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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Come to us now, gracious God, as we seek Your presence. Shine Your light into the hearts of our lawmakers, empowering them to work for Your honor and glory. Lord, give them the wisdom to strive for integrity in every area of their lives, staying true to You regardless of the consequences. Remind them that because of You they are never alone. Let their lives be examples of people who are passionate about loving You.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 8, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. LUJÁN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

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

SENATE LEGISLATIVE AGENDA

Mr. SCHUMER. Mr. President, at the beginning of December, I said the Senate had a lot of hard work to do in order to address several critical priorities before the end of the year.

When the month began, America knew we had to avoid a government shutdown; we had to approve our annual Defense bill; we had to preserve the full faith and credit of the United States; take action on Build Back Better before Christmas, as well as deal with voting rights.

It is now December 8, and the Senate is making very good progress on all of these priorities. It was a big, big agenda, and we are clearly not through with it, but we are making good progress. There is clearly light at the end of the tunnel on the debt ceiling and the Defense bill based on the agreement Leader McConnell and I came to and the House's action last night. Let me go over those details.

Last night, the House of Representatives sent us two important pieces of legislation. One of them is a compromise version of our annual Defense bill, which I expect will earn bipartisan support in this Chamber in the coming days.

I want to thank my colleagues, especially Senator REED, Ranking Member INHOFE, and all my colleagues, who worked to shape this legislation to help us make sure we pass a bipartisan Defense bill this year, as we have done for decades.

The second bill they sent us will enable the Chamber to swiftly address the debt limit, sparing our country from the calamity—and a calamity it would have been—of a first-ever default on our national debt. This fast-tracked process was included in a bill that will also provide critical protections for Medicare funding, preventing slashes in that very important funding to so many seniors, and waive the pay-go rule to avoid harmful cuts.

Last night, I took the first procedural step to advance this legislation, setting up a cloture vote to take place as soon as Thursday. Once our proposal is approved by the Senate, we will be able to address the debt limit in this Chamber with a simple majority vote, which is exactly what Democrats have been seeking for months and what I have been asking for at this podium time after time, after time.

I want to thank the Republican leader for his help in working with us to find a responsible path that avoids partisan brinksmanship.

Democrats have always said that the Senate should be able to raise the debt limit without resorting to a convoluted, lengthy, and risky reconciliation process, and under our plan, we won't have to do that.

Democrats have also said repeatedly that the responsible thing to do is to raise the debt ceiling. Both Democrats and Republicans voted for the spending increase. We have said repeatedly that

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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we are ready to shoulder this burden even if our Republican colleagues are not going to be able to. It now looks like we will be able to do that—to have 50 Democrats vote responsibly and do what is good for the Nation, avoiding catastrophe by raising the debt ceiling to pay the debts we have already incurred, just like any household must do.

This agreement we have secured is the responsible path forward. No gamesmanship on the debt limit means no default on our sovereign debt and the calamity—the calamity—that it would cause.

Again, I thank my Republican colleagues and Leader MCCONNELL. We have had fruitful, honest, and good discussions over the last several weeks to come up with this proposal.

We are not over the finish line yet, but I want to thank all of my colleagues for working in good faith to move forward on this responsibility that must be addressed in the coming days. Soon, we will be able to cross another major item off our December to-do list. And we have more to roll up our sleeves and get working on. They are so important.

BUILD BACK BETTER ACT

Mr. SCHUMER. Mr. President, Build Back Better: So, in the first few days of December, we have successfully avoided a government shutdown. We have cleared the path, hopefully, for addressing the debt limit; and, as I mentioned, I am optimistic that the NDAA will soon be settled.

None of these are easy accomplishments, but we are clearing the path for Democrats to turn to our biggest domestic priority of the year: passing President Biden's Build Back Better Act before Christmas.

Later today, four Senate committees will release the final texts of their portions of Build Back Better, along with CBO scores for each, as required by the reconciliation process. Those four committees are Commerce, Small Business, Banking and Housing, and Veterans' Affairs.

In the meantime, I continue to hold daily conversations with my Democratic colleagues, with the White House, with the Speaker, and House colleagues. We continue to make good progress, and we are still on track to vote on a final product before Christmas. The sooner we can pass Build Back Better, the better off American families will be as we start the new year.

This bill has always been about a simple goal: cutting costs for working and middle-class families.

People are complaining about higher costs. They are right to do that. This bill actually lowers costs in many different areas and will help families who are trying to make ends meet and stretch those dollars. Let me give you some examples.

Families are still struggling to pull themselves out of a once-in-a-century

economic crisis brought about by COVID. They want to pay less for things like healthcare, prescription drugs, childcare—some of the biggest costs average middle-income and working families have. They want us to find ways to make that happen, and that is exactly what Build Back Better does.

America, if you want lower costs, tell your Senators to vote for Build Back Better.

If we invest in American families, then we make it easier for them to work, to be productive, to flourish in society, and that makes our country stronger and lowers costs in the long term.

One of the great problems, we are told, is a shortage of workers. One of the greatest reasons for the shortage of workers is the lack of good childcare. People can't go to work if they have to look after their kids. And in this post-COVID era, a lot of the patterns that used to happen don't happen anymore.

Making childcare affordable will help bring people back to work, get our economy humming along again, and deal with some of the bottlenecks in certain areas, from certain industries, which is creating inflation.

Helping families afford childcare, of course, saves parents money, but it goes a long way to alleviating our labor shortage. If parents don't have to worry about how they will keep their kids safe during the day, they will have greater flexibility to reenter the workforce and increase the country's output. That lowers inflation.

In the long term, everyone wins—kids, parents, employers, and the entire economy. This single investment alone is enough reason to keep pushing Build Back Better, but there are so many.

One of the greatest costs we face is prescription drug costs. That is what families complain about above all. This bill goes a long way to making prescription drugs cost less.

Another great cost people are complaining about is the rising cost of housing. This bill puts more money into housing—into both rehabilitating housing that has deteriorated and putting them back into the marketplace in a real way and into creating new housing. It will reduce the dramatic increase in housing costs.

So you want to talk about inflation, you want to talk about people having to pay more, this bill is an antidote in so many areas. I have mentioned childcare, healthcare, and housing, just to name a few, but there are many others as well.

So we are going to keep working in getting this bill done. It is so important to working families and to America. To working families: less expenses, easier to make that dollar stretch when we sit down Friday night after dinner and say, "How are we going to pay the bills this week?" To America: relieving bottlenecks and making sure that our economy hums along at a rapid rate, where people are getting

good wages, but the bottlenecks caused often by COVID are reduced.

VACCINES

Mr. SCHUMER. Mr. President, one more issue—the upcoming vaccine CRA.

On another matter, reports this morning indicate that getting vaccinated and boosted offer significant protection against the Omicron variant.

As we learn more about Omicron, it is an important moment for national leaders to double- and triple-down on encouraging all eligible Americans to get vaccinated and boosted as soon as possible.

But as soon as today, our Republican friends are going to come to the floor to push an anti-science, anti-vaccine proposal to overturn the President's vaccines requirements for businesses with more than 100 employees.

My friends, America, we are in the middle of a public health crisis. Everyone sees the damage it causes to themselves, their friends, their families, and their communities, and the way to solve this is to be driven by science.

We have had hundreds of years of scientific advancement. It has helped us live longer and live healthier. My dad just lived until 98. That didn't happen in a vacuum, and it certainly wouldn't have happened when there were scientific advances and people said, "Let's not listen to them," for political, ideological, or whatever reasons. We cannot go back to the days when people were driven by wild theories.

Some of the anti-vaxxers here in this Chamber remind me of what happened 400 years ago, when people were clinging to the fact that the Sun revolved around the Earth—they just didn't believe science—or 300 years ago or 500 years ago, when they were sure the Earth was flat. It is just like that.

The science is here. And what does the science show? The more people who get vaccinated, the greater chance we have to eliminate and, certainly, greatly reduce the virulence and "widespreadness" of this disease.

People are resisting. Is it political? Is it fueled by lies on the internet? Is it just because people fear vaccines? We never had this outcry when we had to give our kids—my kids—mumps, measles vaccines before they went to school. We never had this outcry as people lined up to get flu shots.

All of a sudden, something has happened here. It is wrong, and it is bad for the country, and it is not based on any scientific evidence whatsoever.

I know that wild stories on the internet, lies, sometimes get in people's heads, but we can't listen to people's lies. We are a fact-based society. We always have been.

