asia have shown interest in joint clinical trials and vaccine production, as well as building links between the research and scientific organisations involved in this work. This week in Vladivostok, professional development courses have started for ASEAN epidemiologists, under the auspices of the Federal Service for the Oversight of Consumer Protection and Welfare (Rospotrebnadzor).

Despite the obstacles that the West is putting in the way, ASEAN is not questioning the importance of expanding practical cooperation with Russia further, a cooperation of a pragmatic, mutually beneficial and non-politicised nature. We expect that this mutual attitude will help us keep our dialogue on the trajectory of steady development.

Question: Deputy Foreign Minister Sergey Ryabkov said that it would be impossible to go back in time in terms of our relations with the Western countries. What did he mean? Will this affect what remains of economic ties, trade and investment, for example, the Arctic LNG project which includes a French company?

Maria Zakharova: We are not interested in looking back. Instead, we are looking forward. We are focusing on the future. Setting our usual verbiage aside, we just had enough of them, their arrogance, lack of respect, trampling on the interests of others, failing to understand what is going on, and the outright ignorance of facts and history. They don't know how to negotiate, tend to rely exclusively on force, destroy the existing contractual mechanisms which have always served as a foundation of international relations no matter where you look, be it the economy, finances, business, culture, humanitarian ties, the defence sector, strategy and security, or countering new challenges and threats. Sergey Ryabkov has spoken about this many times. His latest statement was no different.

If they are interested in preserving what they have not destroyed so far, we will probably seek to do the same on our side. We will treat this as the remnants of the relations we used to share. In fact, they have been shaping their trade and investment construct for decades. We must realise that for many years we have been facing a full-scale financial and economic war to destroy our economy. They have already said twice that they shattered us and "ripped us to pieces." This is the first time I heard that you can rip something to pieces twice. They managed to do this, it seems. This is the way they view us. Still, the plan remains intact. If they already made two attempts, this means that they will persist in their efforts. We can now see this by the methods they use. One of them is to undermine the wellbeing of our citizens. Our citizens must understand where it all comes from. The Americans used to act in the shadows, but now they no longer try to conceal anything. They are even proud of it. This is part of their policy, which is wild, terrible, unhinged and heedless of all legal norms. They seem to take special pride in this. This is how the United States views its exceptionalism. On that point, I agree. There is no other country like this, that has such an ideology and places itself above all the existing norms of morality and law, with so much hypocrisy and the propensity to use the democratic institutions it creates for propaganda and making misleading promises and trampling upon anything that used to be regarded as something right and good.

The restrictions they imposed by ending normal trade relations and banning exports and imports of entire product categories, blacklisting so many Russian nationals and companies, stopping deliveries of high-tech products, restricting investment in competitive sectors of the economy and trying to impose a transport blockade, etc. - all this means only one thing. The United States has thrown all the global rules of international commerce into the trash bin. The de facto theft of our foreign exchange reserves is the most hostile act of them all. We have witnessed this many times, but never at this scale. With this act, the United States defaulted on its liabilities by refusing to honour them. This is something the American citizens must clearly see for themselves. If the government engages in what amounts to outright theft, this means that they cannot service their debt. This means that they defaulted on their debt.

As for the Russia-US economic interaction, we always sought mutually beneficial ties. If only one side benefits from them, this has nothing to do with cooperation or interaction. There can be various options here, but this has nothing to do with cooperation. Even when the restrictions went beyond all reasonable limits, we were still ready to work with the US. However, we kept emphasising that these ties must benefit both sides, even when using unlawful mechanisms. However, we are now beyond this point. This is not even a question of generating at least some returns on what remains of our relations anymore.

What's the use of talking about the future of trade and economic relations if the United States has banned Russian energy imports and new investment in the Russian energy sector, which is the key element of bilateral economic ties? Do you see what I mean? They refuse to accept reality. We will definitely not go down this path. What should we think if Washington wants to outlaw the application of WTO rules towards Russia? Or when the White House forces businesses to get out of Russia and then says during briefings that it has nothing to do with it, that it is their free choice? That it is their decision. However, we know that secret briefings are being held, letters are being sent, and threats and blackmail are being used by US officials to force the decision on large and medium-sized businesses. Washington is holding secret briefings and sending out letters, and then it says that it has nothing to do with this. But it does. No business would ever leave a profitable market (read what Karl Marx had to say on that point), especially a market like Russia. They only leave (after all, this is capitalism) when they are put in circumstances that are detrimental to their business and are even threatening their very survival. The US Administration has placed its businesses in these circumstances. As for who destroyed what, this question is not for us to answer. It should be addressed to the Western leaders, first of all the United States, which is threatening new sanctions and is forcing its sanctions policy on others.

I would like to point out that we have never tried to push foreign businesses out of the country. We welcomed them, and we remained patient despite the sanctions. At the same time, we held investment forums, sent out invitations and created preferential conditions for foreign companies. No decisions have been taken that would have placed foreign business (I am referring to Western businesses, because reality and common sense are prevailing in other parts of the world) in conditions of permanent segregation. Of course, not. Our actions will be based on reality.

We are interested in equal and lasting cooperation with all business partners (including Western ones) who have to adjust to the pressure and anti-Russia instructions of their political authorities. This is preposterous, the destruction of the free market. But it is a fact of life, we are aware of it, and we are responding to it accordingly.

Regarding energy markets, I don't think you need to be told about what is going on there. The situation, which has been brought about by the United States, is affecting above all global energy markets. Washington can blame the growth of fuel prices on Putin, but everyone knows that it is a market reaction to the US sanctions against Russia and its energy sector. It is a reaction to the years-long US energy policy. Who are they telling their tall tales to? You may not understand what the theory says. And the Americans did not understand it for years, while we tried to explain why Nord Stream 2 is necessary and that politics should be kept separate from energy. It was a US message, which they have forgotten. It did not concern ordinary Americans before. But theory suddenly became practice in February or March this year, when they went to fill up their cars. A tall tale has become reality. It is Washington's fault that energy markets have been affected. Professionals know very well that refusing to buy Russian energy will unbalance the global energy system, harming both those who initiated the restrictions and ordinary consumers.

I would like to draw your attention to the fact that it was not Russia's initiative to start confrontation in the energy sphere. All this time we have tried to get adjusted, to pass between Scylla and Charybdis of free economy and US political restrictions; we have attempted to adapt to this energy world. The latest US moves spell destruction for the whole world and the energy sphere.

Russia has consistently opposed the politicisation of mutually beneficial energy cooperation. All difficulties notwithstanding, we continue to fulfil our contractual gas delivery obligations, including gas transit to Europe via the Ukrainian gas transport system. I will not conceal the fact that President Vladimir Putin's March 23 announcement about the switch to gas payments in roubles was hailed as a national holiday. In fact, this is a truly great accomplishment for the Russian economy and the people of Russia. So we do have a national currency. It could be raised to this status only by deeds rather than by words. It was a historic decision that was supported by the people of Russia.

We are ready to continue cooperation in traditional and green energy areas. All projects that have been launched, including Arctic LNG, will be implemented. If our European partners are not interested in further collaboration, they have this right. They should be honest and stop engaging in strange "subversive" actions. They will just have to tell their people who is destroying their wellbeing and by what means. We will cooperate with those who are interested in ensuring their own energy security.

Question: The United States and Europe are striving to strengthen relations with India in defence and security and are increasingly investing in the Indo-Pacific Region. US President Biden called India's position on Ukraine "somewhat shaky." India is the only country to hold this position in QUAD - Quadrilateral Security Dialogue that also includes the United States, Japan and Australia. All QUAD countries except India have imposed sanctions on Russian companies. Will Washington try to draw India into the anti-Russia bloc?

Maria Zakharova: I am not going to comment on US involvement in our bilateral ties with other countries. India is a big power and an important player in the world arena. This is a country with an ancient civilization, culture and history and its own spectacular achievements. It is our tried-and-tested friend and strategic partner. We appreciate its traditionally balanced position on current regional and international issues and its independent foreign policy, which is immune to outside pressure.

I must say that India's position has a specific historical foundation. Throughout India's history, they have studied the pouting grimaces of Western ideology and the Western world. They know what they are like and know the value of all these promises.

Question: Can the Russian Federation use sanctions against those who commit Russophobic acts in schools and universities, or in medical and other institutions? Can it impose sanctions on those who discriminate against our citizens and compatriots abroad?

Maria Zakharova: Yes, and they must know about this.

Question: Is it possible to deny Russian visas to those who support Russophobia or commit acts against our citizens and the state?

Maria Zakharova: Why have you narrowed it to visas? I think your previous question was much broader, and I answered it in the affirmative.

Question: Is it possible that many of our compatriots currently living in the EU will have to return to Russia? What if they need rapid evacuation or protection?

Maria Zakharova: They can address our embassies and we will provide them with any necessary support. They can write directly to the Foreign Ministry, describing any facts of discrimination against them or encroachment on their rights, and request support and protection.

Question: In emergency or ***exceptional*** circumstances, can our foreign missions quickly issue Russian passports to the children of our compatriots who haven't had the chance to obtain Russian citizenship?

Maria Zakharova: Issuing the passport of a citizen of the Russian Federation to a foreign citizen or a stateless person who has not obtained Russian citizenship under the established procedure is a criminal offence under Article 292.1 of the Criminal Code of the Russian Federation.

So, to obtain a Russian international travel passport, our compatriot's children first need to obtain Russian Federation citizenship. The following options are available:

- obtaining Russian Federation citizenship at birth by a child whose parents are citizens of the Russian Federation on the day of the birth.

The necessary formalities involved in obtaining Russian citizenship and a passport by such a child are usually carried out quickly, depending on the workload of the Russian foreign mission in question. In this case, we will do our best to promptly respond to such requests.

- obtaining Russian citizenship by a child born abroad in a mixed marriage to a citizen of the Russian Federation and a foreign national under a personal request submitted by the Russian parent and subject to the written consent of the other parent. Citizenship is conferred by a decision of the head of a diplomatic mission or a consular office of the Russian Federation.

If a child is under 14 years on the day of submitting the application, the application may be reviewed, the decision made and the passport issued as soon as practicable.

Decisions on citizenship applications for children aged 14 to 18 are considered and approved by the competent Russian authorities within six months.

I would like to draw your attention to the announcement that I made today about an event scheduled for March 28. It is about a meeting of the United Russia Party's General Council Commission on International Cooperation and Support for Compatriots Abroad, which was created upon President Vladimir Putin's instruction. Many of these issues, including Russophobia, nationalism, and segregation, will be discussed there. Should you have any questions ahead of this event, I mean not as a media outlet, but as a representative of our compatriots, you are welcome to send it in advance.

Question: Given the serious situation that our compatriots abroad have found themselves in, is it possible to urgently issue (just to be on the safe side) visas to minor children in families of our compatriots who have not yet obtained citizenship?

Maria Zakharova: If we are talking about minor children of Russian compatriots, visas can be issued under parts 4 and 4.2 of Article 25 of Federal Law No. 114-FZ On the Procedure for Exit from the Russian Federation and Entry into the Russian Federation of August 15, 1996 pending the decision of the head of a diplomatic mission or consular office of the Russian Federation made at the request of a parent.

If needed, such visas can be issued quickly. Detailed information about the procedure for submitting the above applications and the set of documents required for obtaining private visas is available on the official websites of the Russian diplomatic missions and consular offices abroad.

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[***TOPIC PAGE: Construction - impact on chemicals***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:62RC-4JT1-JCN4-H2HF-00000-00&context=1516831)

Global News + ICIS Chemical Business (ICB)

May 21, 2021 Friday

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**Length:** 29200 words

**Body**

More than 30 petrochemicals and specialty chemicals are key ingredients in products used for modern construction adhesives, ad-mixtures, sealants, coatings, paints, flooring, insulation, water proofing, and many more.

Those materials enjoy good demand when infrastructure development takes place, but the construction industry has been adversely impacted by the coronavirus pandemic, although to a lesser extent than automotive, another key end market for petrochemicals.

Public infrastructure investments can be a major contributor to reviving economies and employment during a crisis.

Petrochemicals used in construction and infrastructure are likely to post higher demand in some regions as governments try to revive their wilted economies post-pandemic.

Construction activity in Asia, where most countries are developing economies, is set to growth healthily as the region ramps up infrastructure spending.

Within Asia, China is planning a major infrastructure development campaign to bolster its slowing economy by spending billions of dollars in projects.

On this topic page we analyse the impact of the coronavirus crisis and efforts by different governments to revive economies by developing infrastructure on the chemicals markets, bringing together the latest news reported by ICIS.

Scroll down to see the latest interactive content, news and useful resources.

[1]Click here to register for regular updates to help you navigate these challenging times. Image credit: Shutterstock

Construction Growth Forecasts - April

Construction Growth Forecasts - March

ICIS Analytics viewpoint - April

Global construction activity returned to positive territory in Q4 2020. However, increasing raw material costs have disrupted the growth momentum. The rise in the cost of materials has outpaced tender prices, adversely impacting profit margins at contractors. The outlook for 2021 is mixed with lockdowns impacting activity in some regions, especially India, South America and some areas of Europe. However, government infrastructure spending should be a positive.

The US Bureau of Economic Analysis reported that US housing starts fell 10.3% month on month in February. Total Put-in-Place (PIP) data for February also revealed a 0.8% month on month slowdown in construction activity, of which residential and commercial establishments were down 0.2% and 1.3% respectively. In commercial - apart from public safety, sewage and waste disposal and water supply - the rest were in negative territory. The Associated General Contractors of America (AGC) said higher raw material costs and supply chain disruptions were affecting the industry and published a construction inflation alert which warned, The construction industry is currently experiencing an ***unprecedented*** mix of steeply rising materials prices, snarled supply chains, and staffing difficulties, combined with slumping demand that is keeping many contractors from passing on their added costs. The report talked about the possibility of firms going out of business and increasing unemployment levels. It also said, Input costs for general contractors have soared nearly 13% from April 2020 to February 2021. Housing starting costs have increased between 15-20% from year-earlier levels. For example: PVC prices have increased over 270% from March 2020 to March 2021.

The EU construction PMI increased to 50.1 in March from 45.0 in February 2021, indicating an expansion in activity (A PMI >50 signifies expansion and <50 contraction). According to the Office of National Statistics (ONS), construction output in Great Britain grew 1.6% month on month in February 2021, with a 1.5% increase in new work and a 1.9% increase in repair and maintenance activities. Many companies are taking advantage of empty offices to push forward maintenance activities.

The Chinese construction sector continues to maintain its strong growth trajectory, driven by residential building. Real-estate investment was up by 41.9% in February.

India on the other hand, is bracing itself for another round of lockdowns, depending on the state. New Delhi imposed a curfew following a surge in coronavirus cases. One of the near-term threats to the Indian construction sector is a repeat of last year s lockdown when workers were forced to stay in their villages. Japanese construction remains positive, driven by civil engineering projects. However, a declining population means a muted long-term outlook.

By Jincy Varghese, ICIS demand analyst and Rhian O Connor, ICIS senior analyst

ICIS Analytics viewpoint - January

Construction activity has dimmed globally moving into 2021, with the widespread resurgence in coronavirus infections denting confidence. The future remains uncertain, although vaccinations are providing hope. Much will depend on government policy, including on infrastructure spend, initiatives to reduce emissions by promoting home insulation, and tax/stamp duty holidays.

US housing starts surged 5.8% month on month in December. The residential market continues to drive growth, while non-residential sectors remain at nearly 6% below early-2020 levels. In 2021 the non-residential sector should catch up due to private investment as the economy recovers. Infrastructure spend is expected to remain muted in the short term due to tight public budgets. President Biden s plans for reform are expected in February but challenges remain, with Republicans historically blocking Obama s bridge and road spending plans.

Construction activity fell sharply in January 2021 across Europe. The EU construction purchasing managers index (PMI) (IHS Markit) fell to 44.1 from its previous level of 45.4 in December 2020, in what was the sharpest rate of contraction since May of that year. France was one of the weakest economies that month, while commercial building was the weakest of the three categories. However, most industry participants feel the outlook is more positive given the good news about vaccinations. Italy and France are the most positive about the outlook, with German participants remaining downbeat. The UK s IHS Markit/CIPS construction PMI fell in January to 49.2 from 54.6 in December 2020. This was the first fall since June 2020, and was attributed to Brexit-related delays in materials as well as further lockdowns impacting demand. The residential sector suffered its first fall in this period, and future demand will depend on whether the stamp duty holiday is extended past 31 March 2021.

China s construction PMI remained high and stable in January at 60.0. Growth continues to be driven by government investment in infrastructure, including renewable energy, residential projects and 5G networks. According to government-backed thinktank, the China Electronic Information Industry Development (CCID), the country is expected to spend CNY10tr (US$1.4tr) on new infrastructure projects between 2020-25. China had been investing in construction overseas, especially in emerging markets as part of the Belt and Road Initiative. However, this died back sharply in 2020, due in part both to global politics and fears over debt levels. China is instead now focusing on a digital silk road, to improve IT networks. In South Korea, the government plans to increase both civil engineering and housing supply to stimulate the sector.

By Jincy Varghese, ICIS demand analyst and Rhian O Connor, ICIS senior analyst

ICIS Analytics viewpoint December

Except for China, Taiwan, Thailand and Turkey, all regions are expected to register a contraction of construction activity in Q4 2020 year on year. Renewed social distancing ***measures*** and restrictions are affecting building activity especially in the European Union. In this period some of the worst affected countries include India, Singapore, the Philippines, Argentina, Mexico, and Malaysia, which have all registered double-digit negative growth.

US housing starts reported an expansion of 3.9% month on month in October. An increased need for affordable, small, family housing is driving the demand. In November, 27,000 jobs were added to the sector (combining both residential and non-residential construction), mainly driven by residential projects. However, local sources advise caution. According to a survey conducted by the Associated General Contractors of America (AGC), three out of four respondents reported that a scheduled project had been postponed or cancelled. This has led AGC to expect new coronavirus relief ***measures*** before the year end, such as investments in infrastructure, a new pay-check protection programme, tax relief and liability reforms. These ***measures*** have the potential to offset the growing numbers of project cancellations/ delays, as well as providing some cushion at least in the short term. According to Oxford Economics (OE), Canadian residential permits surpassed their pre-pandemic peak, registering growth of 8.9% month on month. As in the USA, the residential sector is outperforming non-residential and infrastructure.

The UK Construction Project Managers Index (PMI) in November increased to 54.7 points from 53.1 points in October. This is a positive development, as the reported value is well above 50, which separates expansion from contraction. Much of the strength is coming from housing, while civil engineering works reported a modest increase. To boost the European sector, various steps are being taken at the monetary and fiscal level. For example, Italy provides a 110% eco bonus, an incentive to encourage home improvement spending. It is currently valid from 1 July 2020 to 31 December 2021, but is expected to be extended until the end of 2022. In addition, the UK s Build, Build, Build programme includes £12bn for affordable homes. However, on the negative side, concern over unemployment remains because of ongoing downsizing to manage costs.

Compared with its global counterparts, China continues to be an outlier. However, OE states that the recovery of the Chinese market is losing steam, and has revised its projected construction output growth for Q4 2020, from 10.2% to 5.2%. As in other regions, the residential sector is expected to outperform non-residential projects. Indian construction is still under pressure, with an output decline of 29.3% forecast in Q4 2020 year on year by OE, with delayed recovery.

By Jincy Varghese, ICIS demand analyst, [2][*jincy.varghese@icis.com*](mailto:jincy.varghese@icis.com) and Rhian O Connor, ICIS senior analyst, [3][*rhian.oconnor@icis.com*](mailto:rhian.oconnor@icis.com)

ICIS Analytics viewpoint November

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ICIS Analytics viewpoint October October showed some signs of improvement for the construction market, with strong growth recorded on the residential side of the business. It is expected that by early 2021, much of the pandemic induced output loss will be reclaimed globally. However, there are mixed signals for the future, as the pandemic has drastically reduced demand for office buildings, hotels and other commercial spaces.

China continues to be the bright spark in the global economy, and the country leads the recovery in APAC. China construction output is expected to register growth of 10.2% in Q4 year on year and is forecast to finish with full-year growth of 3.2%.This is driven by strong momentum in the residential sector. In contrast, Indian construction is still under pressure, with forecast output decline of -10.8% in Q4 year on year (Oxford Economics). Nonetheless, recovery is expected starting Q1 2021, with output level expected to reach pre-pandemic levels by Q3 2021. If the current growth momentum is maintained, recovery can be expected quicker than originally anticipated.

ICIS Analytics viewpoint September All countries registered a year on year contraction in construction activity in Q3 (except China and South Korea), with social distancing restrictions affecting building activity. The worst affected in Q3 included Argentina, Malaysia, India, Brazil, Russia and several nations in the EU, which all registered double-digit negative growth year on year. Moreover, fears about a second wave of infections are growing and countries are starting to impose restrictions on activity again, which could further delay any recovery.

The eurozone construction sector reported a marginal decrease in PMI of 47.5 in September, compared with 47.8 in August.

In the UK, the construction PMI rose to 56.8 in September from 54.6 in August, signifying further expansion. Activity should only come back slowly because uncertainty is still strong. Infrastructure build should be first back, with commercial construction (shops and offices) likely to be some way off.

US housing starts registered a 5% month on month downtick (according to Oxford Economics).

The country is still experiencing social unrest, which adds to other factors weighing down the economy in general. Lower government budgets, limited credit and low savings levels could hinder investment in H2 as well. According to the Associated General Contractors of America (AGC), 16,000 housing jobs were added in August, although infrastructure and non-residential construction lost 11,000 jobs. There is a renewed level of activity on the residential side, with weak non-residential activity. There is an also an increasing level of pessimism among contractors because of project delays, cancelations or budget cuts, as noted by the AGC.

As in the other regions, Asian construction is also under stress (with the exception of China). Some countries have been worse hit than others. The speed and degree of recovery will largely depend on government stimulus packages, credit lines and the timely availability of skilled construction workers. India has been one of the worst affected, with workers leaving cities and moving back to rural areas.

China continues to perform better than other major economies.

In August, investment in real estate registered a 12% year on year growth rate, according to Oxford Economic forecasts. China construction output registered growth of 11.9% year on year in Q3 and is forecast to finish the full year with a growth rate of 3%, driven by strong momentum in the residential sector. However, there are some doubts as to whether growth will be as strong in 2021 as in H2 2020. In contrast, Indian construction output registered a decline of 15.2% year on year in Q3 2020 and is expected to continue on a downward trajectory. There is long way to go before any recovery, as it is forecast that sales will not reach pre-pandemic levels until the end of 2021.

ICIS Analytics viewpoint- August Except for China and South Korea, all other regions are expected to register a contraction of construction activity in Q3. Social distancing restrictions are affecting building activity. The worst affected countries in Q3 include Argentina, Malaysia, India, Brazil, Russia and the UK - all registering double-digit negative growth.

The eurozone construction sector reported a PMI of 47.8 in August, compared with 48.9 in July. The contraction is mainly driven by a low level of activity in civil and commercial building output. Home construction projects have been only marginally affected. The UK PMI fell to 54.6 in August from 58.1 in July, signifying substantial downgrade risk. Activity is not expected to return to pre-pandemic levels until Q3 2021. In the western world the lingering effects of the pandemic will be felt even when restrictions are lifted. This includes transport and logistic bottlenecks, staffing issues and weaker demand.

The overall level of performance is mixed in the US, depending on state rules, with some states slower to lift the lockdown. US housing figures registered growth of 22.6% month on month in July, which has bought it closer to pre-pandemic levels of output. Low mortgage rates could stimulate demand, but high infection rates in many states have made businesses cautious. There are also substantial risks to this outlook with a second wave of virus infections, or extreme risk aversion by customers, likely to change the picture.

With the latest output figures, China s construction industry is exhibiting a classic V-shaped recovery. According to Oxford Economics, Chinese real estate investment continues to bounce back with year-on-year growth of 11.7% in July, with construction output growth expected to be at 12% year on year in Q3 2020. India s construction output registered a record low of -16% year on year in Q2 and is expected to continue its downward trajectory. There is long way to recovery, with the pre-pandemic level of sales not forecast to be reached until the end of 2021.

ICIS Analytics viewpoint- July Typically, there is a strong relationship between construction activity and overall economic growth. As a result, GDP forecasts serve as an important indicator in determining the future of the sector. Although restrictions are beginning to ease around the world, in its June 2020 outlook, the International Monetary Fund (IMF) further downgraded its global GDP forecast by 1.9% to -4.9% for 2020, with a very slow recovery seen in 2021.

The eurozone construction PMI is showing recovery, owing to ***measures*** taken by governments to boost the sector. The index increased to 48.3 in June, from an all-time low of 15.1 in April. However, the market is far from strong with a weak order book and many projects still postponed. Similarly, the UK s PMI recovered from an all-time low of 8.2 in April to 50.1 in June.

US housing registered an uptick of 4.3% month on month in May from its largest monthly decline in April. However, the country is still experiencing social unrest which is weighing down the economy in general. Lower government budgets, limited credit and low savings levels could hinder investment in H2 as well.

Like all other major economic regions, Asian construction is also under stress, with some countries worse hit than others. The speed and degree of recovery will largely depend on government stimulus packages, credit lines and the timely availability of skilled construction workers. India has been one of the worst affected with severe restrictions to mobility. However, China is on its way back to recovery, as investment in real estate grew by 8.1% year on year in May and slowly returning after the pandemic.

Given the state of key macro indicators, including GDP, unemployment, debt levels etc, a worst-case scenario where a recovery takes much longer than expected cannot be ruled out. In addition, a second phase of lockdowns is under way in some countries, which may prolong a recovery.

By Jincy Varghese, ICIS demand analyst, [4][*jincy.varghese@icis.com*](mailto:jincy.varghese@icis.com) and Rhian O Connor, ICIS senior analyst, [5][*rhian.oconnor@icis.com*](mailto:rhian.oconnor@icis.com)

REGIONAL DEMAND OUTLOOKS

LATEST HEADLINES (Updated as of 09:00 GMT on 21 May 2021)

[6]German construction chem firm MC-Bauchemie launches subsidiary in the Philippines By Stefan Baumgarten 21-May-21 02:31 LONDON (ICIS)--German construction chemicals company MC-Bauchemie Muller has begun operations at a new company it set up in the Philippines.

[7]US waives sanctions on Nord Stream 2 gas pipeline promoters By Diane Elijah 20-May-21 21:35 LONDON (ICIS)--The Biden administration [8]waived sanctions on the promoters of the Russian Nord Stream 2 pipeline on Wednesday.

[9]BASF forms China battery materials JV with Shanshan By Tom Brown 20-May-21 20:39 LONDON (ICIS)--BASF has partnered with China-based lithium-ion battery materials supplier Hunan Shanshan Energy to form a joint venture targeting the space, the Germany-based chemicals major said on Thursday.

[10]Eurozone construction output up nearly 3% in March By Jonathan Lopez 20-May-21 18:56 LONDON (ICIS)--Output in the petrochemicals-intensive construction industry rose 2.7% in the eurozone in March, month on month, the statistical office Eurostat said on Thursday.

[11]North American January-April domestic EPS sales rise 24.9% from prior year By John Donnelly 20-May-21 07:11 HOUSTON (ICIS)--North American domestic expandable polystyrene (EPS) sales rose by 24.9% over the first four months of 2021 compared with the same period of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting.

[12]Europe ethanolamines prices soar on tight supply By Jane Gibson 20-May-21 00:43 LONDON (ICIS)--The outlook for European ethanolamines remains strong for the rest of 1H 2021.

Previous rumblings that June could see a loosening of tight market conditions have now been dismissed by some sources, with low imports set to keep the market tight for the next few weeks.

[13]INSIGHT: Market uncertainties prevail across major chemical end-use sectors By Nigel Davis 20-May-21 00:29 LONDON (ICIS)--The outlook earlier this year was for economic recovery following the lifting of pandemic-induced lockdowns but little or no uniformity of growth.

[14]Europe May epoxy resins peak for the fifth consecutive month on supply strain By Heidi Finch 19-May-21 02:34 LONDON (ICIS)--Europe May epoxy resins contract prices have spiked to a record high for the fifth consecutive month, as continued supply strain takes its toll.

Robust demand and higher costs are also supporting the upside.

[15]Eurozone Q1 GDP confirmed down 0.6% but recovery taking hold By Jonathan Lopez 18-May-21 19:05 LONDON (ICIS)--Economic output in the eurozone was confirmed to have fallen by 0.6% in the first quarter of 2021, compared with the fourth quarter of 2020, as major economies imposed lockdown ***measures*** to contain the pandemic, statistical agency Eurostat said on Tuesday.

[16]Japan's Q1 GDP shrinks by 5.1% as consumption slows By Nurluqman Suratman 18-May-21 11:53 SINGAPORE (ICIS)--Japan's economy shrank by an annualised 5.1% in the first quarter, weighed by poor consumption, Cabinet Office data showed on Tuesday.

The first-quarter decline was mainly due to a 1.4% drop in private consumption, which has been weighed by extended state of emergency COVID-19 curbs.

[17]Thailand's Q1 GDP contracts by 2.6% amid poorer exports By Nurluqman Suratman 17-May-21 15:23 SINGAPORE (ICIS)--Thailand's economy contracted by 2.6% year on year in the first quarter of this year, weighed by poorer exports and consumer spending, official data showed on Monday.

[18]Oman to build green fuels, ammonia large-scale project By Jonathan Lopez 18-May-21 19:54 LONDON (ICIS)--Oman energy major OQ has set up a joint venture for the construction of a 25GW green fuels project that will also produce green ammonia, it said on Tuesday.

[19]Europe's construction sector faces supply chain squeeze as demand rises By Morgan Condon 17-May-21 19:39 LONDON (ICIS)--Europe s construction sector is challenged by shortages in supply chains pitched against the rising demand, which has built up as lockdowns ease across the continent.

[20]Advanced Petrochemical JV South Korea PP plant begins commercial ops By Tom Brown 17-May-21 19:01 LONDON (ICIS)--A joint venture polypropylene (PP) plant in South Korea developed by Advanced Petrochemical and local players SK Advanced and PolyMirae has commenced commercial operation, the Saudi Arabia-headquartered firm said.

The 400,000 tonne/year unit was [21]first announced in mid-2018 with a projected budget of $420m, with construction slated to begin in January 2019.

[22]China s Chongqing Huafon plans ADA expansion By Fanny Zhang 17-May-21 17:20 SINGAPORE (ICIS)--China s Chongqing Huafon Chemical is planning to invest yuan (CNY) 2.8bn ($435) to build a new 400,000 tonne/year adipic acid (ADA) line at its Chongqing site, according to a company source.

[23]China Jan-Apr property development investment up 21.6% By Fanny Zhang 17-May-21 14:49 SINGAPORE (ICIS)--China s investment in real estate development grew by 21.6% year on year in January-April, slowing from the 25.6% in January-March period, data from the National Bureau of Statistics (NBS) showed.

Property development acreage stood at 8.2bn square metres (sqm) in the first four months, an increase of 10.5% year on year.

[24]India industries on high alert as Cyclone Tauktae lashes west coast By Priya Jestin 18-May-21 15:50 MUMBAI (ICIS)--India s central and state governments are coordinating closely with industries to ensure minimal damage from Cyclone Tauktae currently traversing the west coast of the country, hitting Goa and Maharashtra, and is currently weaving its way through Gujarat.

The government wanted to ensure industries, particularly those producing pharmaceutical, medical oxygen and other critical medical products, are protected and provided with all help to minimise the impact of the cyclone, the Associated Chambers of Commerce & Industry of India said.

[25]UK economy expands in March as lockdown restrictions ease By Tom Brown 13-May-21 00:28 LONDON (ICIS)--UK's gross domestic product (GDP) grew 2.1% month on month in March, the country s Office for National Statistics (ONS) said on Wednesday, partially offsetting a steep drop in the first two months of the year that drove an overall first-quarter contraction of 1.5%. Economic activity in the country thawed in March as schools reopened in parts of the country through the month, industrial output increased and the construction sector rebounded.

[26]Germany s industry robust , despite supply chain challenges ministry By Stefan Baumgarten 13-May-21 23:13 LONDON (ICIS)--Germany s industrial economy is developing relatively robust , despite the ongoing supply chain bottlenecks, the country s economic affairs ministry said in an update on Thursday. Germany s export trade, and the closely related industrial economy, are robust , the ministry said.

[27]Dutch Nouryon starts engineering phase on US thermoplastics plant By Morgan Condon 12-May-21 00:30 LONDON (ICIS)--Nouryon has started the engineering phase for a new thermoplastics plant in Wisconsin, US, the Netherlands-based producer announced on Tuesday. The expansion project was announced in 2019 to complement Nouryon s existing production sites in Sweden, Brazil and China, and construction is expected to begin at the end of the year. The material is used in products including concrete, packaging materials and elastomeric cool roof coatings in the construction industry, as well as for the prevention of cracks and water absorption in construction sealants to prolong the life of weather-exposed building materials.

[28]Mexico industrial activity rises 0.7% in March from February By Renato Frimm 12-May-21 20:23 HOUSTON (ICIS)--Mexican industrial activity rose 0.7% in March from February 2021, the state statistical agency (INEGI) said on Wednesday. It is 1.5% higher compared with March 2020.

[29]India industries reel amid pandemic battle; imports impeded By Pearl Bantillo 11-May-21 14:59 SINGAPORE (ICIS)--India s industrial production is slowing down as states across the country implement lockdowns while access to raw material imports is being impeded by tighter restrictions at ports of origin. Some shippers were shunning the south Asian market, which is in the throes of a deadly second COVID-19 wave.

[30]Malaysia's Q1 GDP contracts by 0.5%, manufacturing improves By Nurluqman Suratman 11-May-21 13:51 SINGAPORE (ICIS)--Malaysia's economy registered a smaller decline of 0.5% in the first quarter compared with the 3.4% contraction in the preceding quarter, supported by an improvement in manufacturing and domestic demand, the country's central bank said on Tuesday. All economic sectors registered an improvement in the first quarter, particularly in the manufacturing sector which expanded by 6.6% year on year, up from 3.0% from the fourth quarter of 2020, Bank Negara Malaysia said in a statement. The construction sector fell by 10.4% year on year in the first quarter, improving from the 13.9% contraction in the first quarter.

[31]China s Sinopec mulls refining & petrochemical complex in Hunan By Fanny Zhang 10-May-21 17:38 SINGAPORE (ICIS)--China s biggest refiner Sinopec is planning to establish an integrated refining and petrochemical complex at Yueyang in Hunan province, a company source said. The complex will have a total of 15m tonne/year refining capacity and will have a greenfield 1.5m tonne/year ethylene capacity, the source said.

[32]Asia MEK outlook dim amid weakening downstream demand By Yuanlin Koh 07-May-21 16:17 SINGAPORE (ICIS)--Sentiment in Asia s methyl ethyl ketone (MEK) market is relatively bearish on poor demand, hit again by the resurgence of the coronavirus. Downstream consumption, particularly in the construction sector in southeast (SE) Asia, is seeing a slowdown as private projects are either held off or stopped due to many uncertainties that have resulted with the comeback of a fresh wave of COVID-19.

[33]INSIGHT: China's BPA markets soften, but arbitrage to Europe curtailed by logistical issues By Julia Tan 07-May-21 13:00 SINGAPORE (ICIS)--After China's bisphenol A (BPA) markets have softened, Asian suppliers are eyeing alternative markets for better netbacks. However, market players have underlined that logistical issues are likely to curtail such arbitrage possibilities.