The biggest thing standing between us and the end of the pandemic is Americans who have refused to get vaccinated. Too many Americans believe a wide range of conspiracy theories

about vaccines, and even those who seem to encourage those crazy theories often get vaccinated themselves and don't tell anybody. We have had so many of these hard-right leaders admitting: "Oh, yes, I did get vaccinated," even though they are telling people they shouldn't have to take one. "Oh, yes, I will get vaccinated, but you shouldn't have to."

If the only damage were to the person, him or herself, who didn't get vaccinated, maybe some people would say that is OK. But it is not just to them because, when there is a large pool of people unvaccinated, even if it is not the majority, that allows the COVID virus to spread, to mutate, to create new variants, and create new stronger variants. It is a pool of people. If you greatly reduce that pool, you greatly reduce the chance of a new variant, particularly a virulent one, from afflicting us in the months ahead. It is crazy.

The internet has had a role in spreading this, and so has the far right. The same people in the far right who want to tear down government and hurt working people in so many other ways are here doing the same thing—the same thing—even though, as I said, a good number of them get vaccinated themselves—hypocrisy.

There should be one message, and one message only, coming from this Chamber to the American people: Get vaccinated. Get boosted. Stay safe yourself. Keep your families, your communities, and our country safe.

The worst thing we can do is tie our own hands behind our backs and let these new variants spread and grow—new ones after Omicron and so many others. But that is what Republican-pushed "anti-vaccines" would do.

I will strongly vote against this amendment. I have strong feelings about what is good for this country and about fighting anti-science and theories that seem to, as I said, come from the same place that the flat Earth theory came from, that the theory that the Sun revolves around the Earth came from. Anti-science, nonsense, fictional belief come from there. We ought not give it a stamp of approval in this Chamber.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

THE ECONOMY

Mr. McCONNELL. Mr. President, for Washington Democrats, 2021 will have one major theme: ramming through inflationary spending on a partisan basis that hurts American families and actually helps China. That is how this all-Democratic Government began the year, jamming through a wasteful excuse for a stimulus bill that drove up

prices and made supply chain problems even worse. Not a single Republican supported it, and Democrats now want to end the year with another massive spree that would make it even worse.

The whole country understands that Democrats own this mess. They have seized one-party control of the economy. So you better believe that they will have one-party accountability for the resulting nightmare.

The President and his allies are badly upside down in overall approval ratings, upside down on the generic ballot, upside down on the economy. And the more the men and women of this country learn about the reckless taxing-and-spending spree that Democrats are planning next, the less they want it or anything close to it.

Democrats have wanted to transform the country alone. They want to print and borrow trillion after trillion on their own. They want to create even more inflation on their own. So, as the Republicans have made clear for months, they will have to own a debt ceiling increase as well. This week, the House and Senate have reached a bipartisan agreement to make that happen. As the Democratic leader said yesterday, the Democrats are "willing to carry the burden." And so they will.

We have reached an agreement on a one-time, one-shot statutory process that will enable Democrats to raise the debt limit at a fixed dollar amount, which they will specify. Much like the vote on an arms sales resolution that occurred yesterday and the Congressional Review Act vote that will occur today, this will be a standard expedited process, at a simple majority threshold, established by law. Democrats will get one shot at this. They won't be able to add any other amendments. And every single Senate Democrat will have to put their name to the gigantic dollar amount of debt they are prepared to pile on the American people.

VACCINES

Mr. McCONNELL. Now, Mr. President, on another matter, for the past 2 years, as the country has battled COVID-19, I have been a strong and consistent advocate of following the science and taking precautions. That has included strong support for the safe and effective vaccines that have helped millions of Americans substantially lower their risk of death or serious illness. I took advantage of these modern medical miracles as soon as I could. I have received a booster. I have encouraged Kentuckians and all Americans to take full advantage as well. I have recorded public service announcements.

I am a survivor of childhood polio. I have watched vaccines obliterate polio in our entire country in my lifetime. Trust me, there is no bigger proponent of vaccination than I am. But here is the thing: The United States of America is a free country. The Federal Government, elites in Washington, cannot micromanage citizens' personal choices

without a legitimate basis in law and the Constitution. And that goes double for Presidents going far beyond the bounds of their office and their authority.

President Biden's absurd private-sector vaccine mandate is blatant overreach. It is illegal. The administration has already lost in Federal court and had it blocked.

Washington Democrats have lashed themselves to a mast that is very simple: Unvaccinated people should be fired. That is what they want. They don't trust individuals, families, doctors, employers, and customers to sort things out for themselves. They want every worker at a medium-sized business and up to either get the shot or get fired by President Biden. And buried in the illegal mandate is a call to explore whether it should expand to all businesses.

This is not how things work in our country, period. Workers are not happy. Medium-sized businesses are not happy, especially not in the middle of this worker shortage. And, frankly, nobody who understands our system of government is happy.

I have heard from so many Kentuckians who are affected by the administration's suite of several unwise vaccine mandates. Here is one quote:

My wife . . . was notified that if she doesn't get fully vaccinated by January 4 then she would be terminated and lose her job without severance or unemployment. . . . She has been [there] for 17 years and has nothing but exemplary reviews.

Here is another:

I will lose my job at the Paducah Gaseous Diffusion Plant. I very much enjoyed my work there and had every intention of retiring from the plant. However, due to Joe Biden's forced vaccine mandate, I will be terminated. . . . Please let a man who wants to work, go to work.

Here is another:

My firm [of] 103 employees will [either] lose about 25 to the mandate, or lay off 4 to get to 99. Which one should we do?

Remember, personally, I would encourage each of these Kentuckians to get the vaccine, but for the purposes of this conversation, that really isn't the point. You better believe I am going to stand up and fight for their freedom.

I want to thank the junior Senator from Indiana for spearheading this resolution to overturn the Biden administration's illegal mandate. I am a proud cosponsor. I will proudly vote for it and urge every Senator to do the same.

NOMINATION OF RACHAEL S. ROLLINS

Mr. McCONNELL. Mr. President, now on one final matter, the national murder rate just recorded its biggest jump in more than a century. In some cities, homicides have set alltime records. From Albuquerque to Milwaukee, Memphis to Des Moines, city officials reported more murders last year than in any prior year. In my hometown of Louisville, homicides this year have now broken last year's alltime record.

All last year, liberal politicians and activists made absurd and false claims about law enforcement. Here are some of them: "We need to completely dismantle" local police. Here is another one: "Policing in our country is inherently and intentionally racist."

A leftwing messaging campaign has spent a year and a half trying to chill law enforcement and policing. A network of liberal district attorneys around the country is matching their rhetoric with incredibly soft-on-crime practices behind the scenes, and the predictable result of all this has been a collapse—a collapse—in public safety.

For example, last month a man killed six people and injured dozens more at a Christmas market in Wisconsin—listen to this—just weeks after he was released on bail for another set of violent charges. This criminal had already been arrested and locked up in neighboring Milwaukee County, but he was let out by a liberal DA who remarked several years ago:

Is there going to be an individual I divert, or I put into treatment program, who's going to go out and kill somebody? You bet. Guaranteed. It's guaranteed to happen. It does not invalidate the overall approach.

Stunning. There are now a whole bunch of grieving families in this Wisconsin city who have strong feelings about that "approach."

Here is a headline from New York City just this week:

Man busted for assault set free, allegedly beats two random [New York City] women—then cut loose again.

Smash-and-grabs, flash mob thefts, and carjackings are increasingly facts of life in multiple major cities, but against this backdrop, Democrats just want to keep getting weaker on crime and softer on public safety.

We expect a vote today on the nomination of Rachael Rollins to be U.S. attorney for Massachusetts. Ms. Rollins has spent years in her current job as a DA pushing the idea that the State should wipe entire categories of crimes off the list of things worth prosecuting. She would rather her office not go after trespassers, shoplifters, or even those found possessing drugs with intent to distribute. This soft-on-crime advocacy should have earned the nominee a pink slip. Instead, President Biden is giving her a promotion.

I would urge all Senators to vote no. Law-abiding Americans don't want prosecutors who refuse to prosecute. They don't want city jails equipped with revolving doors. And they need leaders who will defend the rule of law.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

GUN VIOLENCE

Mrs. MURRAY. Mr. President, I rise today, as I have done too many times before and as my colleague Senator MURPHY did just last week, to reiterate what people across my home State and the entire country have been calling for for years now, calling for us to take

action here in the Senate to end the crisis of gun violence that we are seeing in our schools, in our neighborhoods, and across our country.