[34]India s oxygen shortage slowing down industrial production By Priya Jestin 06-May-21 12:01 MUMBAI (ICIS)--As India diverts industrial oxygen for medical requirements to battle the second COVID-19 surge, industries including some petrochemical plants dependent on industrial oxygen are facing a slowdown, or are shutting down facilities in some cases.To meet the rising demand for medical purposes the Indian government banned supply of oxygen for industrial use from 22 April. Steel companies and oil refineries have now diverted large amounts of their oxygen production for medical relief.

[35]Meridian Adhesives Group acquires Frontier Products Inc By Adam Yanelli 05-May-21 05:32 HOUSTON (ICIS)--US-based Meridian Adhesives Group announced on Tuesday its acquisition of Frontier Products Inc, a Texas-based manufacturer of high-performance flooring solutions. The sales price was not disclosed. Meridian is owned by US-based private equity firm Arsenal Capital Partners. Arsenal formed the Meridian Adhesives Group after acquiring two other adhesive companies in 2018. Frontier s products include urethane, acrylic pressure sensitive and hybrid adhesives, moisture barriers, sound control, and construction products.

[36]Europe EPS market supply tightness to linger into May, with low stocks and high styrene costs By Stephanie Wix 01-May-21 04:15 LONDON (ICIS)--European expandable polystyrene (EPS) market supply is expected to continue tight into May due to current low stock levels among producers, high styrene costs in April, as well as increasing demand. EPS producers - particularly non-integrated with styrene - have been operating at lower outputs in April due to high upstream styrene costs as well as tightness in the styrene market.

[37]Mexico s Orbia expects strong PVC demand for rest of 2021 By Adam Yanelli 30-Apr-21 03:27 HOUSTON (ICIS)--Mexican polyvinyl chloride (PVC) producer Orbia said on Thursday it expects PVC demand to remain strong for the rest of the year even as tight global supply should begin to stabilise in Q2. CEO Sameer Bharadwaj said Q1 earnings, which more than doubled year on year, were driven by PVC pricing at historically high levels and improved margins amid tight global supply.

[38]US pending home sales rise 1.9% in March, following two declines By Stefan Baumgarten 29-Apr-21 23:45 HOUSTON (ICIS)--US pending homes sales rose 1.9% month on month in March, following declines in February and January, the National Association of Realtors (NAR) said on Thursday. Pending home sales rose nationwide, with the exception of the Midwest region where they fell 3.7% from February.

[39]Early Black PE 100 pipe import offers to India see limited response By Veena Pathare 28-Apr-21 22:46 SINGAPORE (ICIS)--Early offers for polyethylene (PE) pipe black 100 imports to India have received a subdued response this week, as demand in the country remains impacted by the massive rise in coronavirus infections.

[40]India petrochemical demand crumbles amid second COVID-19 wave By Felicia Loo 28-Apr-21 14:15 SINGAPORE (ICIS)--Facing possibly its worst humanitarian disaster, coronavirus-ravaged India is racing against time to contain a second wave of deadly infections, with effects rippling through its petrochemical industry. The recent spread of a new variant has walloped the country, whose daily infections have hit more than 300,000 in the second half of April.

[41]German business climate improves in April as manufacturing offsets services weakness - Ifo By Jonathan Lopez 27-Apr-21 00:01 LONDON (ICIS)--Economic sentiment in Germany improved for a third consecutive month in April as healthy manufacturing activity at its highest since 2018 and well above pre-pandemic levels offset weakness in services, research institute Ifo said on Monday. The Ifo Business Climate Index, which takes 2015 as the base (100 points), rose only slightly in April - although it marked three months of growth - in what is a welcome development for Europe's largest economy which has gone through the first quarter with its worst wave of the pandemic yet.

[42]No global PE inventory build until Q4 amid tight supply Dow CEO By Joseph Chang 22-Apr-21 23:20 NEW YORK (ICIS)--The tight outlook for global polyethylene (PE) means inventories will not be built back in earnest until possibly Q4 2021, the CEO of US-based Dow said on Thursday.

[43]Sinochem starts construction of Yangzhou ABS compounding plant By Fanny Zhang 22-Apr-21 14:07 SINGAPORE (ICIS)--State-owned Sinochem International has started construction of a 56,000 tonne/year acrylonitrile-butadiene-styrene (ABS) compounding plant at Yangzhou in Jiangsu province, a source familiar with the matter said.

[44]China Q1 property development investment up 25.6% By Fanny Zhang 16-Apr-21 14:27 SINGAPORE (ICIS)--China s first quarter investment in property development increased by 25.6% year on year and 15.9% compared with the same period of 2019, the National Bureau of Statistics (NBS) data showed on Friday. Total land purchase in January-March rose by 16.9% year on year to 23m square metres (sqm) but land transactions amount dropped by 17.3% to yuan (CNY) 80.9bn ($12bn).

[45]Mideast petrochemical supply mixed; demand slows amid Ramadan By Felicia Loo 15-Apr-21 11:26 SINGAPORE (ICIS)--Petrochemical supply conditions are mixed in the Middle East, with trade limited for some products while cargo availability is tight when it comes to base oils, polyols and polystyrene in the first week of Ramadan. The bulk of the region s polyethylene (PE) and polypropylene (PP) business for April in the Middle East has been completed before the Muslim fasting month started on 12 April.

[46]US home-builder confidence edges up as demand remains strong By Stefan Baumgarten 16-Apr-21 00:32 HOUSTON (ICIS)--US builder confidence in the market for new single-family homes improved slightly in April on strong buyer demand. Demand pushed confidence up even as builders continue to grapple with rising lumber prices and supply chain issues, and as consumers face higher home prices due to a lack inventory, the National Association of Home Builders (NAHB) said on Thursday.

[47]More Europe chemicals earnings upgrades could follow Covestro By Will Beacham 15-Apr-21 20:08 BARCELONA (ICIS)--This week s earnings upgrade by Germany s Covestro could signal strong momentum and possible upgrades for other European chemical company earnings this year, thanks to pricing and margin gains in many value chains. A string of events have disrupted regional supply chains and chemical production so far this year, tightening supply just as demand has been growing strongly in many downstream markets.

[48]April extrusion-grade PC contracts firm in Europe on lingering supply crunch, strong demand By Miguel Rodriguez Fernandez 15-Apr-21 16:39 LONDON (ICIS)--European extrusion-grade polycarbonate (PC) contract prices firmed in April on the back of tight global supply and robust demand. This is the seventh consecutive increase of extrusion PC contract prices in Europe and the highest price since November 2018.

[49]US February PS year-to-date exports rise 14.2% over first two months of 2021 By Zachary Moore 15-Apr-21 03:12 HOUSTON (ICIS)--US exports of polystyrene (PS) in the first two months of 2021 rose 14.2% compared with the same period of the prior year, according to data from the ICIS Supply and Demand Database. US imports of PS declined 10.2% over the same time period.

[50]INSIGHT: Producers enjoying strong margins in Europe, expecting stronger 2021 By Nigel Davis 14-Apr-21 22:30 LONDON (ICIS)--Petrochemical prices rose strongly through the first quarter as buyers struggled to secure supply. Underlying demand growth continued to provide market support, although very much on a sectoral basis. March was another strong month, with the ICIS Petrochemical Index (IPEX), rising by 11.4%, a level of increase not seen since November last year. The Europe index increased markedly once again.

[51]Europe styrene spot prices retreat to February levels as supply improves By Fergus Jensen 08-Apr-21 22:45 LONDON (ICIS)--Europe styrene front month spot prices retreated this week to levels last seen in late February, as the market anticipated improving supply in the coming weeks and demand slipped. Demand is generally expected to remain strong, as many downstream markets are also tight, in particular expandable polystyrene (EPS).

[52]INSIGHT: US chem earnings survive polar storm, face inflation By Al Greenwood 08-Apr-21 19:43 HOUSTON (ICIS)--Chemical companies that reported earnings and guidance so far indicate that they overcame the disruptions caused by polar storm Uri, but inflation is becoming larger threat. Two chemical companies even raised their guidance. Demand is expected to remain strong while supplies and inventories should remain remain tight, said Brian Pruett, senior vice president, polyethylene (PE) and polypropylene (PP), sales and business development at Chemical Data (CDI).

[53]Asia PE, benzene supply tight on firm demand, economic recovery By Felicia Loo 08-Apr-21 13:33 SINGAPORE (ICIS)--Asia s supply of polyethylene (PE) and benzene is tight amid plant shutdowns among suppliers in the face of rising demand as the region s pace of economic recovery strengthens. The International Monetary Fund (IMF) upgraded the 2021 growth forecast for emerging and developing Asian economies to 8.6%, reflecting a stronger recovery than initially expected after lockdowns were eased in some large countries.

[54]Shortage of BDO amid strong demand leaves US players with tough choices By Antoinette Smith 07-Apr-21 23:12 HOUSTON (ICIS)--After US Q2 butanediol (BDO) contracts settled at a record-high increase, buyers are left speculating on when critically tight supply will ease. After months of insufficient supply, improvement seemed on the horizon as LyondellBasell raised its sales allocations at the end of March.

[55]China March petrochemicals fall on weak demand, easing tight supply By Yvonne Shi 07-Apr-21 16:46 SINGAPORE (ICIS)--China s domestic petrochemical prices retreated in March after surging in the previous two months as demand weakened while tightness in global and domestic supply has eased. For some products, local supply will increase in the coming months due to scheduled start-ups of new capacities. The ICIS China Petrochemical Index ended March at 1,247.6, down 6.3% from 26 February.

[56]Singapore manufacturing sector expands in March amid external recovery By Nurluqman Suratman 06-Apr-21 11:47 SINGAPORE (ICIS)--Singapore's manufacturing sector continued its recovery in March on improving external demand, supporting the rise in overall output and new orders, data from purchasing managers' indices (PMI) showed. The Singapore Institute of Purchasing and Materials Management (SIPMM) PMI reported late on Monday that its PMI rose to 50.8 in March from 50.5 in February, marking the ninth month of expansion for the Singapore's manufacturing sector.

[57]US MEK demand to increase while supply could tighten in April amid turnaround By Deniz Koray 01-Apr-21 06:33 HOUSTON (ICIS)--US methyl ethyl ketone (MEK) demand is strong and expected to increase in the near term due to both seasonality and product substitution. More than half of global demand for MEK comes from the paints and coatings industry. Therefore, the spring and early summer months are a particularly strong period for demand, especially as construction season picks up in the US as the weather begins to warm in much of the country.

[58]INSIGHT: US $2 trillion infrastructure plan would light a fire under chemicals demand By Joseph Chang 01-Apr-21 05:36 NEW YORK (ICIS)--The proposed $2tr US infrastructure plan would massively boost spending to build and upgrade the country s transportation, housing, automotive and communications systems, giving a further boost to chemicals and polymers as critical building blocks. Branded as The American Jobs Plan, the infrastructure bill includes $621bn for transportation, including roads, bridges, public transit, airports, ports and electric vehicle (EV) infrastructure; over $300bn in drinking water systems, electric grids and broadband access; and over $300bn in affordable housing, schools, hospitals and office buildings.

[59]US pending homes sales fall by 10.6% as inventory remains at record-low By Stefan Baumgarten 01-Apr-21 01:38 HOUSTON (ICIS)--US pending home sales fell a second straight month in February, dropping by 10.6% from January, the National Association of Realtors (NAR) said on Wednesday. Each of the four major US regions saw month-on-month declines in February.

[60]Europe polystyrene margin estimates decrease week on week By Yashas Mudumbai 29-Mar-21 21:54 LONDON (ICIS)--European producers of polystyrene (PS) saw their contract margin estimates decrease week on week. According to ICIS Margin Analytics, the estimates for ethylene-based general purpose PS (GPPS) and ethylene-based high impact PS (HIPS) decreased by at least $26/tonne.

[61]China s ZRCC to complete phase 1 expansion in 2021, phase 2 in 2025 By Fanny Zhang 29-Mar-21 17:06 SINGAPORE (ICIS)--China s Zhenhai Refining and Chemical Co (ZRCC) is targeting to complete its phase 1 expansion project this year and phase 2 in 2025, its parent company Sinopec said. The phase 1 expansion mainly consists of construction of a new cracker with 1.2m tonnes/year of ethylene capacity and modification of its existing refinery to add 4m tonnes/year of capacity.

[62]INSIGHT: Europe's synthetic rubber, paints and coatings manufacturers undeterred by sky-high MIBK prices By Anne-Sophie Briant-Vaghela 26-Mar-21 01:39 LONDON (ICIS)--Prices in the European methyl isobutyl ketone (MIBK) market have hit sky-high levels on a shortage of product which has been ongoing since November, with participants probing the market to nail down the root of the issue while others are labelling this product's trading as "the black market".

[63]US ABS demand stays healthy amid supply tightness By John Donnelly 25-Mar-21 06:42 HOUSTON (ICIS)--US acrylonitrile-butadiene-styrene (ABS) supply continues to be very tight amid good demand. Raw material supplies are still disrupted from the storm and are under upward pressure. US styrene prices have risen sharply in the past month. Transportation is a major factor affecting flow of raw materials.

[64]INSIGHT: Asia ABS and PC markets may be dampened by global chip shortage By Julia Tan 24-Mar-21 15:30 SINGAPORE (ICIS)--The global shortage of semiconductor chips is likely to affect the demand for acrylonitrile-butadiene-styrene (ABS) and polycarbonate (PC) in Asia. ABS and PC are thermoplastics which have numerous applications in the automotive and electronics sectors as they are good electrical insulators and have heat-resistant and flame-retardant properties.

[65]INSIGHT: US GDP growth may exceed China in '21 but watch housing, auto weakness By Joseph Chang 24-Mar-21 03:47 NEW YORK (ICIS)--Forecasts for 2021 US GDP growth are ramping up, with the Federal Reserve and economists making big upside revisions as the economy opens up amid accelerating vaccinations and another $1.9trn stimulus package makes its way through the system. The Fed in mid-March boosted its 2021 GDP growth forecast to a whopping 6.5%, up from 4.2% in December, while projecting near zero interest rates through all of 2023 and continuing $120bn in monthly asset purchases for the time being.

[66]US new home sales fall 18.2% in February By Stefan Baumgarten 23-Mar-21 23:39 HOUSTON (ICIS)--Sales of new single-family houses were at a seasonally adjusted annual rate of 775,000 in February - down 18.2% from January, but up 8.2% year on year from February 2020, the US Census Bureau said in a report on Tuesday. The median sales price of new houses sold in February 2021 was $349,400, and the average sales price was $416,000.

[67]Shipping problems lead to selling woes for Chinese ABS suppliers By Julia Tan 23-Mar-21 11:48 SINGAPORE (ICIS)--Shipping problems have compounded the difficulties faced by Chinese acrylonitrile-butadiene-styrene (ABS) suppliers, namely traders and distributors. In addition to a shorter time given to collect cargoes from ports, ABS suppliers have underlined that shipping problems have also led to an increase in short-term selling pressure.

[68]UK government consults on EPR in new areas including tyres, textiles, construction By Matt Tudball 19-Mar-21 01:33 LONDON (ICIS)--The UK government will consult on extending Extended Producer Responsibility (EPR) schemes to five new material/waste streams as well as review and enhance current UK producer responsibility laws as part of the Waste Prevention Programme for England, it announced on Thursday.

[69]Europe capro tightens on high downstream demand, short supply By Marta Fern 19-Mar-21 01:10 LONDON (ICIS)--The European caprolactam (capro) market is visibly tight in March, with widespread expectations of further pricing increases compared with February. Early expectations for April suggest that the ongoing strength in downstream demand, coupled with no significant change on the supply side, could lead to another month of tightness.

[70]China s Guangdong to build 50 LNG-fuelled vessels |By Nina Liu 18-Mar-21 16:15 SINGAPORE (ICIS)--China s GNG Ocean Shipping company has signed a contract for the construction of 50 LNG-powered bulk cargo ships with China State Shipbuilding Corporation, with CNOOC Gas & Power to supply the LNG. This is the start of the so-called Green Pearl River project.

[71]US ABS market continues to face supply disruption By John Donnelly 18-Mar-21 06:55 HOUSTON (ICIS)--The US acrylonitrile-butadiene-styrene (ABS) market remains very tight as it continues to recover from the recent winter storm. Lead times for product have been extended into late Q2. Two producers are on force majeure. All North American ABS plants are now operational as two Mexico plants restarted.

[72]Petrochemical supply constraints prevail in China amid demand recovery By Felicia Loo 17-Mar-21 14:24 SINGAPORE (ICIS)--Supply constraints prevail in China s petrochemical markets, proving particularly challenging for polymers, which are dogged by limited domestic production, plant shutdowns in the Middle East and a global scramble for cargoes.

[73]LafargeHolcim acquires Firestone Building Products for $3.4bn By Janet Miranda 12-Mar-21 04:21 HOUSTON (ICIS)--LafargeHolcim, one of the largest cement makers, signed an agreement to acquire Bridgestone Corp s roofing business unit Firestone Building Products (FSBP) for $3.4bn, the company said in a press release.

[74]US March OX settles higher by 18% 12-Mar-21 03:38 HOUSTON (ICIS)--US March orthoxylene (OX) contracts have settled at an increase, according to market sources. Spot MX prices have been pressured upward by tight supply and higher gasoline values. Higher-than-expected rates of travel since Q4 have contributed to the rising gasoline prices.

[75]Europe March isocyanates contracts supported by healthy demand, tight supply By Fergus Jensen 11-Mar-21 23:53 LONDON (ICIS)--Europe March isocyanates contracts were assessed this week with rollovers and increases up to 250/tonne from February. March toluene diisocyanate (TDI) contracts were supported by healthy demand and some supply constraints.

[76]Europe melamine Q2 contract price talks begin; sellers bullish amid tight supply and healthy demand By Melissa Hurley 11-Mar-21 22:47 LONDON (ICIS)--European melamine contract talks for the second quarter are in the very early stages and sellers are adopting a bullish approach. Discussions are centred around tight supply and healthy demand.