Last week, we mourned the deaths of four high school students following the tragic shooting at Oxford High School in Michigan. My heart goes out to those four students' families and friends, and my heart goes out to every student at Oxford High who is now carrying the trauma of that experience.

My heart breaks for every student in this country who grows up thinking something like this will eventually happen to them at their school, and my heart hurts for every parent who worries every time they send their kid off to school because—let's face it—school shootings are a very real threat in this country.

As a parent and a grandparent and a former preschool teacher, I know school is supposed to be a place where our children feel safe, where they can go to learn and grow and see friends, where they can be kids, but after weeks like last week, that feeling disappears, following school shootings like the one we saw in Michigan or threats to schools like we saw last week in my home State of Washington.

Just last week, my hometown high school, Bothell High School, was shut down over concerns about a threat of violence. Ferndale High School was in lockdown Wednesday because of a threat of a gun on campus. That same Wednesday, the day after the shooting in Michigan, threats were made targeting three schools in Mukilteo School District, forcing local law enforcement to mobilize resources and personnel—all of that in just 1 week.

While, luckily, none of those threats we saw in my home State escalated any further thanks in large part to the quick work of local officials, in the same week, Seattle saw six shootings in just over 24 hours. From January through October of this year, Seattle has already seen more than 500 shooting incidents. It is already the most shootings the city has seen in the last decade.

I am not the only one who thinks this cannot continue. I know because for years I have heard from students and teachers and parents from my State who want major Federal action to finally end the gun violence epidemic in this country. People want an end to these school shootings, an end to shootings at our churches and places of worship, an end to the shootings at our malls and stores, and an end to the gun violence that doesn't always make the news but happens on our streets and in our neighborhoods.

As Senator MURPHY said last week, we are the only high-income nation in the world where this happens. But it happens because we let it happen because, despite how many times my Democratic colleagues and I have come to the floor with commonsense, popular legislation to help prevent gun violence, our Republican colleagues

block us from even debating those bills, let alone voting on them. Think about that. They won't even allow a debate on this legislation that could save lives.

So I ask them: How many times are we going to go through this cycle? What will you tell parents in this country when they ask you what you did to stop the next school shooting? How many times will you refuse to even debate commonsense steps to keep our communities safe?

It is past time Republicans either get on board with taking action to stop these shootings or at least get out of the way. Like so many parents or grandparents, I want to stop worrying if our kids are safe in school. And like so many Americans, I am done with my Republican colleagues blocking commonsense gun laws at every turn.

At this point, you are either in favor of taking action to help put an end to these shootings or you are against them.

Washington can and should continue to build on its gun safety laws. The administration can and should continue to invest in community violence intervention programs. But here is the deal: We can't address the full scope of the gun violence epidemic in this country without taking major Federal action. Universal background checks, an assault weapons ban, and a patchwork of gun safety laws are simply not adequate. We need Federal laws in place in order to protect our families.

The fact that one party has listened to the voices of parents across the country and taken to the floor once again to call for an end to gun violence while the other listens to the gun lobby and stays silent in the face of repeated tragedy speaks volumes. Simply put, our kids and grandkids deserve to be safe from gun violence in their schools and on our streets.

I refuse to let Republican obstruction continue to get in the way of commonsense measures that will save lives. All options need to be on the table. It is time we restore the Senate to make sure this institution can actually serve the interests of the vast majority of the American public.

So I promise all parents, all the grandparents, everyone in Washington State that, despite the obstruction and silence from my Republican colleagues, I will not stay quiet, and I will keep pushing for change. And I hope the American people will do the same.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

THE ECONOMY

Mr. THUNE. Mr. President, Americans are currently dealing with the worst inflation in more than 30 years—high grocery prices, high rent prices, high gas prices, high car prices, increases in the price of household goods, and the list goes on. Inflation is so bad that it has outstripped wage growth,

resulting in a de facto pay cut for many Americans.

One of the price hikes hitting Americans hard is the increase in the price of gas. Gas prices have risen 40 percent since President Biden took office—40 percent. That takes a tremendous toll on family budgets. And, of course, high gas prices and other energy costs contribute to price increases on a whole host of other goods. Manufacturers facing higher transportation costs thanks to high gas prices, for example, are likely to pass on at least some of those increased costs to consumers in the form of price hikes.

In my home State of South Dakota, families are facing an increase in home heating costs as high as 50 to 100 percent, depending on how severe of a winter we face.

Nationwide, concerns over high heating costs this winter have been tempered by mild weather so far, but predictions of huge energy bills could return with a period of sustained harsh weather. And that would be another financial blow for families whose budgets are already severely stretched by our current inflation crisis.

It is easy for, say, a wealthy Democrat politician to dismiss the consequences of inflation, but for families living paycheck to paycheck, an increase in the grocery bill or heating costs or the cost of a tank of gas could mean tough decisions, like choosing between adequately heating the house or filling the car to get to a job.

So what has President Biden been doing to help alleviate rising energy prices and inflation? Well, the answer is not much. First, he pleaded with the OPEC cartel to increase oil production and increase global supply, which is the single most influential factor when it comes to gas prices. OPEC was unmoved.

Then the President recently announced the release of 50 million barrels of oil from the Strategic Petroleum Oil Reserve, a move that Congress had, in part, already mandated.

Unfortunately, this is nothing more than a short-term relief measure, if that, as it will do little to give our energy sector the certainty it is seeking to bring production and American energy jobs back online.

While Democrats helped create the inflation crisis that we are experiencing by flooding the economy with unnecessary government money earlier this year, the President is not solely to blame for high energy prices, which have also been driven up by COVID-related issues. However, the President is certainly to blame for the hostile attitude his administration has displayed toward conventional energy production. And he is certainly to blame for the reckless tax-and-spending spree he is pushing, which would further drive up energy prices for American families.

The President made clear that his attitude toward conventional energy production on day 1 of his administration, when he canceled the Keystone XL

Pipeline, an environmentally responsible pipeline project that was already underway and that would have delivered more than 10,000 construction jobs and helped decrease energy costs by increasing regional energy supply, all while being offset with a \$1.7 billion investment in renewable energy.

The President also almost immediately banned new oil and gas leases on Federal lands, sending a clear signal to oil and gas producers that his administration would be reluctant to work with them to increase American energy production.

Then, of course, there was the release of the first outlines of the President's reckless tax-and-spending plan, which displayed a clear hostility to conventional energy.

Given this record, it is no surprise that many energy producers have been less than enthusiastic about coming fully back online as we emerge from the pandemic. The market signals to increase production are being muted by this administration's burdensome policies and clear intent of sidelining American energy development.

Then there is the current version of the reckless tax-and-spending spree, which Democrats are pushing to pass in the very near future. This legislation will not only likely worsen our current inflation situation, it will also make our energy less reliable and more expensive.

If Democrats succeed in passing their legislation, American families will have to brace themselves for even higher energy bills. One major driver of those higher energy bills will be the bill's new fee—or tax—on methane, which is targeted at crippling the natural gas sector that spurred America's recent energy renaissance and has actually been the largest driver of coal displacement.

The American Gas Association says the proposed fee could add as much as 34 percent to natural gas bills. And that is on top of any increases Americans may already be facing.

As I mentioned earlier, home heating bills are already projected to rise as much as 50 to 100 percent in my State this winter—and that is without the reckless tax-and-spending spree piling on.

And if progressive Democrats have their way, Democrats' tax-and-spending spree could also penalize our oil and gas sector by ending longstanding tax provisions like the percentage depletion deduction, which underpins an overwhelming number of independent producers representing roughly 90 percent of wells drilled in the United States.

Simply put, this administration wants to make it more expensive and more difficult to develop our abundant energy resources in favor of their preferred energy technologies and electric vehicles, with predictable consequences for Americans' pocketbooks.

And just a word about those electric vehicles. The President's Transpor-

tation Secretary recently suggested that families feeling the pinch of high gas prices could solve their problem by buying an electric vehicle, which would allow them to "never have to worry about gas prices again."

Well, I have news for the President's Transportation Secretary. A lot of Americans can't afford to replace their car with an electric vehicle, not to mention that electric cars and trucks are still not a practical option for many Americans for other reasons. Secretary Buttigieg's statement shows just how far out of touch Democrats have become with ordinary Americans.

I know Democrats are deeply invested in their Green New Deal fantasies of an instant, mostly electric energy regime. But the reality is that American consumers will need to use liquid fuels and electricity and heat for natural gas well into the future. And punishing or discouraging responsible energy development in oil and natural gas will do nothing—nothing—but drive up energy prices for consumers and force our Nation to rely more on oil and gas imports from unstable areas of the world.

We should be encouraging American energy development of every kind—from oil and natural gas to wind, solar, and biofuels—not artificially picking winners and losers and discouraging essential energy production.

And with American consumers struggling with long-term inflation, the last thing we need to be doing right now is passing legislation that will drive up energy prices. Unfortunately, if Democrats have their way and succeed in passing their tax-and-spending legislation, Americans will soon be able to add even higher energy bills to the list of challenges that they are currently facing.

So much for building back better for the American people.

ENERGY

Mr. THUNE. Mr. President, while I am on the topic of energy, I would like to briefly comment on yesterday's announcements from the EPA and USDA concerning biofuels. To put it simply, the administration can't have it both ways on the renewable fuel standard, something agriculture stakeholders in South Dakota know all too well.

Yesterday, the EPA announced a proposal to take the unprecedented step of clawing back previously set biofuel blending targets; 2020 volumes would be reduced by 2½ billion gallons, and 2021 would see a reduction.

Now, the EPA is trying to sell this by simultaneously proposing an increase in the 2022 blending volumes, which on its own would be favorable, but it is far from enough to make up for the lost gallons.

And keep in mind that the EPA's proposal pulls back blending obligations from a final rule, giving stakeholders little confidence that this promised 2022 increase won't meet the

same fate. Again, not every component of yesterday's announcement is bad on its own.

Signaling an end to the out-of-control small refinery exemption program is long overdue, and it is consistent with the renewable fuel standard and a Tenth Circuit Court ruling. It is also good to see the Department of Agriculture moving forward with assistance funds for biofuel producers, but this was funding signed into law last December. It is almost as if it was withheld from our producers for months so that USDA could help the EPA sell our ag stakeholders a bill of goods.

I urge the administration to make good on its commitments to our farmers and to finally leverage American biofuels for the energy and environmental solutions they can provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

REMEMBERING ROBERT J. DOLE

Mr. MARSHALL. Mr. President, much is grown on Kansas' plains. Crops and pastures stretch as far as the eye can see. Grain elevators replace city skyscrapers, and the whisper of the wind substitutes the screech of sirens and traffic.

What truly makes the prairie special, however, is the people, the people of the plains. Kindness and resilience define Kansans. Churches that seem entirely too big for the tiny towns they tower over are filled on Sundays; and neighbors are checking on each other, sharing food, sharing laughs, maybe sharing a cup of coffee and even a few beers.

And perhaps this is why Senator Bob Dole reminded me every time I saw him: Roger, always remember where you are from.

In every speech I ever heard him give, he always said: Always remember where you are from.

I thought a lot about that this week. What was Senator Dole saying? Why was that so important?

And I think, reflecting, he always wanted to make sure that he remembered his Kansas values and that the people of Russell, KS, shaped his life, to pay honor to them and respect.

This week, Kansans lost a great friend and neighbor. Senator Bob Dole, a personification of the gentle toughness cultivated in the rural Midwest; an advocate for the disabled, the hungry, our veterans and our American way of life; a genuine once-in-a-generation, from the "greatest generation," American hero has been called home.

It was to these same plains that a young Robert Dole returned from war, critically wounded from injuries sustained in 1945 on a battlefield in Italy. The people of Russell had chipped in money—\$1,800 to be exact—into a cigar box on the counter of Dawson's Drug Store, where a young Bob Dole once worked as a soda jerk. These funds were used to help offset the costs of his

recovery, and it was a grueling recovery. During his 3-year hospital stay, he spent time in a body cast. He fought horrible infections that shot his temperature to over 109 degrees, which forced the doctors to pack him in ice. He literally underwent dozens of surgeries on his shoulder, his arm, and even to remove a kidney. Bob Dole was once a strapping, muscular three-sport varsity athlete at Russell High School, as well as a KU Jayhawk athlete. Dole was now paralyzed and his weight had dropped to 122 pounds.

All the while, during his recovery there in the hospitals, he listened to one of his new favorite songs, a source of inspiration, "You'll Never Walk Alone." I quote from that Rodgers and Hammerstein classic:

Walk on with hope in your heart and you'll never walk alone.

Walk on with hope in your heart and you'll never walk alone.

Americans know of Bob Dole's record of public service, whether it was passing the Reagan agenda through the Senate, saving Social Security from bankruptcy, fighting hunger in the United States and abroad, the Americans with Disabilities Act, his work for veterans that includes the construction of the World War II Memorial, and so, so much more.

Americans know of his time at the helm at the Republican National Committee, the U.S. Senate, and the party's Presidential ticket. They may even be aware of when, in 2014, he regained the strength to travel and visited all 105 Kansas counties to simply say "thank you"—thank you—for the life they had given him.

People may also know that most Saturdays of the past decade, Senator Dole quietly sat on the south side of the World War II Memorial to greet and thank veterans as the Honor Flights came to Washington, DC. It was only fitting that Kansans gathered there this morning to pay homage and respect and remember our hero. All of this, he did with humility, with charm and wit—that famous wit that made him so likable, so effective, and so Kansan.

As we in the Capitol honor Senator Dole, I remember the days that followed his famous salute of President George H.W. Bush's casket in the Capitol Rotunda—a moment that inspired and captivated the world—when he, with the help of his caretaker and fellow veteran Nate, stood up from his wheelchair and showed his reverence for his once rival and friend. He, of course, didn't understand what the big deal was. He just wanted to honor a fellow veteran and public servant. It was just a reflex for him to show that respect, and his humility in its wake was his classic style.

I remember the morning earlier this spring when Senator Dole called me to tell me that he had stage IV lung cancer. He wanted to make sure that my wife Laina and I knew before the press did. But all the while, what I remember

from that conversation was how upbeat he was, how positive he was, worried about me and not himself.

But he, again, beat the odds and spent more quality time with all of us. And every time I saw him, even up to just a couple of weeks ago, he was always cracking jokes, imparting wisdom, and spending time with all of his friends.

I am so grateful for the blessing of each moment spent with him before and after that call. I can't express what I would give for another one of those moments, as I know is true for his wife, our friend, Senator Elizabeth; and his most steadfast supporter and advocate, his daughter Robin.

The same goes for his devoted staff, who are like family to the Doles. Whenever you visited the Doles, that staff were all family members. I want to mention Pia, Marion, Mo, Ruth Ann, and so many more. We mourn your loss and you are in our prayers.

There are so many scores of friends from all ages and so many walks of life. So many people reached out to me this week to say: We are thinking of you, we are praying for you, give the Dole family our condolences.

Now, as his incredible work here is done—and I am going to miss my friend—the boots that my fellow Kansas Senator and I have to fill are very large, but, fortunately, he left me with some good advice to fill those boots.

It was in 2017, shortly after I had been elected and I was facing my first tough vote, and Senator Dole and myself were able to have a late morning brunch. I had my notes prepared. I was going to discuss this issue in great depth and I was prepared for every one of Senator Dole's questions.

But as I started the conversation, he said: Well, what is going on, on the Hill?

I said: Senator Dole, I have a tough vote tomorrow.

He took another sip of his lobster bisque and looked at me and said: Roger, go back to Kansas. The people of Kansas will tell you the answer.

I know I am going to never measure up to his standard. He set a tremendous bar for us to reach. While Senator Dole is done, the lessons we can all learn from his life will be lived out and passed on. Certainly, the spirit of Bob Dole, the spirit of patriotism, hope, loyalty, respect, service, and genuine kindness and concern for others will never fade.

One of the best days of my time in Congress was watching Senator Dole receive the Congressional Gold Medal in 2018, in our Nation's Capitol Rotunda. It was a special honor. As a freshman Congressman, I had to kind of fight my way to the front row or near the front row, and I was surrounded by other Members of Congress as well. As the President recited Bob Dole's story, one by one they would look at me and nod. You know that nod you get, the nod of respect. You don't have to say anything. I was so proud to

be a Kansan. My chest puffed up, full of pride. It just made me so very proud to be there with the Kansans to see this is what a Congressman, a Senator, is supposed to look like.

For months, as we led up to that event, his family and friends watched as he struggled to regain strength after several more health setbacks. I remember the family didn't think he would be able to attend, but much like the wounded Bob Dole in the forties, he was able to accept that award personally. He miraculously recovered, like he had so many times before.