[77]China s Baofeng plans 4m tonne/year CTO project in Inner Mongolia By Fanny Zhang 08-Mar-21 17:56 SINGAPORE (ICIS)--China s Ningxia Baofeng Energy is planning to construct a 4m tonne/year coal to olefin (CTO) project at Ordos in Inner Mongolia, the company said in a statement on Monday. The project will have four lines, each at 1m tonne/year.

[78]Synthomer eyes further nitriles sector investment as Omnova integration continues By Tom Brown 05-Mar-21 00:24 LONDON (ICIS)--Synthomer is considering further nitriles sector investment on top of new capacity coming onstream later in 2021 as strong volumes and margins continue for the material, the CEO of the UK-headquartered firm said on Thursday.

[79]US Dow signs MoU to establish specialties hub in south China By Stefan Baumgarten 04-Mar-21 23:01 HOUSTON (ICIS)--US chemicals major Dow has signed a memorandum of understanding (MoU) with a Chinese development agency to build a specialties hub in south China, it said on Thursday.

[80]Europe melamine spot pricing close to decade highs, demand outlook robust By Melissa Hurley 04-Mar-21 21:14 LONDON (ICIS)--European melamine pricing continued to heat up this week on the back of continued supply shortage, with second quarter demand also expected to be strong.

[81]Denmark s Haldor Topsoe mulls location for large-scale green hydrogen facility By Jonathan Lopez 04-Mar-21 20:35 LONDON (ICIS)--Haldor Topsoe is looking at various locations for its electrolyzers-based facility which will produce 500 MW/year of green hydrogen, the Danish catalysis and engineering services provider said on Thursday.

[82]INSIGHT: China trade picture will point to challenge to petrochemicals rally By Nigel Davis 04-Mar-21 01:20 LONDON (ICIS)--Some recent record high petrochemical prices are symptomatic of unexpectedly stronger demand and reduced supply.

[83]Asia ECH at more than one-year high as supply runs dry By Li Peng Seng 04-Mar-21 17:46 SINGAPORE (ICIS)--Asia s epichlorohydrin (ECH) prices scaled to their highest in over a year as supplies dried up following a string of turnarounds, strong demand and unexpected shutdowns.

[84]US EG plants gradually restarting from storm outages By Antoinette Smith 05-Mar-21 07:15 HOUSTON (ICIS)--US ethylene glycol (EG) plants are beginning to restart following a [85]winter storm that brought US Gulf production to a nearly two-week standstill.

[86]Canada s Q4 GDP growth slowed to 2.3% By Stefan Baumgarten 03-Mar-21 06:36 TORONTO (ICIS)--The recovery in Canada s real gross domestic product (GDP) slowed to 2.3% quarter-on-quarter in Q4, from 8.9% in Q3, federal agency Statistics Canada (StatsCan) said on Tuesday.

[87]Thailand petrochemical firms eye better '21 amid oil-led price spikes By Nurluqman Suratman 02-Mar-21 14:57 SINGAPORE (ICIS)--Thailand s petrochemical firms are expected to generate better earnings in 2021 on the back of rising product prices, but oversupply in China and slow growth in some end-user markets in Asia could temper profitability.

[88]OMV awards engineering contract for biofuels project at Austria refinery By Stefan Baumgarten 04-Mar-21 00:20 LONDON (ICIS)--Austria's OMV has awarded an engineering contract for a 200m hydrogenated biofuels [89]project planned at its Schwechat refining and petrochemicals production hub near Vienna, Austria.

[90]Asia ethanolamines supply tightens further on robust China, India demand By Yuanlin Koh 03-Mar-21 17:31 SINGAPORE (ICIS)--Asia s spot ethanolamines supply is tightened further amid robust demand from China and India, with recent price gains supported by spikes in upstream [91]ethylene oxide (EO) values.

[92]Swiss construction chems major Sika develops ***process*** to recycle old concrete By Stefan Baumgarten 03-Mar-21 01:19 LONDON (ICIS)--Sika has developed a new recycling ***process*** for old concrete, the Swiss-based international construction chemicals major said on Tuesday.

[93]INSIGHT: Soaring Europe styrene prices in February follow crazy' fourth quarter By Nigel Davis 02-Mar-21 23:32 LONDON (ICIS)--Combine unexpectedly stronger demand and an unexpected major production outage and you have a recipe for much higher petrochemical prices.

[94]INSIGHT: Little respite for polymers players as record-breaking hikes continue By Ben Lake 02-Mar-21 23:25 LONDON (ICIS)-- Polyethylene (PE) and polypropylene (PP) prices are breaking historical records all over the world. As all grades of products see continuous, steep rises, players are attempting to pinpoint when the uptrend will end.

[95]SE Asian maleic anhydride price soars on rising demand, feedstock costs By Li Peng Seng 02-Mar-21 14:53 SINGAPORE (ICIS)--Southeast Asian spot maleic anhydride (MA) prices hit nearly 6-1/2 year high as demand picked up while raw material costs rose.

[96]US plasticizers pricing higher for February on strained supply, upstream pressure By Larry Terry 26-Feb-21 07:52 HOUSTON (ICIS)--US dioctyl terephthalate (DOTP), dioctyl phthalate (DOP) and diisononyl phthalate (DINP) pricing moved higher for February on pressure from January propylene, severely tight supply and consistent demand from construction, automotive markets and medical equipment.

[97]US pending home sales fall 2.8% in January By Stefan Baumgarten 26-Feb-21 00:37 HOUSTON (ICIS)--US pending home sales fell 2.8% month on month in January as inventory constraints continued to hold back prospective buyers, the National Association of Realtors (NAR) said on Thursday. In January, the South was the only region where pending home sales rose from December, while the other three major US regions saw month-on-month declines.

[98]Europe ethanolamines February prices rise, driven by raw material costs By Jane Gibson 25-Feb-21 01:43 LONDON (ICIS)--Contract prices for European ethanolamines increased in February, driven by producers coping with higher feedstock costs. This is the third consecutive monthly price increase after several months of static prices in 2020. Producers may seek to continue this momentum in March- although there is some reticence to quote any targets before the ethylene contract for March settles.

[99]INSIGHT: Europe epoxy supply crunch could last longer than anticipated By Heidi Finch 24-Feb-21 01:22 LONDON (ICIS)--The Europe epoxy supply crunch could persist for longer than originally anticipated as challenges abound and upstream tightness intensifies. And while buyers are pinning their hopes on Asian imports that are due to arrive in Europe in March/April, these may not provide the supply relief buyers hope for.

[100]China s Shandong Qinghe starts construction of PO plant at Zibo By Fanny Zhang 22-Feb-21 15:25 SINGAPORE (ICIS)--China s Shandong Qinghe Chemical has started construction of a 300,000 tonne/year propylene oxide (PO) plant at Zibo in Shandong province late last week, a market source said. A 900,000 tonne/year H2O2 will also be constructed as a supporting facility.

[101]Sinopec Hainan, Baling partner on TPE project in Yangpu By Fanny Zhang 22-Feb-21 17:16 SINGAPORE (ICIS)--Sinopec Hainan Refining & Chemical and Baling Petrochemical are planning to jointly invest yuan (CNY) 2.2bn ($341m) to build a 170,000 tonne/year thermoplastic elastomer (TPE) project at Yangpu in Hainan province, market sources said. The project will have 120,000 tonnes/year of styrene-butadiene-styrene (SBS) and 50,000 tonnes/year of styrene-ethylene-butylene-styrene (SEBS) capacities.

[102]US housing starts fall 6% in January By Stefan Baumgarten 18-Feb-21 23:03 HOUSTON (ICIS)--US January residential housing starts fell 6.0% from December, marking their first decline since last August, according to the latest data from the US Census Bureau on Thursday. However, building permits jumped. Single-family housing starts in January were at a rate of 1,162,000, down 12.2% from December.

[103]Mideast TDI and PMDI offer prices continue to rise on supply issue By Chung Kiat Yeo 18-Feb-21 14:26 SINGAPORE (ICIS)--Spot offer prices for Middle East toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) cargoes continued to rise due to supply related issues in the week ended 18 February. Demand remained healthy in Asian and Middle Eastern countries, with the latter being supported by requirements from the pending Muslim fathering month of Ramadan holiday season in April-May.

[104]US-China decoupling would cost up to $38bn in US chemical industry output losses - study By Joseph Chang 18-Feb-21 07:06 NEW YORK (ICIS)--A full decoupling of the US and China economies would cost the US chemical industry up to $38bn in lost annual output, along with significant job losses, according to a study by the US Chamber of Commerce in partnership with Rhodium Group released on Wednesday.

[105]EU, eurozone construction output slumps in December By Tom Brown 17-Feb-21 22:35 LONDON (ICIS)--The EU's petrochemicals-intensive construction sector productivity slumped both month on month and year on year in December, with falls equally pronounced across the building and civil engineering sectors, Eurostat said on Wednesday. Across the EU's 27 countries, construction output fell 3.3% compared to November and 2.1% compared with December 2019 as the impact of lockdowns and rising infection rates slowed building activity. By subsectors, EU building construction - business and residential space - fell 3.3% in December, month on month; civil engineering, composed mostly of public investments in infrastructure, fell 3.1%. Germany, France, and Slovenia saw the sharpest falls out of member states, reporting contractions of 3.2%, 8.6% and 13.1% respectively.

[106]Singapore to see strong GDP rebound after 2020 contraction By Nurluqman Suratman 16-Feb-21 12:50 SINGAPORE (ICIS)--Singapore's economy is expected to see a strong rebound this year after contracting by 5.4% in 2020, supported by a robust manufacturing sector as its outward-oriented sectors continue to benefit from rising external demand. The country's GDP fell by 2.4% year on year in the fourth quarter of 2020, weighed by the 27.4% and 4.7% contractions in the construction and services-producing sectors, respectively, according to data from the Ministry of Trade and Industry (MTI).

[107]Europe February isocyanates contracts converge on contrasting supply and demand trends By Fergus Jensen 16-Feb-21 00:06 LONDON (ICIS)--Europe isocyanates contract prices levels drew closer in February amid contrasting supply and demand trends. Flexible foam production constraints and easing supply led to triple-digit reductions in toluene diisocyanate (TDI) contracts this month, while tight supply and strong demand supported triple-digit gains in methylene diphenyl diisocyanate (MDI) contracts.

[108]Asia PE pre-Lunar New Year market quiet, post-holiday tone optimistic By Izham Ahmad 05-Feb-21 14:18 SINGAPORE (ICIS)--The polyethylene (PE) import markets in China and southeast Asia have been largely subdued in the lead-up to the Lunar New Year holidays, which start in China on 11 February, but the post-holiday market tone appears more optimistic due to tighter supply and a shorter-than-usual holiday period.

[109]Supply, upstream pressure intensifying in US plasticizers markets By Larry Terry 05-Feb-21 07:41 HOUSTON (ICIS)--Upstream costs and US diisononyl phthalate (DINP), dioctyl terephthalate (DOTP) and dioctyl phthalate (DOP) supply pressure continues to escalate in February. January propylene previously saw its largest two-month jump in eight years, and January plasticizers moved up on a similarly sharp increase in December propylene. Strong plasticizers buying interest continues to be led by downstream residential construction and automotive manufacturing, as well as medical equipment and packaging amid the ongoing coronavirus.

[110]Trinseo optimistic on rising demand from autos, consumer electronics, DIY By Adam Yanelli 05-Feb-21 06:05 HOUSTON (ICIS)--US-based styrenics producer Trinseo expects continued strong demand in 2021 after seeing improved demand in Q4 from automotive, consumer electronics and the do-it-yourself (DIY) construction end markets. CEO Frank Bozich said during a Q4 earnings call on Thursday that volumes grew in Q4 for the automotive, appliances, and coatings, adhesives, sealants and elastomers (CASE) segments.

[111]Europe MIBK hits all-time highs on acetone increases and delayed imports By Anne-Sophie Briant-Vaghela 04-Feb-21 22:35 LONDON (ICIS)--European methyl isobutyl ketone (MIBK) spot prices have started venturing in unchartered territory this week, with the ICIS assessment recording ***unprecedented*** values, sending shock waves amongst desperate buyers. The striking hikes are mirroring, with delay, acetone spot value trajectory, fuelled by global tightness in January and February propylene contract prices, benzene hikes in December/January contract prices seeping through to the cumene route and a number of production hiccups further limiting acetone supplies globally.

[112]INSIGHT: Stronger demand, constrained supply a first-quarter characteristic By Nigel Davis 02-Feb-21 23:51 LONDON (ICIS)--The strong sequential improvement in chemicals demand and prices in the fourth quarter is tempered to some extent by coronavirus lockdowns running further into Q1 2021 but there is still momentum behind the upturn. This has a lot to do with shortened supply chains and the pressure on logistics that is keeping some markets tight. Downstream demand continues to improve take what has been described as ***exceptionally*** strong demand for methyl methacrylate and bisphenol-A in Europe as an example, driven by construction and automotive end uses, as an example.

[113]US December construction spending rises by 1% from November By Adam Yanelli 02-Feb-21 05:27 HOUSTON (ICIS)--US December construction spending rose by 1% from November, led in part by a 3.13% increase in residential spending, the US Census Bureau said in a data release on Monday.

[114]US oxo-alcohols supply constraints, strong demand to impact near-term markets By Larry Terry 29-Jan-21 07:59 HOUSTON (ICIS)--US oxo-alcohols contract pricing moved up for January on higher feedstock propylene, persistently tight supply and strong demand from downstream construction coatings and plasticizers markets, including automotive manufacturing and medical equipment and packaging. Similar market fundamentals will continue in February and potentially into March.

[115]INSIGHT: Asia chemical demand brightens a year on from coronavirus outbreak By Felicia Loo 28-Jan-21 14:08 SINGAPORE (ICIS)--One year on since the coronavirus outbreak in China, petrochemical demand in Asia has managed to recover from an initial slump and would be largely on the upward trajectory despite repeated waves of infections globally. Undergirding such sentiment is perennial healthcare demand now that ambitious vaccination plans are underway as the pandemic rages on. Prospects of an improving construction sector and for some plastics, curtailed supply due to plant shutdowns, will underpin consumption.

[116]Europe nylon 6 and 6,6 contract prices for January rise By Marta Fern 27-Jan-21 18:40 LONDON (ICIS)--European nylon 6 FD NWE contract prices for January settled 0.15-0.18/kg higher than December. The triple digit increase in the feedstock benzene was largely passed downstream, due to ongoing good buying interest across the main downstream industries and tight supply.

[117]Europe PS January contract prices rise to highest level since November 2018 By Stephanie Wix 26-Jan-21 03:47 LONDON (ICIS)--January polystyrene (PS) contract prices have increased between 110-120/tonne for both general purpose (GPPS) and high impact (HIPS) material, driven by the 108/tonne styrene increase. Supply remains tight, with material sold out and suppliers unable to meet all requests - despite operating at maximum capacity. Buyers are unable to source additional volumes.

[118]US existing home sales rose to 5.64m in 2020, highest since 2006 By Stefan Baumgarten 23-Jan-21 00:30 HOUSTON (ICIS)--US existing home sales rose 5.6% last year to 5.64m, reaching their highest level since 2006 despite the ongoing coronavirus pandemic, the National Association of Realtors (NAR) said on Friday. For the month of December, sales rose 0.7% from November to an annual rate of 6.76m in December. Compared with December 2019, sales were up 22.2%.

[119]US builder confidence falls on resurging pandemic, high lumber prices By Stefan Baumgarten 21-Jan-21 00:51 HOUSTON (ICIS)--US builder confidence in the market for newly built single-family homes fell in January following a rise in material costs led by a huge upsurge in lumber prices as well as a resurgence of coronavirus infections, the National Association of Homebuilders (NAHB) said on Wednesday. The group s housing market index (HMI) fell from 86 points in December to 83 in January.

[120]INSIGHT: Asia BPA demand bolstered by increased downstream production during LNY season By Julia Tan 22-Jan-21 14:00 SINGAPORE (ICIS)--Asia BPA demand has been supported recently due to expectations of increased downstream production during the Lunar New Year (LNY) season, representing a break from seasonal production patterns. Petrochemicals production in China typically decreases during the festive LNY season as workers return to their hometowns to celebrate the arrival of the Lunar New Year with their families.

[121]Tight supply, high shipping costs push US melamine contracts to steepest increase in 10 years By Deniz Koray 22-Jan-21 05:41 HOUSTON (ICIS)--Stronger demand than is typical for the season, tight supply and high shipping costs have been driving factors as Q1 melamine contracts settled up this week with the highest price increase of the past decade.

[122]INSIGHT: US economic stimulus may squeeze already tight chem markets By Al Greenwood 22-Jan-21 01:27 HOUSTON (ICIS)--The economic stimulus packages being proposed in the US could further tighten in markets for several plastics and chemicals. Prices for many of these materials were already rising amid a boom in US residential construction and a change in consumer buying habits.

[123]US housing starts rose 5.8% in December By Stefan Baumgarten 22-Jan-21 00:33 HOUSTON (ICIS)--US December residential housing starts rose 5.8% from November, marking a fourth consecutive month-on-month increase, according to the latest data by the US Census Bureau on Thursday. Single-family housing starts in December were at a rate of 1,338,000, up 12.0% from November.

[124]Europe Q1 melamine contract price soars by triple digits By Melissa Hurley 21-Jan-21 21:08 LONDON (ICIS)--European melamine first-quarter contracts have surged by various triple-digit amounts, depending on starting point and account.

The large increases were mainly driven by the reduced supply situation in the fourth quarter and a continuation of solid demand into 2021. Talks between suppliers and consumers were challenging in some cases.