At that marvelous ceremony where he got to hear the gratitude of a nation, the song "You'll Never Walk Alone" was played. I was close enough that I could see him mouth the words to the President: "This is my favorite song." And I was close enough that I could hear his voice—a voice we were all familiar with—sing along, softly sing these lyrics:

When you walk through a storm
Hold your head up high and don't be afraid of the dark
At the end of the storm there's a golden sky
and the sweet silver song of a lark
Walk on through the wind
Walk on through the rain
Though your dreams be tossed and blown
Walk on
Walk on with hope in your heart and you'll
never walk alone
You'll never walk alone.

For so many of us—Kansans, veterans, the poor and hungry around the world, farmers, the disability community, and more—we never walk alone. We thank you, Senator Dole, for walking beside us, always giving us hope. We love you, we miss you, and we thank you.

God bless America.
I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL

UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD"

Mr. BRAUN. Mr. President, I move to proceed to S.J. Res. 29.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 29) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard".

The ACTING PRESIDENT pro tempore. Under the provisions of 5, United States Code 802, there will now be up to 10 hours of debate, equally divided.

Mr. RUBIO. Mr. President, I ask unanimous consent that Senator CASSIDY be allowed to complete his remarks before the next scheduled vote.

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

Mr. RUBIO. 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. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection.

OPIOID EPIDEMIC

Mr. CASSIDY. Mr. President, we have a crisis here in the United States, which we cannot keep ignoring. After the pandemic hit, we took our eyes off the issue of opioid and other drug overdoses.

We have made tremendous progress over the previous 4 years. The Trump Administration made it a priority. Congress has made it a priority. We have funded multiple programs, and we have seen that the incidence rate of drug overdose was decreasing and for opioids in particular.

But with the lockdown and the personal stress this led to, we have seen an uptick once more in these opioid deaths. From April 2020 to April 2021, we saw over 100,000 overdoses linked to opioids and other overdoses beyond that, and fentanyl causing 64 percent of them.

Now, we talk about statistics, but we sometimes, in those statistics, lose the human dimension. I remember a 911 call I once heard, and in it there was a frantic woman calling because her husband was overdosed: Please come help. And that is tragic, but you almost become used to it. What brought tears to your eyes was that in the background you heard the baby crying.

Now, it is easy to imagine, one, what that child's life is now—the child of an addict—but it is also easy to imagine what the child's future is with a single parent having to deal with the death of a father and all that means.

It is not just the opioid death. It is the opioid family that has to bear the burden of the loss: first, to addiction and then, secondly, to death.

Now, there is a unique role here for the country of China. We don't know that it is the Chinese Government, but we certainly know it is the country of China.

Fentanyl is a synthetic poison that is taking the lives of so many of these who die from opioid addiction—certainly true in my State, Louisiana. The country of China's role in this opioid crisis is by providing the chemicals to the Mexican and South American cartels, which take those raw chemicals and make them into the

fentanyl that then comes into our country. And this is what is causing the addiction.

Now, by the way, opioid addiction is incredibly powerful. In another story from when I was a practicing physician, in the emergency room, at 3 in the morning, where the grandmother was there with the addict daughter, and the child—grandchild of the grandmother, child of the addict—was crying because the grandmother was taking the child away from his mother. The mother didn't care. And it struck me that if something is so powerful to disrupt the relationship between a mother and her child, the power of that cannot be ignored.

So when we look at these drugs that people are addicted to, we have to understand the hold they have upon their physiology, their emotional life, their psychology—in a sum, their whole life.

So what can we do? We can't just give up. We have to make a pushback for the sake of those who are in addiction and the family members that they have. So we need to modernize our customs process. I have a Customs Modernization Act, which will crack down on the illicit trade, if you will, the way that the cartels are financing and moving drugs across the border. If we can address that, we can address the supply, and we can decrease the number of people who have access to these drugs.

Today, I introduce the HALT Fentanyl Act to make permanent the temporary schedule I of fentanyl analogs. What this means is that in an effort to evade our laws, the cartels will make some little analog—just a little bit different from regular fentanyl, which is regulated—but, nonetheless, has the addictive potential and the ability to kill of regular fentanyl. And this will allow us to combat the criminals and to hold the companies in China responsible.

The next thing we have to do is start by closing down our southern border. It is not just the migrants who are coming across but tens of thousands of pounds of drugs. We are now seizing more fentanyl and meth than we ever have before. Even the DEA Administrator, Anne Milgram, agrees that drugs flowing across the border are fueling the opioid crisis.

She said this on national TV: "The real problem are the criminal drug networks in Mexico." She says fentanyl and meth are being "mass produced in Mexico," sourcing chemicals mostly coming from China, and they are "driving the overdose deaths".

We have a responsibility to our fellow Americans. Perhaps I feel it more acutely as a physician who has been with those patients and their families who are fighting addiction, but we should all feel the pain of that child crying as her mother was calling for 911 to come assist the father who had stopped breathing from an overdose. So let us redouble our efforts and hope others will join on both the Customs Modernization Act and the HALT

Fentanyl Act in order to, in one more way, protect Americans from the deadly scourge of these drugs coming from China, through Mexico, across our border and, unfortunately, into the bodies of those who are dying.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 585, Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Charles E. Schumer, Richard J. Durbin, Patrick J. Leahy, Mazie Hirono, Tammy Duckworth, Jon Tester, Patty Murray, Debbie Stabenow, Amy Klobuchar, Mark R. Warner, Catherine Cortez Masto, Cory A. Booker, Tammy Baldwin, Bernard Sanders, Elizabeth Warren, Gary C. Peters.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 485 Leg.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Ernst	McConnell
Blackburn	Fischer	Moran
Blunt	Graham	Murkowski
Boozman	Grassley	Paul
Braun	Hagerty	Portman
Burr	Hawley	Risch
Capito	Hoeven	Romney
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	

Thune	Toomey	Wicker
Tillis	Tuberville	Young

(Mr. HICKENLOOPER assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being evenly divided, the Vice President votes in the affirmative.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The VICE PRESIDENT. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Texas.

DEMOCRAT LEGISLATIVE AGENDA

Mr. CORNYN. Mr. President, I want to take just a few moments to go back to March of this year. After a very tough year fighting COVID-19, the American people had many reasons to be optimistic about the future. Millions of people were being vaccinated every day. The winter surge was fading away, and travel was slowly ramping up. Families were able to get back together who hadn't seen their loved ones, particularly those who were the most vulnerable to the virus. People were able to visit face-to-face and resume their lives, gradually discovering what I will call the new normal.

We knew the war against the virus was not over, but our communities were well-resourced to keep up the fight, thanks to the five bipartisan bills that were signed into law in 2020.

Yes, it is true. Just last year, we passed five bipartisan relief bills with broad bipartisan support—in some cases, unanimous consent support. My, how quickly things changed. After President Biden was sworn into office, our friends on the other side of the aisle began to view things quite differently. Where Republicans saw progress, Democrats saw, as one House Member put it, a “tremendous opportunity to restructure things to fit [their] vision.” Democrats tried to capitalize on the pandemic to check items off their liberal wish list. They crafted a nearly \$2 trillion bill that included some of the far-left's highest priorities and tried to brand it as pandemic relief—backdoor funding for Planned Parenthood, a blank check for mismanaged union pension funds, money for “climate justice”—whatever that is. Less than 10 percent of the money for COVID-19 was directly related to the pandemic, and less than 1 percent supported vaccination efforts.

In addition to being wasteful and irresponsible, this level of spending has brought with it serious risks. Leading economists who are Democrats, like

Larry Summers and Steve Rattner, warn this level of spending could trigger inflation. Most of the young people who were not alive during the seventies, during the tremendous inflation in the country, have never experienced anything like that or even like what we are experiencing today. But Larry Summers presciently warned that this level of Federal spending could “set off [some] inflationary pressures of a kind we have not seen in a generation.” Still, our Democratic colleagues couldn't be persuaded to change course.

They moved forward with their nearly \$2 trillion spending bill, and lo and behold, guess what happened. Well, Larry Summers was right, and the Federal Reserve that called inflation transitory was wrong. We are now experiencing inflation at a level we have not seen in a generation, exactly as Larry Summers predicted.

In October, inflation hit a 31-year high. Consumer prices jumped 6.2 percent compared with a year ago, making this the highest inflation rate we have seen since 1990. If you were to ask the average Texan if they were surprised by this news, they would say: Not at all.

Month after month, families have adjusted their budgets as prices ticked up. They are now paying more for everything from gasoline to groceries, from cars to Christmas gifts.

And our Democratic colleagues seem to think the only solution is to add more fuel to the fire. They put together a second partisan spending spree, which will cost approximately \$5 trillion. That has already passed the House of Representatives.

Taxpayers will be disappointed by what they get for so much money: tax breaks for millionaires and billionaires—that is in the House bill—cuts to healthcare for low-income and uninsured patients, special favors for organized labor and union bosses, and taxpayer-subsidized electric vehicles for the well-off.

Our colleagues have worked diligently, I must confess, on this bill all year, and this is what they have come up with. Meanwhile, they have ignored some of the most basic responsibilities of governing.

So far, the Senate has not passed any regular appropriations bills. There are 12 of them that routinely we pass. They are deliberated in the Appropriations Committee, voted on, on a bipartisan basis, and ultimately come to the floor and pass as part of the most basic function of governing.

We haven't done that this year. Our colleagues have delayed the National Defense Authorization Act, and we are just 1 week away from a deadline that Secretary Yellen has given us for a potential debt crisis. Our colleagues have failed to do the bare minimum.

Why on Earth are they pouring every ounce of their time and energy into this damaging partisan spending spree when they can't even cover the fundamentals of governing?

One thing is for sure: It is not because of a lack of opportunities to advance bipartisan legislation.

In fact, over the last year, I have been proud to work with a number of our Democratic colleagues on legislation to address some of our biggest challenges, so it is not impossible. For example, Senator WARNER, the Senator from Virginia, and I have partnered on the CHIPS for America Act, which became law earlier this year, and now we are working together to provide the funds to fund the programs that the bill created.

Then there is Senator SINEMA, the senior Senator from Arizona. She and I teamed up on legislation to deal with the humanitarian crisis and security crisis at our border and to make sure that migrants are treated fairly and humanely.

Senator PADILLA, the junior Senator from California, and I have worked together on legislation to make big investments in infrastructure projects across the country without increasing the deficit by a dime.

Earlier this year, State and local governments received huge sums of COVID-19 relief money—more than they could use—and they found themselves with more cash than they did eligible expenses. So the idea behind our bill was pretty simple: give State and local leaders more flexibility to invest in the most critical projects for their communities—largely, infrastructure and disaster relief.

In some places, this still means pandemic-related expenses. We don't require them to do anything; we just merely give them an option. Cities can continue to use Federal dollars to expand hospital bed capacities, increase staffing, or support vaccination campaigns.

The flexibility granted by this bill wouldn't interfere with any plans to bolster the fight against the virus. It simply gives States and local governments the ability to invest excess funding in infrastructure projects: constructing bridges, extending railways, modernizing ports, expanding broadband. This particular bill includes a long list of qualifying expenses.

State and local leaders know their communities best, and they should be able to use excess COVID-19 relief funds in a way that makes the most sense for their State and their community.

Senator PADILLA and I were happy to work with our colleagues on both sides of the aisle to make changes to the bill to gain bipartisan support. We added additional qualifying infrastructure projects to ensure unique but no less important infrastructure projects in some States were eligible. And we placed a cap, working with the White House, on the amount of funding that could be used because of the White House's concerns that it would take away from necessary COVID-19 expenses.

In October, this bill passed the Senate with unanimous support. Now,

nothing passes this Senate with unanimous support without a lot of hard work and a lot of input from a lot of people on both sides of the aisle. At a time when something as simple as K-12 curricula are controversial, the full Senate supported this legislation. Local officials, highway safety groups, and the transportation infrastructure construction industry all support this commonsense legislation.

Leaders from three dozen organizations representing these groups sent a letter to House leaders earlier this week encouraging the bill's passage. As they said, providing State and local leaders with flexible resources is the surest way to see that our Nation's preparedness and responsivity continue. And it is important to note that this money had already gone out the door, so all of these projects, all of this new infrastructure, can be funded without increasing the deficit by a dime.

As I said, all 100 Senators supported this legislation, and the bill currently has more than 120 bipartisan cosponsors in the House. So we would encourage our House colleagues to delay no longer and take up and pass this commonsense, bipartisan bill.

So my point is, even in times when we seem irreparably polarized, where some colleagues decide it is my way or the highway when it comes to trying to pass legislation in a 50-50 Senate—which is, admittedly, very hard to do—the truth of the matter is there are real opportunities to address some of the biggest challenges facing our country in a bipartisan way.

But none of these opportunities are contained in the Democrats' partisan spending bill. This legislation would, as Larry Summers predicted, continue to fuel the red-hot inflation that is already burning the American people. It will harm our energy security. It will give massive tax breaks to the wealthy while increasing taxes on the middle class. It cuts funding to our safety-net hospitals that provide charity care and care for Medicaid patients. And it will drive our national debt to unimaginable heights.

It will also hand the government control of decisions that should be made by families on everything from childcare to healthcare—basically hand those decisions to the Federal Government. This is not the type of legislation that should be on our Senate's agenda at all, let alone at the top of the list.

There are plenty of opportunities to work together to notch big bipartisan wins for the American people. It is a shame, though, that our colleagues across the aisle have chosen not to do that and that this partisan spending spree has prevented real progress from being made in so many other areas.

I yield the floor.

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

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

TRIBUTE TO SARA HOTTMAN

Mr. MERKLEY. Mr. President, few things are harder in this job than when you have to say goodbye to a member of your team. With all of the time we spend together, it is impossible not to grow close to the men and women who make up that team. The team members become our colleagues, our friends, our families.

I am here on the floor today to recognize and bid farewell to a valued and integral member of my Senate family who, after more than 5 years, is leaving to start the next chapter of her career. She is my State communications director, Sara Hottman.

During her time on Team Merkley, Sara has not only helped communicate my message to the people back home in Oregon about the work I am doing on their behalf here in DC, but she has used her well-connected ear to the ground to help keep me in the loop on issues evolving back home.

I have come to depend on her to keep me on the right track. She never shies away from delivering hard truths when they are needed. She has used her vast experience in all different facets of the communications world—as a reporter, as the communications director for a municipality, as head of strategic communications for the Oregon Zoo—to help deliver our message to the people of the State. It doesn't hurt that in her spare time, Sara is a prolific kickboxer. So when she tells me something, I listen. She has been a real leader in our team, including participation in our Diversity, Equity and Inclusion Steering Committee.

She has done an amazing job time and time again putting together State events. We have traveled all across our sizable State for events that included press conferences to announce policies; press conferences to hear from stakeholders in our State—for example, roundtables with nurses and medical professionals who are on the frontlines fighting the pandemic. Our events included townhalls—a gathering with community leaders in every county every year, followed by a public townhall with people who will ask any question they want. Our events included tours of State disasters. She expertly organized every event, ensuring media exposure and successfully striving to bring together a wide variety of expert and local voices to ensure that I was always learning more insights and perspectives on the issues that face us.

At the end of the day, as we prepared to overnight somewhere around the State in preparation for another long day, she always knew the perfect local watering hole for the team to post up at to reminisce on how things had gone and to recover in preparation for the day that followed.

When something went off the rails unexpectedly, she found a way to turn

it into an opportunity. When I was surveying damage to a town incinerated by the 2020 Labor Day fires, I became so immersed in examining the fire damage that the rest of the delegation went on to the next event, and suddenly I realized we were left behind. She didn't miss a beat. She used that time to gather more local community members who had been so impacted by the devastation of losing their homes. She managed to find a reporter who had also been left behind and arranged an impromptu one-on-one exclusive. So I utilized that opportunity to learn more and to communicate more when it could have just been a misstep. Well, that is what she does—turns missteps into opportunities.

Cool and calm under pressure, she has a way of making everyone feel important and seen. She connects with folks everywhere she goes.

I was thinking back to one townhall we did in early 2020 before the pandemic hit and shut things down. It was a small gathering in a classroom of a local school, but in that group was a young girl who was simply entranced by Sara. Throughout the townhall, she was following her around, imitating when Sara would take photos and asking questions of Sara even though the townhall was underway. Sara, being the person she is, kept answering those questions, kept letting the girl shadow her, still managing to get all of her work done while also inspiring this admirer. That is kind of just the charming ability to connect with folks and to stay calm in unexpected situations that have made traveling around the State long, busy travel days a real joy for the entire team.

When the pandemic turned our world upside down in March of last year, she used her leadership and organizing skills to help me and the entire team transition to the new virtual world we were suddenly thrown into. She turned our townhalls and our weekly sessions of local Oregon reporters and television stations into virtual events so I could continue to provide information and connect with constituents during this extraordinary national crisis. She led the charge in updating our website to provide a one-stop shop of resources for residents and local businesses for information on how to get the help they needed.