[125]Mideast chemical supply tight on container shortages, Asian plant shutdowns By Felicia Loo 21-Jan-21 13:22 SINGAPORE (ICIS)--Middle East's petrochemical markets are facing tight supply, mainly due to shortage of containers, with shipment difficulties to last until March. Plant shutdowns in Asia exacerbated the tight supply conditions, overshadowing demand from strong to stable in certain sectors in the Middle East.

[126]Europe Jan epoxy resins contracts reach record highs, on constrained supply By Heidi Finch 20-Jan-21 01:01 LONDON (ICIS)--Europe liquid epoxy resins contracts have soared to a record high in January 2021, while solid epoxy contracts have climbed to match the peak of mid-2010, amid persistent market tightness.

[127]China property development investment growth slows to 7% in 2020 By Fanny Zhang 19-Jan-21 15:53 SINGAPORE (ICIS)--China s investment in property development increased by 7.0% in 2020, decelerating from 9.9% in the previous year, data from the National Bureau of Statistics showed. The investment on housing development gained by 7.6% in 2020, comparing with 13.9% in 2019. Last year s growth pace on property developers construction area was 3.7%, much narrower than the 8.7% in 2019.

[128]US infrastructure plan to be unveiled in February in 2nd step of massive stimulus By Joseph Chang 15-Jan-21 12:23 NEW YORK (ICIS)--US President-elect Joe Biden plans to unveil details of a major US infrastructure stimulus plan in February in his first appearance before a joint session of Congress after announcing his first step of massive fiscal stimulus.

On 14 January, Biden outlined a step one $1.9tr stimulus proposal called the American Rescue Plan to provide direct payments to individuals, an extension of enhanced employment benefits, financial aid for states and cities, and funds for coronavirus vaccine distribution, testing and prevention efforts.

Next month, Biden will present to Congress a separate Build Back Better Recovery Plan focusing on infrastructure investment.

[129]INSIGHT: China's BPA markets soften, Asian producers eye European markets By Julia Tan 15-Jan-21 11:00 SINGAPORE (ICIS)--China's bisphenol A (BPA) markets have witnessed a downturn in recent weeks on a bearish downstream polycarbonate (PC) market. Many domestic PC producers have cut operating rates, leading to an overall decrease in demand for BPA in China. China's domestic PC market declined late last year as supply increased when traders liquidated cargoes ahead of the new year.

[130]Europe flex PU foam makers battle polyols shortage; rigid PU still strong By Fergus Jensen 15-Jan-21 01:36 LONDON (ICIS)--Short supply of polyols is complicating production in Europe s flexible polyurethane (PU) foam market where demand has also been slightly dented by an escalation of coronavirus infections in Europe. Construction, meanwhile, has been less affected by lockdown ***measures*** in the region so far, and demand for rigid PU foam feedstocks has held up.

[131]US February oxo-alcohols initiatives emerge amid January price talks By Larry Terry 15-Jan-21 07:12 HOUSTON (ICIS)--US oxo-alcohols price initiatives emerged for February even as January negotiations continue amid strong demand and upstream pressure from December propylene and tight global supply. Architectural and automotive coatings and downstream plasticizers are key market drivers. Also, strong export demand is driving US export prices higher.

[132]INSIGHT: Mixed chemical supply outlook as trade flow pattern enhances in Mideast By Felicia Loo 13-Jan-21 19:31 SINGAPORE (ICIS)--The Middle East s chemicals supply scenario paints a mixed picture this year, with some products being tight while others will see new capacities in the region, or inflows from other sources. With Saudi-led Gulf Cooperation Council (GCC) members having restored relations with Qatar, intra-regional petrochemical undertakings will be elevated, with more businesses expected.

[133]Infrastructure needed to bolster 21 construction demand - trade group By Janet Miranda 08-Jan-21 05:54 HOUSTON (ICIS)--Non-residential construction demand is expected to shrink in 2021, unless federal officials can boost investment in infrastructure projects and backfill state and local construction budgets, the Associated General Contractors of America (AGC) trade group said in a forecast conference on Thursday. Construction firms experienced significant loss of projects when the coronavirus pandemic hit and have been struggling ever since due to project cancellations and prolonged social distancing ***measures*** that have increased the cost of doing business.

[134]OUTLOOK 21: Asia oxo-alcohols faces protracted demand recovery, tight supply By Jude Chan 08-Jan-21 14:30 SINGAPORE (ICIS)--Asia s oxo-alcohols demand could cool in 2021 but tight supply, which drove up prices to record highs in late 2020, would persist since no new plants are due to start up in the next 12 months. Prices surged in the fourth quarter due to turnarounds being carried out at several regional oxo-alcohol plants, as well as cracker issues in northeast Asia.

[135]OUTLOOK 21: China 2-EH supply to remain tight amid COVID-19 pandemic By Claire Gao 08-Jan-21 11:33 SINGAPORE (ICIS)--China s 2-ethylhexanol (2-EH) supply tightness is unlikely to ease in 2021, on expectations about limited increases in domestic output and imports, and strong end-user demand as a result of a rise in coronavirus cases globally.

[136]OUTLOOK 21: Asia plasticizers demand could dip as pandemic hinders industrial growth By Jude Chan 08-Jan-21 11:26 SINGAPORE (ICIS)--Asia s plasticizers production may be hit by tight supply of feedstocks isononanol (INA) and 2-ethylhexanol (2-EH), while key downstream construction, packaging and automotive industries make a gradual recovery from the coronavirus pandemic. Supply of plasticizers was relatively tight in Q4 2020 as some regional producers were forced to lower their operating rates amid scarce feedstock availability.

[137]Infrastructure needed to bolster 21 construction demand - trade group By Janet Miranda 08-Jan-21 05:54 HOUSTON (ICIS)--Non-residential construction demand is expected to shrink in 2021, unless federal officials can boost investment in infrastructure projects and backfill state and local construction budgets, the Associated General Contractors of America (AGC) trade group said in a forecast conference on Thursday. Construction firms experienced significant loss of projects when the coronavirus pandemic hit and have been struggling ever since due to project cancellations and prolonged social distancing ***measures*** that have increased the cost of doing business.

[138]OUTLOOK 21: US PC should be balanced by mid-year By John Donnelly 07-Jan-21 07:02 HOUSTON (ICIS)--The US polycarbonate market is expected to be tight in the first quarter of 2021 as supply shortages carry over from 2020 and the demand side rides a positive economic wave. Supply will continue to improve in the first quarter as production issues are fixed, stabilising the supply/demand balance by the end of the quarter or the beginning of the second.

[139]OUTLOOK 21: US polyol demand expected to remain strong, supplies could face limitations By Zachary Moore 07-Jan-21 06:30 HOUSTON (ICIS)--Demand for US polyols is expected to remain strong through the early months of 2021 while supply limitations are likely to remain in place through the initial months of the year. Residential construction has been one of the brighter spots in the overall economy during recent months, spurring an increase in demand for construction applications, which are one of the largest end uses for polyurethane systems.

[140]OUTLOOK 21: US MDI, TDI supply tightness could remain in place through initial months of 2021 By ICIS Editorial 07-Jan-21 05:46 HOUSTON (ICIS)--US supplies of methylene diphenyl diisocyanate (MDI) and toluene diisocyanate (TDI) could remain limited through the initial months of 2021 as producers struggle to rebuild inventories while demand is expected to remain strong.

[141]INSIGHT: US Senate flip would put $2 trillion infrastructure and green energy stimulus into play By Joseph Chang 07-Jan-21 05:43 NEW YORK (ICIS)--The potential for a Democrat-controlled US Senate following the Georgia run-off elections puts a massive wave of fiscal stimulus back on the table. This includes higher amounts of direct stimulus payments to individuals, and President-Elect Joe Biden s $2 trillion infrastructure and green energy plan. The new stimulus prospects lit a fire under US chemicals stocks on 6 January. Materials, energy and infrastructure stocks led the overall equity market with big gains.

[142]OUTLOOK 21: European PO markets reliant on polyols progress in 2021 By Jane Gibson 06-Jan-21 21:30 LONDON (ICIS)--The European propylene oxide (PO) market is expected to be carried for much of the first quarter of 2021 by the downstream polyols market. The demand pull for PO into polyols was at the expense of other derivatives in Q4 2020, which have seen some supply restrictions on PO.

[143]OUTLOOK '21: Europe plasticizers to start year strongly due to tight supply By Jane Massingham 06-Jan-21 18:30 LONDON (ICIS)--The European plasticizers market is certainly ending 2020 on a stronger note than many would have anticipated and this looks set to remain through Q1 and potentially Q2. The outlook for Q1 looks positive and a real turning point is the vaccines. Other key considerations will be how the traditional Q2 will evolve and what the financial implications of coronavirus will be during H2 2021, when many fiscal incentives and support schemes are likely to end. UK Construction Project Managers Index (PMI) in November increased to 54.7 points from 53.1 points in October.

[144]OUTLOOK '21: Middle East and South Asia PVC markets continue to grapple with tight supply By Zhi Xuan Ho 06-Jan-21 12:22 SINGAPORE (ICIS)--The spot polyvinyl chloride (PVC) markets in the Middle East and South Asia have suffered from a severe shortage of imports in the second half of 2020 as global outages rocked the industry. This is expected to continue into 2021, as some plants remain off line, while others have scheduled turnarounds in Q1.

[145]US oxo-alcohols price initiatives proliferate on upstream pressure By Larry Terry 18-Dec-20 07:00 HOUSTON (ICIS)--Additional separate US oxo-alcohols free-market price initiatives for mid-December and for January emerged just ahead of the jump in December propylene and ongoing unseasonably strong downstream demand.

[146]US housing starts rise for a third consecutive month in November By Stefan Baumgarten 18-Dec-20 00:18 HOUSTON (ICIS)--US November residential housing starts rose 1.2% from October, marking a third consecutive month on month increase, according to the latest data by the US Census Bureau on Thursday. Single-family housing starts in November were at a rate of 1,186,000, up 0.4% from October.

[147]INSIGHT: Higher 2021 Asia PE prices expected as demand recovers By Amy Yu 17-Dec-20 20:22 SINGAPORE (ICIS)--Asia polyethylene (PE) prices are expected to be higher on average next year due to a forecast demand rebound and higher feedstock price expectation. Some of the increase will be limited though as regional supply is likely to increase, mainly driven by booming capacity to be launched next year.

[148]Eurozone construction output up 0.5% in October, lower year on year By Jonathan Lopez 16-Dec-20 20:09 LONDON (ICIS)--Eurozone output in the petrochemicals-intensive construction industry rose 0.5% in October, month on month, statistical office Eurostat said on Wednesday. The increase in the wider, 27-country EU stood at 0.9%. Still, construction output in the EU and the 19-country currency area remains lower compared to October 2019, a fall of 1.2% and 1.4%, respectively.

[149]China Jan-Nov property development investments rise 6.8% on year By Fanny Zhang 15-Dec-20 14:21 SINGAPORE (ICIS)--China s property development investments in January-November 2020 increased by 6.8% year on year, industry data showed on Tuesday. Investments in housing development during the period rose to 7.4%, according to data from the National Bureau of Statistics (NBS). Property developers housing construction area posted a 3.2% growth in January-November. However, developers land purchase fell by 5.2% during the period to 205m square metres as land prices increased and companies face funding pressure toward the end of the year.

[150]US plasticizers ranges move up for December on strong demand, tight supply By Larry Terry 11-Dec-20 08:03 HOUSTON (ICIS)--US dioctyl terephthalate (DOTP), dioctyl phthalate (DOP) and diisononyl phthalate (DINP) prices settled higher for December amid transportation delays for larger buyers, tight supply, strong demand and some expectations of a sharply higher upstream December propylene settlement. Plasticizers applications in healthy residential construction and automobile manufacturing sectors are expected to remain healthy well into the new year, supported at least partly by coronavirus-vaccine optimism.

[151]INSIGHT: Germany's chemicals to weather near-term volatility in manufacturing By Morgan Condon 09-Dec-20 01:34 LONDON (ICIS)--Despite the prospect of a vaccine providing some boost to business confidence across the world, manufacturing in Germany could end the year on a sour note. Although the fourth quarter started on relatively solid footing, various industrial indicators have not supported sustained growth.

[152]December SE Asia-bound TDI cargoes discussed, sold at lower levels By Jasmine Khoo 09-Dec-20 17:57 SINGAPORE (ICIS)--Spot indications for December-loading southeast Asia-bound toluene diisocyanate (TDI) cargoes were softer in the week ending 9 December, market sources said on Wednesday. Lacklustre demand was cited as a key factor for the price drops, as sellers sought to stimulate buyers interest with lower offers.

[153]Soaring PC pricing in Asia puts upward pressure on European negotiations By Miguel Rodriguez Fernandez 03-Dec-20 23:11 LONDON (ICIS)--Supply constrains in the European polycarbonate (PC) market are being exacerbated by soaring PC prices in Asia, which is putting upward pressure on December and Q1 PC contract negotiations in Europe.

As PC pricing in China hits a two-year record high, European producers are turning their attention to buyers in east Asia, increasing their exports to the region and reducing the amount of PC available in Europe.

[154]US November MMA contracts increase amid unseasonably strong demand By Tarun Raizada 03-Dec-20 07:00 HOUSTON (ICIS)--US methyl methacrylate (MMA) moved up in November as demand is not slowing down, despite seasonality. The supply picture is getting better, although there are still pockets of snugness due to a tight trucking market. Demand is unseasonably strong, with the coatings sector up in November due to a strong housing and construction market. While it is unclear how long this will last, December is also expected to be busier than usual.

[155]US November epoxy contracts increase amid increased supply concerns By Tarun Raizada 02-Dec-20 08:31HOUSTON (ICIS)--US epoxy is facing significant upward pressure as sentiment has changed abruptly due to a tighter supply picture. Epoxy resins are used as adhesives on metals and construction materials, as well as in coatings and automobiles.

[156]China s petchems market rises in November amid tight supply, solid demand By Yvonne Shi 01-Dec-20 16:42 SINGAPORE (ICIS)--Prices of major petrochemical products in China rose across the board in November, according to ICIS data, due mainly to short supply and recovering export demand. Among the 33 products tracked by the ICIS, only one product fell slightly by 0.85% compared to the end of October, with the rest rising to varying degrees. Of the total 24 products recorded increases by more than 10%, of which more than a half gained by more than 20%.

[157]Middle East isocyanates prices hold steady By Prateek Pillai 26-Nov-20 21:58 SINGAPORE (ICIS)--Spot prices for Middle East isocyanates were assessed to be stable this week. Spot prices for toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) cargoes in the GCC (Gulf Cooperation Council) saw no movement as most cargo prices clustered around the assessed price range.

[158]Poland s PKN Orlen nitrogen, fertilizers Anwil expansion 32% complete By Will Conroy 26-Nov-20 17:00 LONDON (ICIS)--PKN Orlen s construction of a fertilizer plant that will expand its Anwil unit s nitrogen capacity by around 50% is 32% complete and remains on schedule, the Polish energy and petrochemicals major said this week.

[159]Falling HDPE pipe demand in China makes Mideast market attractive By Prateek Pillai 26-Nov-20 13:04 SINGAPORE (ICIS)--Falling demand for HDPE pipe black 100 in China amid a seasonal downturn has made exports of the material to the GCC (Gulf Cooperation Council) more attractive.

[160]Poland s PKN Orlen nitrogen, fertilizers Anwil expansion 32% complete By Will Conroy 26-Nov-20 17:00 LONDON (ICIS)--PKN Orlen s construction of a fertilizer plant that will expand its Anwil unit s nitrogen capacity by around 50% is 32% complete and remains on schedule, the Polish energy and petrochemicals major said this week.

[161]US November acrylates settle flat as logistics pressure mounts By Larry Terry 26-Nov-20 07:00 HOUSTON (ICIS)--In the US glacial acrylic acid (GAA) and acrylate esters markets, November freely negotiated contract prices settled at rollovers from October amid steady demand and some heightened supply stress heading into December.

[162]US October sales of new single-family houses jump 41.5% year on year By Stefan Baumgarten 25-Nov-20 23:42 HOUSTON (ICIS)--US sales of new single-family houses were at a seasonally adjusted annual rate of 999,000 in October down 0.3% from September, but up 41.5% year on year from October 2019, the US Census Bureau [163]reported on Wednesday.

[164]Shell Polymers US Pennsylvania cracker and PE plant over 70% complete By Zachary Moore 25-Nov-20 06:55 HOUSTON (ICIS)--Shell Polymers cracker and polyethylene (PE) project in Monaca, Pennsylvania, is now over 70% complete, according to a statement on the company s website.

[165]US chemical activity continues to rise month on month By Janet Miranda 25-Nov-20 02:11 HOUSTON (ICIS)--The Chemical Activity Barometer (CAB) rose by 0.8% in November on a three-month moving average, said the American Chemistry Council on Tuesday.

[166]German industry expectations fall as second wave stalls recovery By Morgan Condon 24-Nov-20 21:28 LONDON (ICIS)--German manufacturing business conditions remained positive in November but expectations for the coming months "turned notably less optimistic", according to the Ifo Institute on Tuesday.

[167]European MEC prices flat for November, demand remains steady By Chris Barker 25-Nov-20 04:47 LONDON (ICIS)--European methylene chloride (MEC) prices were stable for both northwest Europe and the Mediterranean in November, with price increases attempted but not confirmed to have been successful and global demand continuing its run of strength.

Singapore Q3 '20 GDP contracts by 5.8%, manufacturing expands 10% By Nurluqman Suratman 23-Nov-20 10:28 SINGAPORE (ICIS)--Singapore's economy fell by 5.8% year on year in the third quarter, moderating from the 13.3% contraction in the previous quarter, official data showed on Monday.

[168]Thailand Q3 economic contraction eases to 6.4% year on year By Pearl Bantillo 16-Nov-20 17:26 SINGAPORE (ICIS)--Thailand s economy posted a slower contraction of 6.4% year on year in the third quarter, aided by improved exports, private investments and consumption. Construction posted a stronger growth of 10.5% from a 7.4% pace in the second quarter.

[169]Asian MA discussions at year-high on better demand, mounting costs By Ai Teng Lim 20-Nov-20 10:07 SINGAPORE (ICIS)--Asian spot talks for maleic anhydride (MA) have hit a new year-high, as offers rose on the back of steep logistical costs at a time when demand is picking up with robust post-coronavirus economic recoveries in the region.

[170]Mideast petrochemical demand mixed amid rising coronavirus cases By Felicia Loo 19-Nov-20 12:51 SINGAPORE (ICIS)--The petrochemical markets in the Middle East were mixed, with polyethylene (PE) and polypropylene, as well as PE pipe grade affected by a curtailment in demand amid the pandemic, though the polystyrene (PS) market proved otherwise.

[171]Eurozone construction sector's traditional post-summer pick-up fails to materialize By Jonathan Lopez 19-Nov-20 21:23 LONDON (ICIS)--Output in the eurozone s petrochemicals-intensive construction sector fell in September, according to statistical office Eurostat, even though the month traditionally sees a rebound because southern Europe returns to work after the summer break.

[172]US October housing starts rise 4.9%, permits remain flat By Stefan Baumgarten 18-Nov-20 22:44 HOUSTON (ICIS)--US October housing starts rose 4.9% month on month while building permits remained flat, according to the [173]latest data by the US Census Bureau on Wednesday.

[174]China s Guangju plans coal-based chemical project in Inner Mongolia By Fanny Zhang 20-Nov-20 12:57 SINGAPORE (ICIS)--China s Guangju New Material is planning to invest CNY13.3bn ($2bn) to construct a coal-based chemical project at Wuhai in Inner Mongolia, a company source said on Friday.

[175]China Jan-Oct property development investment expands 6.3% By Fanny Zhang 16-Nov-20 17:27 SINGAPORE (ICIS)--China s investment in property development increased by 6.3% in January-October, with that on housing up by 7.0%, according to data from the National Bureau of Statistics (NBS).

[176]US construction, chem industry optimistic about Biden infrastructure plan By Janet Miranda 13-Nov-20 03:10 HOUSTON (ICIS)--US President-elect Joe Biden s extensive infrastructure plan, known as the Build Back Better programme, could help the non-residential construction sector stave off job losses and stimulate growth in the chemical industry. The plan aims to create millions of jobs and rebuild infrastructure including roads, bridges, green spaces, and water systems to withstand the impact of climate change.

[177]US ABS market continues to tighten on lower supply, healthy demand By John Donnelly 12-Nov-20 08:05 HOUSTON (ICIS)--The US acrylonitrile-butadiene-styrene (ABS) market has firmed sharply in the past month and a tight supply-and-demand balance is likely to continue in the near term. Domestic demand continues to be robust, with the housing, auto production and appliance sectors having rebounded from the economic lockdown earlier this year. Demand has also increased for electronics, seasonal toys and furniture.

[178]Chinese ethanolamines sentiment grows steadily worse amid sharp falls in local market By Yuanlin Koh 11-Nov-20 18:13 SINGAPORE (ICIS)--China s ethanolamines registered another sharp drop in the yuan-denominated market on long supply, especially in the diethanolamines (DEA) sector. Coupled with the startup of a new domestic plant - Sinopec Zhongke - during the weekend, sentiment plunged even further. According to market players, there were almost 20,000 tonnes of DEA at Chinese inventories.

[179]Europe November epoxy resins sentiment bullish, on supply shock waves, buoyant demand By Heidi Finch 11-Nov-20 03:43 LONDON (ICIS)--The Europe epoxy resins market is facing supply shock waves and an increasingly bullish sentiment in November, due to both domestic and import constraints, along with buoyant demand. Contrary to typical low seasonal expectations at this time of year, demand is buoyant, with little-to-no sign of any seasonal slowdown in the construction sector, buoyed by mild temperatures so far.

[180] US polycarbonate prices increase on tight supply, strong demand By John Donnelly 05-Nov-20 08:00 HOUSTON (ICIS)--November prices for US polycarbonate (PC) rose on supply/demand tightness and lack of import alternatives. The PC supply/demand balance has been tight, with imports limited and end-use demand strong. End-use demand has been strong, particularly in the housing sector and for appliances. Housing starts and permits grew in September. The warm winter moved up construction activity and completed and remodeled homes are now seeing increasing appliance needs.

[181]France industry still growing despite lockdown, China acrylics suffer on wider Asia - Arkema CEO By Jonathan Lopez 05-Nov-20 21:27 LONDON (ICIS)--The four-week lockdown n imposed by the French government last week will not bring the economy to a standstill like the one in the second quarter, with key downstream sectors operating normally, the CEO at French chemicals major Arkema said on Thursday. Sectors linked to building and construction gradually recovered over the summer and they are still doing quite ok. Because of that, for us this lockdown is quite different to the previous one, especially for Bostik which was greatly affected earlier in the year; it is doing quite ok now, said Le Henaff, speaking to reporters from Paris.

[182]Chinese ethanolamines market turns bearish on surplus By Yuanlin Koh 04-Nov-20 17:40 SINGAPORE (ICIS)--An influx of ethanolamines cargoes at Chinese ports have hit sentiment in the country, particularly in the diethanolamines (DEA) sector. According to market players, there were almost 20,000 tonnes of DEA at Chinese inventories.

[183]US construction spending rose 0.3% in September By Adam Yanelli 03-Nov-20 00:55 HOUSTON (ICIS)--US September construction spending rose by 0.3% month on month from August, led by a 2.8% increase in residential construction, the US Census Bureau said in a data release on Monday. Compared with September 2019, total construction spending was up by 1.5% year on year.

The construction market is a key consumer of chemicals, driving demand for a wide variety of chemicals, resins and derivative products such as plastic pipe, insulation, paints and coatings, adhesives and synthetic fibres, among many others.

[184]Europe HCl market remains tight; annual price discussions to begin November-December By Chris Barker 30-Oct-20 03:25 LONDON (ICIS)--The European hydrochloric acid (HCl) market has remained tight ahead of annual contract price negotiations on the back of upstream production issues, although output in the isocyanates industry has begun to rise in late October.

Isocyanates production at BASF and Covestro has increased with the latter s plant restarting, but HCl supply remains restricted because of the effects of the shutdowns earlier in the fourth quarter. The majority of HCl in Europe is produced as a byproduct of the isocyanates industry.

[185]SE Asian MA offers bullish on tight supplies and cost pressures By Ai Teng Lim 30-Oct-20 13:21 SINGAPORE (ICIS)--Southeast Asian import offers for maleic anhyride (MA) spiked this week, as spot supplies dried up and cost pressure rose. Judging from a recent string of positive regional economic indicators, the latest being a year-on-year increase in Singapore s September chemical production and industrial output, downstream off-take for raw materials like MA has been robust, especially from the unsaturated polyester resins (UPR) sector which has heavy applications in the construction and automobile industries.

[186]US oxo-alcohols markets may see more momentum after October gains By Larry Terry 30-Oct-20 07:07 HOUSTON (ICIS)--Higher US October oxo-alcohols free-market contract prices may not be the end of price momentum in this year of new seasonal-demand precedents. Downstream, US existing-home sales rose 9.4% month on month to an annual rate of 6.54m in September, marking a fourth consecutive month of growth, the National Association of Realtors (NAR) said. Compared with September 2019, sales rose 20.9% year on year. Demand from construction, although remaining largely on par with September strength so far, is expected to taper off as the US holiday season begins to gear up in November.

[187]Europe epoxy resins market finely balanced, amid various pulls on supply By Heidi Finch 28-Oct-20 01:45 LONDON (ICIS)--The Europe epoxy resins market is finely balanced in late October and this could continue for November, because of various pulls on supply.

Construction activity has recovered well from the coronavirus Q2 lockdowns, with little to no sign of any seasonal slowdown yet. While construction demand is expected to seasonally slow during Q4, when winter conditions set in, the slowdown could be mitigated to some extent this year by tighter inventory controls, due to coronavirus uncertainty and Brexit-related stock-building.

[188]Asia melamine sees firmer indications on stronger Chinese demand By Joson Ng 27-Oct-20 16:16 SINGAPORE (ICIS)--Melamine spot price indications were firmer in Asia as of 27 October for Chinese exports. Demand in China was gaining strength, driven by the construction sector. Some producers said they were not able to fulfil certain orders.

[189]Tight supply pushes up Mideast rigid polyol prices despite low demand By Prateek Pillai 23-Oct-20 14:28 SINGAPORE (ICIS)--Spot prices of rigid polyol cargoes in the Middle East were assessed to be firmer amid continued supply shortages. Despite a slowdown in demand due to weakness in the downstream construction sector, the limited supply meant that those buyers who were in need of replenishing their inventories found themselves in a poor negotiating position.

[190]US existing home sales rise 9.4% in September, fourth increase in a row By Stefan Baumgarten 23-Oct-20 01:42 HOUSTON (ICIS)--US existing-home sales rose 9.4% month on month to an annual rate of 6.54m in September, marking a fourth consecutive month of growth, the National Association of Realtors (NAR) said on Thursday. Compared with September 2019, sales rose 20.9% year on year.

[191]US shift to suburbs boosts chems used in durables - Dow CFO By Al Greenwood 22-Oct-20 23:21 HOUSTON (ICIS)--More US consumers are moving out of the city and into the suburbs, which is creating profound changes in buying habits that are increasing demand for appliances, automobiles and other durable goods, the chief financial officer of Dow said on Thursday. Dow noted strength across furniture, bedding, appliances, construction and automobiles. Some of the increase is due to companies restocking, said Howard Ungerleider, chief financial officer. He made his comments in an interview with ICIS.

[192]Asian epoxy resins at 6-month high on strong China demand By Ai Teng Lim 21-Oct-20 18:03 SINGAPORE (ICIS)--Asian epoxy resins prices have hit a six-month high with support from good demand in China, and the uptrend looks poised to hold amid a rosy near-term economic prognosis for China. Recent economic data have reflected a sterling improvement in the performances of the automobile and construction sectors in China.

For instance, China s September vehicle sales grew nearly 13% year-on-year, and property development investment in the country also grew a healthy 5.6% year-on-year for the period of January-September 2020. The latter invariably heralds increased activity and tempo in the construction sector.

[193]US housing starts rebound in September By Stefan Baumgarten 20-Oct-20 23:28 HOUSTON (ICIS)--US housing starts rose 1.9% month on month in September, following a 5.1% decline in August, the US Census Bureau said in a report on Tuesday. Single-family housing starts in September were at a rate of 1,108,000, up 8.5% from August, and single-family permits were 1,119,000, up 7.8%.

[194]China property development investment grows 5.6% in Jan-Sept By Fanny Zhang 19-Oct-20 12:32 SINGAPORE (ICIS)--China s property development investment posted a growth of 5.6% on year in the first three quarters, with that on housing up by 6.1%, the National Bureau of Statistics (NBS) said on Monday.

[195]EPCA 20: Firm China TiO2 export sentiment out of kilter with Europe's status quo By Heidi Finch 08-Oct-20 23:21 LONDON (ICIS)--Firm China titanium dioxide (TiO2) export sentiment, amid a snug and rebounding market, is somewhat out of kilter with the well-covered and recovering, albeit challenged European status quo. Some European traders, who source from Asia, are facing higher prices for Q4 shipments due to snug supply in China, rebounding downstream demand and higher costs, but traction in Europe is proving challenging. This is because Europe is well-supplied and is recovering, but also facing some unsettling market factors.

[196]EPCA 20: European ethanolamines buyers seek pandemic-proof contracts for 2021 By Jane Gibson 08-Oct-20 19:55 LONDON (ICIS)--The time has come for buyers and sellers on the European ethanolamines market to think about contract terms for 2021. The EPCA usually offers an opportunity for the market to look ahead to the next year, digesting potential changes in end-user markets and expected growth in the economy as a whole. The biggest demand growth opportunity in 2021 would come from the construction sector, where demand for triethanolamine (TEA) 85% was likely to continue to grow, producers said.

[197]EPCA '20: Europe MA players may recover losses from lockdowns by year end By Anne-Sophie Briant-Vaghela 07-Oct-20 20:48 LONDON (ICIS)--Europe's maleic anhydride (MA) market has taken several months to awaken from the deep slumber it was thrown into by the pandemic in May, but September and October order books have been filled at lightning speed with players watching in disbelief. Unsaturated polyester resins, which account for roughly 45% of the continent's MA consumption, have been responsible for a sharp pick up in MA orders in the past few weeks after a long spell of quiet improvement.

[198]Swiss Sika expands mortar production in China By Pearl Bantillo 06-Oct-20 14:41 SINGAPORE (ICIS)--Sika has expanded its mortar production in China via commissioning a new facility in Chengdu, the Swiss producer said on Tuesday. Details on investment and plant capacity were not disclosed. Sika will benefit from strong demand in Chengdu, the capital of Sichuan province in southwestern China, as well as from the launch of new products and expansion of distributor network.

Citing estimates, the company said construction in the world s second-biggest economy is expected to grow 6.1% in 2021, with the average annual growth pegged at around 5% until 2029.

[199]BASF closes sale of construction chem ops to private equity By Stefan Baumgarten 01-Oct-20 01:22 LONDON (ICIS)--BASF has completed the divesture of its construction chemicals business to an affiliate of global private equity firm Lone Star, effective midnight, 30 September. Under a deal agreed in December 2019, Lone Star's purchase price was 3.17bn, on a cash and debt-free basis.

[200]US construction spending rose 1.4% in August By Stefan Baumgarten 01-Oct-20 23:06 HOUSTON (ICIS)--US August construction spending rose 1.4% month on month from July, led by a 3.7% increase in residential construction, the US Census Bureau said in a data release on Thursday. Compared with August 2019, total construction spending was up 2.5% year on year.

[201]Europe PS and EPS mixed demand expectations for Q4 depending on downstream sector By Stephanie Wix 01-Oct-20 03:57 LONDON (ICIS)--Expectations in both the European polystyrene (PS) and expandable polystyrene (EPS) markets are mixed regarding October demand levels and Q4, since some downstream sectors have had stronger buying trends than others. Overall the EPS market has been stronger this month compared with PS, due to softening activity in some downstream PS applications. Meanwhile, construction buying activity is also stable to softer in both PS and EPS markets, due to the financial impact of the coronavirus on construction companies. Some players have seen more stable demand than others, depending on region.

[202]Asia s caustic soda market supply to remain healthy; demand recovery sluggish By Jonathan Chou 30-Sep-20 17:19 SINGAPORE (ICIS)--Spot supply for liquid caustic soda in Asia is expected to outweigh demand in the near term, as producers in the region continue to grapple with high inventory levels amid sluggish uptake. Asia s PVC market has been supported by resurgent demand amid production outages that constrained inflows of deep-sea supply.

Caustic soda is used in the manufacture of pulp and paper products, alumina, soap, water treatment, and textiles, while PVC sees different end-uses in applications such as pipes and profiles, in the construction industry, and for medical devices.

[203]Europe POM and PBT demand increase ahead of Q4 discussions By Zubair Adam 29-Sep-20 19:56 LONDON (ICIS)--There has been an increase in demand in Europe for polyacetal (POM) and polybutylene terephthalate (PBT) ahead of Q4 negotiations. The rise has continued from August into September.

[204]With China's economy on a roll, domestic petchem demand brightens up By Felicia Loo 28-Sep-20 14:10 SINGAPORE (ICIS)--While major world economies are still struggling with the coronavirus pandemic that has bruised their economies, China is on the fast lane to recovery, supported by Beijing s stimulus ***measures***. China wasted no time in whipping its economy back to shape following the outbreak of the deadly virus which was detected late last year in the city of Wuhan, with infrastructure and construction amongst its priorities.

[205]Commercial-construction recovery lags behind residential - HB Fuller By Al Greenwood 25-Sep-20 01:30 HOUSTON (ICIS)--The recovery in the commercial construction market should continue in the fourth quarter, but at a slower rate than that for residential, US-based adhesives producer HB Fuller said on Thursday.

Although commercial construction is lagging behind residential, it is still improving, said Jim Owens, CEO. He made his comments during an earnings conference call.

[206]Construction, automotive outlook murky for US PA in H2 By Antoinette Smith 23-Sep-20 05:38 HOUSTON (ICIS)--The H2 outlook for demand for US phthalic anhydride (PA) is hazy, with strong construction activity expected to taper with cooler weather, and automotive sales unlikely to surge in the remaining months of the year.

US builder confidence in the market for newly built single-family homes rose to an all-time high in September, as housing leads the economic recovery from the coronavirus downturn. Demand for new homes remains high, supported by low interest rates, the National Association of Home Builders (NAHB) said.

[207]US existing home sales keep rising, lumber shortage hits inventory By Stefan Baumgarten 22-Sep-20 23:09 HOUSTON (ICIS)--US existing home sales continued to rise in August, but high prices and a shortage of lumber tightened already scarce housing inventories, the National Association of Realtors (NAR) said on Tuesday.

Existing-home sales marked a third consecutive month of gains in August up 2.4% from July to a seasonally-adjusted annual rate of 6.0m in August. Sales rose 10.5% year on year from August 2019. Total housing inventory at the end of August totalled 1.49m units, down 0.7% from July and down 18.6% from one year ago.

[208]Tight supply continues to drive Middle East isocyanate prices By Prateek Pillai 18-Sep-20 22:38 SINGAPORE (ICIS)--Spot prices for isocyanate cargoes in the Middle East continued to rise as tight supply conditions meant that demand outstripped supply in the week ended 17 September. Demand from the construction industry in the form of insulation foams has also rebounded, as the end of the summer months coincided with a rise in construction activity.

[209]US October oxo-alcohols price-increase initiatives emerge By Larry Terry 18-Sep-20 04:07 HOUSTON (ICIS)--Separate US October oxo-alcohols price-increase initiatives emerged from two producers as September price talks continued amid generally improving volumes. Month-on-month oxo-alcohols volume gains have become more common since coronavirus strictures broadly began to ease in May, despite resurgent cases across the US in recent months. Among downstream markets, architectural coatings continue to drive most volume, with automotive manufacturing gaining ground but not expected to reach year-ago levels.