To say that Sara will leave a large hole in our team when she heads off to her new responsibilities would be an understatement. Every member of our office, whether in Washington, DC, or back home in Oregon, is going to miss her bright smile, her sharp wit, her infectious energy, and her brilliant mind—not to mention that we will also miss her border collie, Liz, who has been a therapy dog for all of us.

Sara, if you are watching, and I hope you are, know that we all, the extended Team Merkley family, wish you well in the next phase of your career. Thank you for all you have done these past 5-plus years, and thank you for all you

will continue to do to help build a better world for the people of Oregon and the people of our Nation.

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

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

CHINA

Mr. COTTON. Mr. President, 20 years ago this week, the People's Republic of China became a member of the World Trade Organization. There was great rejoicing across Washington by lobbyists and politicians and bureaucrats and, for that matter, among corporate CEOs and Wall Street bankers and perhaps most of all, the Communists in Beijing. But for Americans out in the heartland, in places like Arkansas, China's entrance into the WTO was nothing to celebrate. That was the moment their leaders left them exposed to the predations of the Chinese Communist Party.

Millions of Americans lost good-paying blue-collar jobs to the China trade shock in the years that followed. Countless small towns, Main Streets, and working-class neighborhoods were gutted and boarded up. Michigan lost 24 percent of its manufacturing jobs. Ohio lost 27 percent of its manufacturing jobs. My home State has lost 26 percent of all of our manufacturing jobs since China joined the World Trade Organization. Families were shattered and communities crumbled. The opioid crisis killed thousands of those who were left behind.

Twenty years ago was nothing less than the beginning of the great hollowing of our Nation's industrial base, economy, and working class. It is worth recalling what our leaders said and what they promised as they unleashed this disaster.

During the yearslong lobbying campaign for China, then-President Bill Clinton said it was "ironic . . . that so many Americans are concerned about the impact on the world of a strong China." From an economic standpoint, he said, "this agreement is the equivalent of a one-way street." In other words, it was all upside for America if only all those knuckle-draggers who opposed the Chinese Communist Party entering the World Trade Organization would get out of the way.

Now, that attitude was the conventional wisdom in Washington for years, and it was in both parties, to be sure. Four years after China joined the WTO, Republican U.S. Trade Representative Bob Zoellick reflected that "our policy has succeeded remarkably well: the dragon emerged and joined the world."

Well, it turns out—not surprisingly—that this dragon has fangs and claws, and now it is sitting on top of a vast pile of looted wealth. It is clear that our leaders and their naiveté have cre-

ated a monster by admitting China to the WTO. Let's just review some of the numbers.

Since 2001, China's economy has grown by nearly 1,200 percent, transforming a third-world backwater into the second largest economy, largest exporter, and dominant industrial power in the world. The PRC today makes one out of every four automobiles in the world—more than the United States, Japan, and South Korea combined. Combined. It makes one out of every three merchant ships. In the United States, we make basically none. In addition, China produces 40 percent of mobile phones, 70 percent of televisions, and 96 percent of shipping containers on which global commerce moves.

Equally worrisome, China has gained a stranglehold over the production of essential materials. China produces more than half of the world's steel, two-thirds of its active ingredients in our generic drugs, and processes 85 percent of rare earth elements, 85 percent which are used in everything from the smartphone in your pocket to advanced fighter jets.

China is also making strides in advanced technology. A few years ago, China's space agency sent the world's first quantum communications satellite into orbit. It already possesses 200 of the world's 500 fastest supercomputers. And Chairman Xi Jinping has pledged an astounding \$1.4 trillion over 6 years to help China take the lead in cutting-edge fields like semiconductors and artificial intelligence.

The stark fact is that China controls nearly a quarter of global trade. A stunning 70 percent—70 percent, 7 out of 10 countries—in the world trade more with China than with the United States.

Now, it would be one thing if China had gotten rich and powerful the honest way, through fair competition and trade with other countries.

Instead, China has gotten rich through a criminal spree of intellectual property theft, industrial espionage, strong-arm trade agreements, and illegal subsidies and protection or as the office of U.S. Trade Representative wrote:

China has continued to embrace a state-led, non-market and mercantilist approach to the economy and trade, despite WTO members' expectations—and China's own representations—that China would transform its economy and pursue the open, market-oriented policies endorsed by the WTO.

"Despite WTO's members' expectations." WTO members are stupid if they expected China to change its ways.

But in other words, China lied, and the rest of the world has paid the price. China is the world's most prolific IP thief, stealing the equivalent of Arkansas' economy two times over every year, year after year. And that is just the beginning.

The Chinese Government recruits its citizens working and studying in our

country to act as spies, infiltrating our research laboratories and companies and college campuses to steal valuable secrets. Chinese nationals are the subject of nearly half—half—of all FBI counterintelligence cases involving economic espionage.

The Chinese Communist Party also uses illegal subsidies and trade practices like dumping to help its “national champions” offload their stolen goods below-market prices. The Chinese Government has poured tens of billions of dollars into its steel industry, encouraging overcapacity to flood foreign markets with cheap Chinese steel. As a result, China’s production of crude steel rose from 15 percent of the world’s total to 50 percent between 2000 and 2017, while 64 percent of America’s raw steel producers were totally wiped out, two-thirds of it gone.

Of course, the World Trade Organization exists—supposedly, allegedly—to curb these kinds of abuses, but it has utterly failed to get China to change its ways and live up to its promises. If anything, under Chairman Xi, China has dropped even the pretense that it is on the path to freeing its economy and society.

Twenty years after China entered the WTO, it is clear that China has betrayed our trust and is waging an economic war against us. We didn’t seek out this conflict, but now that it has started, we have no choice but to finish it.

Congress can start by passing my bill, the China Trade Relations Act, to terminate China’s permanent normal trade relations status. We ought to acknowledge there is nothing normal about our trading relationship with China, and we cannot afford the state of affairs to be permanent. We should return to the pre-WTO status quo that recognized China as a nonmarket, communist country, to which I would add now, committing genocide against its own people. If we do this, we can begin to correct the historic mistake our leaders made 20 years ago when they welcomed China into the WTO with open arms and open wallets and unleashed that dragon on the world.

I yield the floor.

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

The PRESIDING OFFICER. Without objection.

S.J. RES. 29

Mr. MARKEY. I rise today in opposition to the latest effort by Republicans to undermine Americans’ health and safety. COVID-19 remains a grave danger. We have lost more than 775,000 Americans to this virus, and cases are rising yet again.

Despite this clear and present danger, millions of workers across this country have been showing up to their

jobs every day since this pandemic began. Essential workers, nurses, doctors, janitors, security guards, retail employees, and countless more were never able to work remotely. They can’t Zoom to the cash register, check-out, or the driver’s seat of a bus. But these workers faced and continue to face on-the-job exposures and the hazards those exposures entail.

We are lucky to have tools to mitigate these dangers for workers. Testing works. Vaccines work. Booster shots work. Masks work. And as these new variants begin circulating around the globe and as vaccine effectiveness begins to wane, for those who were among the first vaccinated, especially for older Americans and the immune compromised, it is incredibly important that everyone get their boosters now.

Let me just say that again: If you are eligible, don’t wait. Get your booster shot now. If you have two shots already and you got them 6 months ago, you are not fully vaccinated. If you don’t have your third shot right now, you are not fully vaccinated. If you have two shots already, and it is more than 6 months after you got those first two shots, just understand that, when you say “I am vaccinated,” it is not accurate. You need the third shot.

Not only do the vaccines work, but vaccine requirements work. They increase vaccination rates and improve worker safety. We have seen in Massachusetts that, as the State government implemented vaccine requirements, vaccination rates approached 95 percent of State employees.

We aren’t just the Bay State; we are also the “Brain State.” We listened to what scientists and medical experts are telling us.

So to protect workers, the Occupational Safety and Health Administration, or OSHA, at the Department of Labor, published a rule known as an emergency temporary standard—an emergency temporary standard, or ETS. That emergency temporary standard will keep employees safe by requiring large companies to ensure that each of their workers is fully vaccinated.

And if employees cannot or will not be vaccinated, they simply must test negative for COVID-19 at least once a week before coming into work. It is as simple as that: Get vaccinated or get tested.

The ETS also requires that employees protect their coworkers by wearing a mask in the workplace. This requirement is not onerous. In fact, it is flexible for all workers to require employees to provide paid time off to workers to get vaccinated and ensures that paid leave is provided for recovery from any side effects of the vaccinations that keep employees from being able to work.