[210]INSIGHT: US polyurethane demand recovering faster than expected from Q2 low points By Zachary Moore 18-Sep-20 00:50 HOUSTON (ICIS)--Demand for polyurethane systems in the US has staged a faster than expected recovery from the low points in consumption seen in the second quarter. North American demand for polyurethanes plunged in April and May during the period of strictest coronavirus-related movement restrictions. Industry participants at the time expected demand recovery to be slow and gradual, with a resumption of pre-crisis demand expected to be delayed until 2022.

[211]US August housing starts fall 5.1% from July By Stefan Baumgarten 17-Sep-20 23:00 HOUSTON (ICIS)--US housing starts and building permits fell month on month in August, the US Census Bureau said in a data release on Thursday. US builder confidence in the market for newly built single-family homes rose to an all-time high in September, an industry trade group reported earlier. The American Chemistry Council (ACC) estimates each new home built represents some $15,000 worth of chemicals and derivatives used in the structure or in the production of component materials.

[212]Europe construction output stable in July but nearly 4% lower year on year By Morgan Condon 17-Sep-20 21:44 LONDON (ICIS)--The European petrochemicals-intensive construction sector was relatively stable in July but nearly 4% lower year on year, the EU s statistical agency Eurostat said on Thursday. Production in July edged up by 0.2% in the eurozone, month on month; in the wider 27-country EU, it fell by 0.1%.

[213]SE Asian MA offers spike with domestic China rally By Ai Teng Lim 11-Sep-20 13:09 SINGAPORE (ICIS)--Southeast Asian import offers for maleic anhydride (MA) surged, following significant gains seen in the domestic yuan-denominated market. Market participants largely expect the Chinese domestic market to hold steady at least until the extended China National Day holidays start in early October, which could likely continue to support sentiment for US dollar-denominated MA cargoes. Domestic trades have been boosted by improved demand, as construction sector activities are resuming at a steady pace within China in recent weeks, market sources said.

[214]Europe Sep isocyanates contracts jump; TDI posts record leap By Fergus Jensen 10-Sep-20 23:34 LONDON (ICIS)--Europe isocyanates contracts for September were assessed this week, jumping triple digits as strong demand for rigid and flexible polyurethane (PU) foams outstripped limited feedstock supply. European market tightness is being mirrored by supply constraints in the US and Asia, which are expected to feature in October contract talks."Construction is doing very well," said one Europe-based MDI producer. "Panels production, sandwich panels, floor panels and composite wooden panels are all at very healthy levels," the producer added.

[215]INSIGHT: End market numbers show chemicals face further turmoil By Rhian O'connor 10-Sep-20 20:00 LONDON (ICIS)--Prospects for a speedy recovery for the chemicals sector remain bearish in the face of fresh end market data hinting at further volatility. New numbers released by Oxford Economics last week show further downgrades to production forecasts for 2020 across most end markets and most regions. China continues to be the bright spark of global growth, at least on reported numbers. Recent news of higher than expected manufacturing exports from China highlights its continued role as manufacturer to the world.

[216]Melamine producers to face turnarounds in late Q3, Q4 as buyers prepare for quarterly negotiations By Deniz Koray 10-Sep-20 06:27 HOUSTON (ICIS)--Multiple melamine producers are either currently undergoing scheduled turnarounds or will begin them this fall and winter. Since there is only one US producer of melamine, production levels in Europe and Asia are also important to monitor.

[217]INSIGHT: Huntsman Q3 upward guidance signals improving automotive, construction trends By Joseph Chang 10-Sep-20 03:58 NEW YORK (ICIS)--Huntsman s upside guidance on polyurethanes (PU) for Q3 2020 highlights improving trends in construction and automotive, two key markets for the entire chemicals sector. Huntsman said the improved outlook is being driven by continued strength in construction-related markets, better than expected improvement in automotive demand and higher overall margins.

[218]US July construction spending inches up, led by residential construction By Stefan Baumgarten 02-Sep-20 00:49 HOUSTON (ICIS)--US July construction spending rose slightly month on month from June, with a 2.1% increase in residential construction offsetting declines in non-residential and public construction, the US Census Bureau said in a data release on Tuesday.

July US construction spending: Annual rate, billion US$ Change from June Total 1,364.6 +0.1% Private 1,013.5 +0.6% -Residential 546.6 +2.1% -Non-residential 466.9 -1.0% Public 351.1 -1.3%

Compared with July 2019, total construction spending was down 0.1% year on year.

[219]North American PS sales rise month on month in July; sales remain lower year on year By Zachary Moore 28-Aug-20 07:19 HOUSTON (ICIS)--North American sales of polystyrene (PS) rose month on month in July while sales remained lower compared with the same month of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting. PS sales have been rising incrementally over the past two months after posting significant declines in the months of April and May during the period of the most stringent coronavirus-related lockdowns.

[220]US housing in V-shaped recovery, pending home sales rise 5.9% in July - NAR By Stefan Baumgarten 27-Aug-20 23:16 HOUSTON (ICIS)--US pending sales of existing homes rose 5.9% month on month in July, with sales in each of the four major regions rising, the National Association of Realtors (NAR) said. July s increase marked the third consecutive month of growth in pending home sales. Year on year, contract signings rose 15.5% from July 2019. Home buyers are returning to the housing market after large parts of the economy were shut down in March and April to contain the coronavirus.

[221]European nylon 6 August contract prices settle between rollover and slight increase By Stephanie Wix 26-Aug-20 04:13 LONDON (ICIS)--European nylon 6 contract prices for August have settled between rollover and an increase of 0.01/kg, driven by stable market dynamics and the 6/tonne increase for key feedstock benzene. Demand in non-automotive sectors, such as construction, textiles, household, nylon yarns and carpet fibres, remains broadly stable.

[222]SE Asian MA import offers supported by a buoyant China but demand stays structurally soft By Ai Teng Lim 22-Aug-20 00:03 SINGAPORE (ICIS)--Southeast Asian maleic anhydride (MA) import offers picked up slightly this week, as sellers were motivated by the strong showing in the domestic yuan-denominated markets to hold their ground in September negotiations.

MA is used heavily in the region for the manufacturing of unsaturated polyester resins (UPR). UPR is in turn dependent on consumption from sectors like automotive and construction, which are still reeling from the coronavirus-induced global economic slowdown.

[223]Mexico s PVC demand from construction sector remains questionable By Luly Stephens 20-Aug-20 03:12 HOUSTON (ICIS)--Demand for polyvinyl chloride (PVC) from the construction sector in Mexico has not improved, despite the optimism that emerged in June when the local government considered construction an essential industry. Effective 1 June, and following the guidelines published by the Health and Labor Ministries, construction activity could be resumed in Mexico. But with the construction sector already sluggish prior to the virus crisis, and both public and private construction projects halted due to the rapid spread of the virus, the construction industry recorded a Q2 contraction estimated at -30%.

[224]US housing starts rise in July By Tracy Dang 20-Aug-20 06:26 HOUSTON (ICIS)--US privately owned housing starts in July rose for the third straight month, ***measured*** on a seasonally adjusted annual rate, the US Census Bureau said in a report. Year on year, new home construction was up. Building permits rose month on month, and housing completions rose.

[225]Asia PVC to see snug supply amid turnaround, limited deep-sea volumes By Jonathan Chou 20-Aug-20 13:29 SINGAPORE (ICIS)--Asia's spot polyvinyl chloride (PVC) supply is expected to remain snug amid an ongoing northeast Asian producer s turnaround, as well as limited deep-sea availability from the US. Supply of deep-sea material from the US has been limited since July amid improved domestic demand in the construction sector.

[226]Europe construction output climbs in 4.0% in June, down on year By Morgan Condon 20-Aug-20 18:34 LONDON (ICIS)--Construction output in Europe rebounded in June month on month, according to the latest data from Eurostat. Production in the sector rose by 4.0% in the eurozone and by 2.9% in the wider EU in June as lockdown restrictions continued to ease. France marked the highest increase at 12.0%. As a key end-market for the chemicals industry, a pickup in construction is likely to support demand and prices for some products in the sector.

[227]Feedstock spreads for Middle East isocyanates reach new highs By Prateek Pillai 19-Aug-20 19:22 SINGAPORE (ICIS)--Feedstock spreads for toluene diisocyanate (TDI) and polymeric methylene diphenyl diisocyanate (PMDI) in the Middle East have risen to their highest levels in a year. In the week ended 14 August, the feedstock spread for TDI reached $1,469/tonne while the PMDI spread touched $1,123.50/tonne. This trend has been driven by an increasing disparity between demand and supply for both isocyanates as production levels have failed to keep up with growing downstream foam demand. TDI is used for the creation of foam products like mattresses, rugs and cushions while PMDI is used primarily for producing insulation foams used in the construction sector.

[228]US-Canada PVC sales outpace production, constricting exports By Bill Bowen 13-Aug-20 05:51 HOUSTON (ICIS)--Demand and production of polyvinyl chloride (PVC) remains out of balance in the US and Canada, and is muddying market participants' view of the remainder of 2020. Monthly domestic sales of US and Canada PVC resins climbed enough to put July's figures among the highest of the past five years, trimming exports and reducing inventories, according to preliminary figures released Wednesday by an industry group. July s sales outpaced production, reducing inventories to about seven days' worth of sales, the producer said.

[229]INSIGHT: Seasonally softer summer for styrene but September sentiment stronger By Helena Strathearn 11-Aug-20 23:50 LONDON (ICIS)--Summer holidays have taken some players out of the European styrene market and there is a downturn in manufacturing output as is traditional, but the slowdown is not expected to be as notable nor as long as usual and the outlook for September is stronger. August demand for styrenics will see a seasonal slump, most notably in southern Europe, but it will probably not be as impactful as in previous years. September demand is expected to pick up on restocking and also as many end-use markets such as construction can continue until the end of October, and some into November or early December. Construction, appliances, electronics, white goods packaging, fish boxes packaging and sanitary applications demand has been holding fairly well but not yet returned to 2019 levels.

[230]China ECH prices rise as domestic supplies tighten; outlook clouded By Ai Teng Lim 11-Aug-20 15:02 SINGAPORE (ICIS)--China s domestic prices for epichlorohydrin (ECH) recovered some lost grounds this week as domestic supplies bucked earlier anticipations to turn tighter, instead of lengthening further. But with demand conditions still broadly dampened by nagging global economic worries, this may serve to curtail upside potential of ECH spot pricing, even if supply constraints seen this week do persist for some time more.

[231]China's petrochemical prices consolidate in July, demand largely stable By Yvonne Shi 04-Aug-20 16:48 SINGAPORE (ICIS)--China's petrochemical market fluctuated within a narrow range in July. The prices of most chemical products saw limited changes. Overall demand appeared to be generally stable, whereas supply pressure differed from product to product. On the whole, the sustainability of demand into construction markets is better, followed by the automotive industry, while textiles are weaker.

[232]US June construction spending falls from May By Tracy Dang 04-Aug-20 03:11 HOUSTON (ICIS)--US construction spending in June fell month on month but rose year on year on a seasonally adjusted basis, the US Census Bureau said in a Monday report. Residential construction was down month on month and year on year. Nonresidential construction was down month on month but up year on year.

[233]European PVC July prices rise more sharply than ethylene, market tightens By Chris Barker 03-Aug-20 18:39 LONDON (ICIS)--Average European polyvinyl chloride (PVC) contract prices rose for July by more than the cost increase from ethylene as a result of tighter availability in the market. A number of sellers achieved increases of 45/tonne or more because of higher demand and tighter availability. However, larger buyers were in some cases able to avoid increases above the ethylene cost. Price trends were consistent across NWE and the Mediterranean, with UK increases assessed at similar levels. In central and Eastern Europe there was a higher settlement with one producer source noting increases of 50-55/tonne on average.

[234]INTERVIEW: Chemours sees TiO2 volume recovery in Q3 driven by architectural coatings - CEO By Joseph Chang 31-Jul-20 23:33 NEW YORK (ICIS)--The world s largest producer of titanium dioxide (TiO2), Chemours, expects a sequential rebound in volumes in the low- to mid-teens percentage-wise, driven by architectural coatings, its CEO said on Friday. As we pivot to the third quarter, we re seeing a pick-up on the coatings side but maybe a shift in North America to not just DIY (do-it-yourself) but also into contract painting. People are starting to get more comfortable painting outside as well as inside, said Mark Vergnano, CEO of Chemours, in an interview with ICIS. In the second quarter, which saw TiO2 volumes fall by around 20% sequentially versus Q1 and 9% year on year, demand was driven mostly by DIY coatings demand - from customers with their own stores or those with access to big box retailers, he noted.

[235]India PVC market to face sustained tight import supply By Zhi Xuan Ho 24-Jul-20 14:21 SINGAPORE (ICIS)--Trade in the polyvinyl chloride (PVC) market in India slowed this week, with business for August shipments largely concluded in the previous week. Sentiment in the market remains bullish, with many market players expecting supply to remain tight moving forward.

[236]US August oxo-alcohols price efforts driven partly by expected upstream pressure By Larry Terry 24-Jul-20 06:25 HOUSTON (ICIS)--US August oxo-alcohols price-increase initiatives have emerged on an anticipated increase in the upstream July propylene contract and persistent margin pressure. July propylene negotiations, however, are still underway, with talks protracted by rising spot bids and offers.

[237]Europe extrusion PC July prices fall for third month on weak demand, ample availability By Miguel Rodriguez Fernandez 23-Jul-20 18:32 LONDON (ICIS)--Contract prices for extrusion grade polycarbonate (PC) have fallen slightly for the third consecutive month in July amid weak demand and ample supply. Most monthly extrusion grade business was concluded with rollovers and double-digit reductions.

[238]Asia petrochemical demand mixed amid tightening supply By Felicia Loo 23-Jul-20 12:27 SINGAPORE (ICIS)--Demand for key petrochemicals in Asia is mixed, with some markets in the pits despite shrinking supply, while other products appear to fare better, as the onslaught of the coronavirus carries on. But the overall market outlook for the second half of the year will be dim amid weakness in the world's second-biggest economy.

[239]China 2020 H1 real estate development investment rises 1.9% By Fanny Zhang 16-Jul-20 14:37 SINGAPORE (ICIS)--China invested yuan (CNY) 6.28tr ($897bn) on real estate development in the first half of 2020, an increase of 1.9% from the same period in last year, reversing the continuous decrease in previous months, data from the National Bureau of Statistics (NBS) showed on Thursday.

[240]US polyester polyol prices decline on weaker feedstock costs By Zachary Moore 16-Jul-20 06:37 HOUSTON (ICIS)--US polyester polyol prices were assessed 2 cents/lb ($44/tonne) lower as key feedstock costs continue to trend lower. Sentiment in major polyester polyol feedstock markets suggests that these markets may be nearing a trough as energy costs move higher and general economic activity is improving from the low points seen in prior months.

Demand from the construction sector has bounced back quicker than many other major consuming sectors of polyols and downstream polyurethane systems, although overall demand levels remain below pre-crisis levels.

[241]US plastic, chemical demand remains soft, margins stay depressed By Al Greenwood 16-Jul-20 03:30 HOUSTON (ICIS)--Demand for plastics and basic chemicals in the US was soft, while margins remained depressed, the Federal Reserve said on Wednesday.

The anecdote was among several that the US central bank collected in its recent Beige Book, a summary of US economic activity during the past six weeks among the Fed's 12 districts. The latest Beige Book contains information collected through 6 July. The comments about demand came from the 11th Federal Reserve District, which includes northern Louisiana and all of Texas, and has many of the nation's refineries and petrochemical plants.

[242]China s amines market under pressure on high stocks and weak demand By Yuanlin Koh 15-Jul-20 17:03 SINGAPORE (ICIS)--China s ethanolamines market is looking bearish in the near term on excess supply, as demand continued to struggle. China, hit by the rains, saw a drop in demand, especially in DEA s (diethanolamines) downstream DEIPA (diethanol isopropanolamine) used mainly as cement aids in the construction industry. Demand in this sector was initially picking up after the coronavirus pandemic in the country, as the economy reopened, and with government support, demand for DEA flourished.

[243]Asian epoxy resins export discussions sink deeper on poor demand By Ai Teng Lim 14-Jul-20 15:21 SINGAPORE (ICIS)--Asian epoxy resins export discussions lost more ground this week as sellers lowered offers to boost demand. Epoxy resins is heavily used in automobile and construction sectors, both of which are still struggling to find a firmer footing in the pandemic-ravaged global economy.

[244]INSIGHT: Construction could pave the way for Q3 chemicals recovery in Europe By Morgan Condon 10-Jul-20 23:25 LONDON (ICIS) As with all forms of industry, the coronavirus came in like a wrecking ball, bludgeoning any chances of growth in the construction sector for the first half of 2020. The foundations have been laid for a return to industrial activity, however, as lockdown restrictions across Europe have been eased, which could provide support for chemicals used in the construction industry.

[245]US construction is returning to pre-Covid levels - trade group By Al Greenwood 19-Jun-20 01:37 HOUSTON (ICIS)--In many parts of the US, construction activity is returning to levels that predate the coronavirus (Covid-19), a trade group said on Thursday. The Associated General Contractors of America (AGC) based its finding on its new survey and on data from Procore, a construction-technology company. Procore analysed workers' hours. Based on that analysis, construction activity has returned to pre-coronavirus levels in 34 US states. Among eight large cities, Dallas, Texas, and Miami, Florida, are back to pre-pandemic levels. Some construction companies are adding new workers, the AGC said. According to its survey, 21% are adding employees. That compares with 25% that were letting workers go between March and May. In June, only 8% of construction companies were forced to furlough or lay off workers, the AGC said.

[246]US housing starts rebound in May By Tracy Dang 18-Jun-20 06:33 HOUSTON (ICIS)--US privately owned housing starts in May rose after three consecutive months of declines, ***measured*** on a seasonally adjusted annual rate, the US Census Bureau said in a report. Year on year, new home construction was down. Building permits fell month on month, and housing completions fell. The housing market is a key consumer of chemicals, driving demand for a wide variety of chemicals, resins and derivative products such as plastic pipe, insulation, paints and coatings, adhesives, and synthetic fibres, among many others. The American Chemistry Council (ACC) estimates each new home built represents some $15,000 worth of chemicals and derivatives used in the structure or in the production of component materials.

[247]June EPS demand improving in the US, but remains below pre-crisis levels By Zachary Moore 17-Jun-20 06:27 HOUSTON (ICIS)--US demand for expandable polystyrene (EPS) is improving as economic activity picks up and lockdown ***measures*** ease. However, overall activity and EPS consumption both remain below pre-crisis levels. Activity in the construction sector has improved as lockdown ***measures*** are eased, although there is some concern that most current activity revolves around the completion of existing projects, rather than the start-up of new projects. Projections from ICIS Analytics suggest that construction activity will rise above 2019 levels in 2021, although creditworthiness concerns may limit the number of new projects.

[248]Eurozone, EU construction continues dropping in April as lockdown limits production By Morgan Condon 17-Jun-20 19:06 LONDON (ICIS)--Construction throughout the EU plummeted in April as countries implemented quarantine restrictions to combat rising coronavirus infection rates, according to first estimates from EU statistics agency Eurostat on Wednesday. This has served to weigh on demand for chemicals used in the sector. Production in the construction sector decreased by 14.6% in the eurozone and by 11.7% in the wider EU area in April compared with the previous month and accounting for seasonal adjustment.

[249]China Jan-May real estate investment contracts 0.3% year on year By Fanny Zhang 15-Jun-20 14:22 SINGAPORE (ICIS)--China s real estate development investment in the first five months of 2020 slipped 0.3% year on year to Chinese yuan (CNY) 4.59tr ($647m), official data showed on Monday. The decline has eased from 3.3% recorded in January to April. Investment in house construction in January-May stood at CNY3.38tn, unchanged from the previous corresponding period. It was an improvement from the 2.8% fall in January-April 2020. Real estate developers house construction acreage in the five-month period increased 2.3% on year to 7.6bn square metres (sqm), slower than the 2.5% growth in January-April.

[250]Europe Melamine Q3 contract talks yet to begin, demand outlook remains uncertain By Melissa Hurley 11-Jun-20 23:54 LONDON (ICIS)--European melamine contract discussions for the third quarter could begin later than usual, as consumers find it challenging to plan volume requirements given the fragile state of the economy as lockdowns ease.

In the spot market, there is increased pressure, and prices have been assessed stable to softer this week. Demand outside contractual requirements is weak, given the demand issues experienced in the market.

The [251]construction industry has been adversely impacted by the coronavirus pandemic, although to a lesser extent than automotive, another key end market for petrochemicals.

[252]Europe PU feedstocks prices hit new lows as demand pickup lags By Fergus Jensen 11-Jun-20 20:28 LONDON (ICIS)--Incremental improvements in demand for polyurethane (PU) products have slowed downward pressure on the Europe isocyanates and polyols markets where supply is abundant, and producers are now hoping for a reversal in the coming months. June contracts for polyols, toluene diisocyanate (TDI), and crude and pure methylene diphenyl diisocyanate (MDI) were all settled below May contract levels, and in some cases at hit new record lows. According to one Europe-based reseller, the construction market in NWE was now at 90% of activity, compared with this time in 2019. Demand for adhesives and wood binding has also improved, as well as that for insulation panels and spray foam, among others.

[253]US MDI, TDI demand remains sluggish even as overall economic activity picks up By Zachary Moore 11-Jun-20 06:27 HOUSTON (ICIS)--Demand for US methylene diphenyl diisocyanate (MDI) and toluene diisocyanate (TDI) remain sluggish even as the broader macro-economy is observing some pick-up in activity. Localities throughout the US are gradually easing lockdown ***measures***, leading to some improvement in broader economic indicators. The construction sector has been performing better than most of the other major sectors of polyurethane demand, although participants feel that the success of the sector may be temporary.

Much of the activity in the sector is being driven by work to complete projects that had been underway prior to the recent crisis. There are concerns that activity might slow down once these projects are completed. US housing starts fell 29.7% year on year in April 2020, according to data from the US Census Bureau.

[254]US epoxy players monitoring demand amid economic reopening By Tarun Raizada 10-Jun-20 05:21 HOUSTON (ICIS)--US epoxy is facing some uncertainty in June amid the economic reopening. Q2 demand has softened during the pandemic, with typical seasonal trends not materialising so far. There is stronger demand from architectural do-it-yourself (DIY) and packaging coatings, which is being more than offset by softer demand from architectural do-it-for-me (DIFM), automotive and industrial coatings. The US building and construction sector could prove to be far more resilient than the automotive sector. But the pandemic is creating a volatile backdrop for chemical companies as they navigate the road to recovery. Epoxy resins are used as adhesives on metals and construction materials, as well as in coatings and automobiles.

[255]Asian MA afloat on some buying, but demand uncertainties loom By Ai Teng Lim 05-Jun-20 09:52 SINGAPORE (ICIS)--As post-coronavirus production recovery commences gingerly across Asia this week, buying tempo also picked up in Asia s maleic anhydride (MA) market to keep spot prices afloat. But with longer-term global economic outlook still clouded by many uncertainties, from geopolitical tensions to macro-level demand-supply imbalances, it remains to be seen if the buying could sustain for long.

[256]North American PS sales drop 21.8% year on year in April By Zachary Moore 05-Jun-20 05:49 HOUSTON (ICIS)--North American total sales and captive use of polystyrene (PS) fell by 21.8% in April 2020 compared with the same month of the prior year, according to data recently released by the American Chemistry Council (ACC) and Vault Consulting. The coronavirus outbreak and subsequent containment ***measures*** caused a sharp drop in overall economic activity in April, impacting production and sales of PS across most consumption segments.

[257]US manufacturing contracts again in May but overall economy expands - ISM By Tracy Dang 02-Jun-20 06:53 HOUSTON (ICIS)--US manufacturing activity contracted for the third consecutive month in May, but at a slower pace from April, the Institute of Supply Management (ISM) said on Monday. The overall economy returned to expansion after a month of contraction, the report said.

Three months into the manufacturing disruption caused by the coronavirus pandemic, comments from the panel were cautious (two cautious comments for every one optimistic comment) regarding the near-term outlook, said Tim Fiore, chair of the ISM.

[258]European plasticizers see slightly better demand in June, but still very mixed By Jane Massingham 04-Jun-20 23:24 LONDON (ICIS)--The first days of June are continuing to portray a rather mixed picture in terms of demand for plasticizers. Various countries are seeing lockdown restrictions that are allowing some businesses to return to work. One seller noted it is still challenging and said: Demand is not so great and continues to be like that, but it is building up slowly and should be better as June progresses and July should be more. The automotive sector continues to be the hardest hit but there are sectors of the construction industry starting to come back.

[259]Europe chemicals to gain from EU green deal spending plans - bank By Tom Brown 04-Jun-20 21:10 LONDON (ICIS)--European chemicals players are expecting to see increased business momentum on the back of the EU s green deal expected to unlock hundreds of billions of euros of investment in sustainability projects, according to Credit Suisse. A virtual conference organised by the bank hosted management teams from 20 chemicals, ***agriculture***, packaging and cement firms address investors, with all chemicals firms present noting expectations for an increase in sales on the back of the mooted EU green investment plan.

However, little visibility on uplift from the ***measures*** is expected over the next 12-18 months.

[260]Thailand greenlights $9bn airport project to BBS consortium By Fanny Zhang 04-Jun-20 14:48 SINGAPORE (ICIS)--Thailand s cabinet approved a bid by BBS consortium to develop a $9bn U-Tapao Airport and Eastern Aviation City project at the country s southeastern coast, according to local media reports.The winning bid was approved on 2 June and the government is expected to sign the contract with BBS consortium on 19 June, these reports added. The announcement follows the passage of $58bln economic support package on 31 May by Thailand s parliament to ease the impact of the coronavirus on the economy and people.

[261]Australia launches A$680m stimulus for residential construction By Pearl Bantillo 04-Jun-20 12:33 SINGAPORE (ICIS)--Australia has launched a stimulus package worth Australian dollar (A$) 680m ($470m) to boost activity in the construction sector, which was hit by the coronavirus pandemic. Dubbed the HomeBuilder program , the funds will help support 140,000 direct jobs in the residential construction sector, Australian Prime Minister Scott Morrison said on Thursday.

Under the programme, all eligible owner-occupiers will receive a grant of A$25,000 either to build a new home or renovate an existing home. Construction must start within three months of the contract date. Based on eligibility criteria for applicants and price caps on new home builds (A$750,000) and renovation (A$150,000-750,000), the government expects to hand out 27,000 of such grants under the programme.

[262]INTERVIEW: US construction outlook far more positive than automotive - Huntsman CEO By Joseph Chang 03-Jun-20 06:56 NEW YORK (ICIS)--The US building and construction market is recovering and proving far more resilient than the automotive sector, the CEO of Huntsman Corp said on Tuesday. In homebuilding, DIY [do it yourself] and OSB [oriented strand board] are doing quite well. It s down from a year ago but nowhere near what we expected a month or two ago, said Peter Huntsman, CEO of Huntsman Corp, in an interview with ICIS amid the American Chemistry Council (ACC) virtual annual meeting.

Building products, furniture, insulation, and OSB are showing some resilience, he added. Huntsman is a major producer of methylene diphenyl diisocyanate (MDI), heavily used in the construction market in insulation, binding and coatings, and in the automotive sector in bumpers, conveyor belts and other parts, as well as coatings. Polymeric MDI is used as a binder in OSB, an engineered wood used in construction. Pure MDI is used in coatings, adhesives, sealants and elastomers (CASE).

[263]Covestro volumes down sharply in April-May, improvement expected for June By Tom Brown 29-May-20 00:46 LONDON (ICIS)--Covestro's core volumes dropped 30% in April and May, but order book levels point to an improvement in June, according to the company and analysts at Baader Bank. April automotive sector customer demand fell 60% in the EU and North America, with furniture market demand falling 45% year on year a 30% increase in medical polycarbonates (PC) demand unable to offset the scale of the falls elsewhere.

Overall polyurethanes (PU) volumes fell 40% in April while moves to channel PC material to less affected markets mitigated the volume decline in that division to 20%. Coatings, adhesives and sealants (CAS) sales dropping at a similar level, Baader said, citing an investor call chaired by Covestro CEO and CFO, Markus Steilemann and Thomas Toepfer, respectively.

[264]INSIGHT: Asia phenol market unlikely to recover until 2021 By Angeline Soh 25-May-20 19:02 SINGAPORE (ICIS)--Asia s phenol market is unlikely to make a full recovery in the second half of this year as the coronavirus pandemic has caused end-market demand to plummet. The International Monetary Fund (IMF) has predicted the global economy will shrink by 3% this year, describing the current crisis as the worst the world has faced since the Great Depression in the 1930s.

There has been a boom in end-use products heavily used during the pandemic such as packaging, disinfectants like hand sanitisers, and face masks. However, other segments like automobile and construction have been underperforming.

[265]China downplays pollution issue; still hopes to meet emission targets By Fanny Zhang 25-May-20 16:40 SINGAPORE (ICIS)--China has not emphasized pollution issues at its parliamentary sessions this year, toning down its commitment to emissions targets, as it places top priority to getting businesses back to normal amid the coronavirus pandemic.

Employment, poverty alleviation, control on financial risk, consumption growth and business recoveries are key topics of discussions at the country s biggest political gathering in Beijing, which kicked off on 22 May. The National People s Congress (NPC) and the Chinese People s Political Consultative Conference (CPPCC) are holding their annual meeting until 28 May.

[266]US May oxo-alcohols prices continue to trend weaker By Larry Terry 22-May-20 06:23 HOUSTON (ICIS)--Weaker pricing for US May oxo-alcohols free market contract ranges continues to be more evident, but the magnitude of declines is not yet clear. Major downstream construction- and automobile-coatings demand has yet to gain any seasonal momentum, with easing coronavirus strictures still in the early stages.

[267]US PVC contracts for June nominated higher as demand creeps back amid lower operating rates By Bill Bowen 22-May-20 06:09 HOUSTON (ICIS)--US producers of polyvinyl chloride (PVC) have separately nominated June contracts higher by 3 cent/lb ($66/tonne) as lower operating rates limit supply and demand begins to creep back. The announcements come as a bit of a surprise and some market participants say that the outcome will certainly depend on how demand recovers as coronavirus lockdowns ease.

US spot export prices have fallen sharply in recent weeks as coronavirus precautions destroyed demand in key exporting markets, including China, Turkey, India, Malaysia, Peru and Argentina, among others.

[268]US existing home sales fall to lowest level in 10 years By Stefan Baumgarten 21-May-20 22:55 HOUSTON (ICIS)--US existing-home sales fell to their lowest level in April since July 2010 amid the lockdowns and restrictions authorities imposed from mid-March through April to contain the coronavirus (Covid-19) pandemic.

Existing home sales fell 17.8% from March to a seasonally-adjusted annual rate of 4.33m in April, and they were down 17.2% year on year from April 2019, the National Association of Realtors (NAR) reported on Thursday.

[269]Weak soda ash demand in Asia may continue to offset output cuts in China By Helen Lee 20-May-20 16:31 SINGAPORE (ICIS)--Asia s soda ash market remains under pressure amid rising inventory pressure in China, on the back of weak downstream demand due to extended social isolation ***measures***. Supply remained more than sufficient despite ongoing and impending shutdowns at several soda ash plants in China.

China s domestic demand was just as downbeat on account of liquidity issues and high inventories faced by downstream glass producers on the back of poor performance in the construction/real estate sector.

[270]BASF to work with a China university on infrastructure solutions By Fanny Zhang 20-May-20 13:50 SINGAPORE (ICIS)--BASF and China s Harbin Institute of Technology (HIT) have signed a cooperation agreement to jointly conduct research on material solutions for sustainable infrastructure applications, according to a statement from BASF.

According to the agreement, research teams from BASF and the HIT will work together on the testing of new applications for BASF s advanced materials to cut emissions and energy costs to the construction industry.

[271]Long-term outlook for Asia airport construction still strong - Fitch By Fanny Zhang 15-May-20 16:25 SINGAPORE (ICIS)--Long-term prospects for Asia s airport construction funded by public investment are expected to remain largely intact despite the ongoing coronavirus pandemic that crippled the aviation market, credit ratings firm Fitch said in a report.

We remain optimistic about the eventual recovery of the aviation sector in the medium to long term, and hence, continue to be bullish on the growth of Asia s airports sector, it said.

[272]China real estate development investment down 3.3% in Jan-Apr By Fanny Zhang 15-May-20 14:50 SINGAPORE (ICIS)--China s real estate development investment totalled yuan (CNY) 3.3 trillion in January-April, a decrease of 3.3% from the same period in last year, the National Bureau of Statistics (NBS) said on Friday. Investment in housing projects stood at CNY2.4tn in January-April, down by 2.8% year on year.

In January-April, real estate developers house construction acreage increased 2.5% on year to 7.4bn square metres (sqm), down from a 2.6% expansion in January-March period.

[273]US plasticizers ranges holding steady amid weak fundamentals By Larry Terry 15-May-20 07:18 HOUSTON (ICIS)--US diisononyl phthalate (DINP), dioctyl terephthalate (DOTP) and dioctyl phthalate (DOP) prices were unchanged amid continued pressure from softer April propylene and flat-to-weaker downstream demand so far in May. Some near-term upward price pressure may stem from higher 2-ethylhexanol (2-EH) spot prices in east Asia this week. The effect was expected to be mostly nominal, but enough to exert some counter pressure.

[274]Europe May ethanolamines talks ongoing amid mixed downstream demand, balanced supply By Jane Gibson 14-May-20 00:57 LONDON (ICIS)--May ethanolamines contract talks continued in Europe this week - with sellers looking for rollovers and buyers seeking lower prices.

[275]China PO prices rise in traditional off-season By Jady Ma 14-May-20 23:05 SINGAPORE (ICIS)--Propylene oxide (PO) prices in China have gained ground on higher feedstock prices and firm fundamentals, although the industry has entered its traditional off-season. On 14 May, PO prices in east China were assessed at yuan (CNY) 9,400/tonne, up by 20.1% compared with the prices on 17 April, according to ICIS data

[276]US MMDI prices slide on falling downstream demand By Zachary Moore 14-May-20 06:46 HOUSTON (ICIS)--US prices for monomeric methylene diphenyl diisocyanate (MMDI) were assessed 4 cents/lb ($88/tonne) lower, as demand remains poor during the economic slowdown created by the coronavirus outbreak and subsequent containment ***measures***.

Construction demand has been weak, as many projects have slowed or suspended operations owing to economic uncertainty, along with public health concerns.

RESOURCES

China's government is expected to focus on large-scale infrastructure and other development projects as ways to bolster economic growth and generate employment, especially more so now because of the fall out of the coronavirus pandemic.

ICIS has compiled a list of key existing projects that different provincial authorities have announced.

More than half of these are construction and infrastructure projects, while some are manufacturing plants and research and development (R&D) initiatives.

The source for the interactive is local NDRC. The list is incomplete and will be updated regularly by ICIS. Changes will happen as the government authorities and companies revise their development plans.

Construction in China - Asia s biggest and the world s second-largest economy - slumped at an annualized double-digit rate in the first quarter of 2020 as overall economic output shrank for the first time in two decades amid the coronavirus pandemic.

In 2019, the sector accounted for 7.2% of the country s GDP.

Eurozone Construction PMI August 2020

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