These are simple, commonsense rules that will save lives—testing, masks, vaccines, boosters. OSHA estimates that its emergency temporary standard

will prevent 6,500 people from dying and 250,000 people from having to go to become hospitalized over just a 6-month period.

But while Democrats and the Biden Administration are doing everything possible to maintain an economic and health recovery, Republicans are doing everything they can to undercut science and confidence in this administration. This latest attempt—trying to overturn the OSHA emergency temporary standard and threatening to undermine the health and safety of millions of workers—is outrageous and the worst kind of political stunt.

We mandate vaccinations for our children so that they can be healthy and go to school. We mandate vaccinations so our servicemembers are protected in the line of duty. Let us protect our workers in our workplaces so that they can stay healthy and stay on the job.

But there is a terrible irony here from my Republican colleagues. At the exact same time that the Grand Old Party is bemoaning this OSHA worker protection effort as a so-called mandate, they are celebrating mandating government control over women’s reproductive freedom at the Supreme Court. They would rather mandate government control over a woman’s body than mandate worker safety.

If we want to end this pandemic, we need to get as many people vaccinated as we can. Unfortunately, Republicans see a political benefit to prolonging the pain and the suffering from the virus and preventing vaccinations where possible.

This is wrong. This is immoral. And I urge my colleagues to support the OSHA emergency temporary standard. I urge my colleagues to support that emergency temporary standard and oppose this effort by Republicans to overturn this critical, life-protecting regulation, which is on the books, if we can keep it there.

So we need to ensure that we are saying to every family: We have your back. We are going to be protecting you. We are going to make sure those safeguards are in place.

I yield the floor.

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

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

NOMINATION OF RACHAEL S. ROLLINS

Mr. CRUZ. Mr. President, I rise today to strongly oppose the confirmation of Rachael Rollins to be U.S. attorney in Massachusetts.

Many Americans have probably never heard of Rachael Rollins, but they are becoming very familiar with the kind of lawlessness and dangerous crime that radical, leftwing district attorneys like her have generated. Under

their watch, we have seen looting and larceny and violent crime rates rise in cities all over the country the past couple of years.

Ms. Rollins is part of a web of leftwing district attorneys across the country who see it as their job not to prosecute crime; rather, to protect criminals. There is Ms. Rollins in Boston, Chesa Boudin in San Francisco, Kim Gardner in St. Louis, Kim Foxx in Chicago, Larry Krasner in Philadelphia, and John Chisholm in Milwaukee, among others.

What has happened with these prosecutors who refuse to prosecute crime?

Well, all too predictably, crime rates have skyrocketed.

Last year, the murder rate went up nearly 30 percent overall, and it went up 40 percent in cities with populations between 100,000 and 250,000.

We have seen horrific crimes and tragedies that could have been prevented if these DAs had simply done their jobs.

Take John Chisholm, the DA in Milwaukee, who released Darrell Brooks, a repeat and dangerous criminal, on \$1,000 bail.

What was the crime he was charged with?

Using his vehicle—a red SUV—to run down a woman, the mother of his child. Released on \$1,000 bail, what happened?

Brooks, as we all know, drove that same red SUV through a Christmas parade, murdered six people, including an 8-year-old boy.

That man should not have been on the streets, should not have been behind the wheel. The DA knew he was a violent criminal who used that SUV as an instrument of violence and, for \$1,000, the leftwing DA let him go. Had Brooks not been out on such a low bail, this horrific tragedy wouldn't have occurred; that 8-year-old boy would still be alive.

Our communities don't need prosecutors who endanger the very communities they are supposed to serve by refusing to prosecute or detain criminals. They don't need leftwing prosecutors who let violent criminals walk the streets.

The damage that these so-called prosecutors can do has, thankfully, been somewhat limited by the fact that, when they choose not to prosecute criminals, the Federal Government has the ability, in many instances, to step in and charge criminals federally.

But Joe Biden and Senate Democrats are working to change that by elevating one of these radical, leftist, soft-on-crime district attorneys, Rachael Rollins, to be the U.S. attorney in Massachusetts—the chief Federal prosecutor in the entire State of Massachusetts.

Let's talk a bit more about what exactly Rachael Rollins believes prosecutors should do and what her record is.

Rachael Rollins has been vocal and aggressive against prosecuting crime.

She has been very clear that she came into the job of district attorney as a crusader.

She has said—and these are her words:

If you want to change the criminal legal system, become a prosecutor [because they have the] power to determine charges, what crimes to decline to prosecute or divert, [and] how to fashion bail hearings.

She has been quite open in what her intentions are. Ms. Rollins tells us that what matters about a prosecutor is not taking bad guys off the street; it is not seeking justice for the victims of crime. No. It is the power to say: "I won't prosecute these crimes."

(Ms. ROSEN assumed the chair.)

And with Ms. Rollins, it is not hypothetical because she is a district attorney. And as the Boston DA, she went so far as to write down in "The Rachael Rollins Policy Memo," a list of 15 crimes whose prosecution should "always be declined" or "dismissed without conditions."

Charges on this list of 15 crimes should be declined or dismissed prearrestment without conditions. The presumption is that charges that fall into this category should always be declined.

So you have a DA saying these are the crimes we don't prosecute, "always be declined," "dismissed without conditions."

So you may say: "OK. Maybe this is like some sort of criminal justice reform. Maybe this is low-level, non-violent marijuana possession. A teenager got caught with a joint; we are not going to prosecute them." Reasonable people can actually disagree on that. We can have an intelligent conversation back and forth about that.

But the beauty of it is that we don't have to speculate because she put it in writing. These are the 15 crimes. They are upside down, as are her policies. These are the 15 crimes where charges should be dismissed prearrestment without conditions:

No. 1, trespass. Now, I want you to think about it. If you don't want to see people trespassing on your property, well, under Rachael Rollins, the Democrats' U.S. attorney, we don't prosecute trespass.

What else?

Shoplifting. Has anyone watched the videos of the people breaking into stores and stealing and stealing and stealing and looting? Do you know what? Joe Biden and Senate Democrats—they are bringing that to a neighborhood near you.

Shoplifting, we don't prosecute. That is what she said. Shoplifting, olly oxen free. If you see a TV you like, pick that damn thing up and run out of the store because your friend, the fake prosecutor, is not going to charge you.

Larceny. Really, larceny? Larceny, we don't prosecute.

Disorderly conduct. You are a single mom coming home at night. A drunk vagrant is yelling, screaming, cursing at your kids. Do you know what? Not a crime here. We don't prosecute that.

What else?

Receiving stolen property. OK. This is at least intellectually consistent. If you are going to legalize shoplifting, rob the hell out of the stores, at least the fence can be on the back end. You can steal that TV and go straight to the fence. By the way, I guess you can do it in a parking lot. Set up a van right there. "We fence stolen property." You run in and grab it, I will fence it right here. DA? "All good by us."

Driving with a suspended license. Well, sometimes that might be OK.

What was it suspended for? Was it suspended for DWI? Was it suspended because you are a drunk who has killed people? Were you suspended because you are this homicidal maniac in Milwaukee who murdered six people?

Do you know what? This DA says: "Hey, driving with a suspended license, no problem at all, no longer a crime."

Breaking and entering into a vacant property without property damage. So any property that is vacant, you can break in, and you are fine. Locks don't matter. Burglar alarms don't matter. By the way, if a burglar alarm goes off, what the hell do you do? You show up, "Hey, you don't prosecute it. I'm staying right here."

You may say: "Well, at least it is something reasonable, without property damage, right?" Well, now, except the problem is No. 8 on the list: breaking and entering into a vacant property with property damage.

So it doesn't matter. Break into the place, loot it, trash it, destroy it. All is good in Joe Biden's criminal-friendly America.

No. 9, wanton or malicious destruction of property. By the way, don't believe the Democratic talking point: "This stuff isn't violent." Really, wanton or malicious destruction of property? Not a crime in Joe Biden's America.

Threats, threats of violence. I want you to imagine right now you have got an angry vagrant making threats of violence against your children. You call the DA and say: "My family is being threatened. Protect our safety." And what does she say? "Not a crime."

Oh, well, stinks to be you. Threats are just A-OK.

Minor in possession of alcohol. Hey, great. Kids, drink up. Actually, the beauty of it is, in Joe Biden's America, the kids can get drunk; they can drive; they can have their license suspended; and apparently they will get a gold star at the end of it. Minors in possession of alcohol. We have got Senate pages here. Just go down to the U.S. attorney's office. They are serving margaritas.

Marijuana possession. OK. As I said, we can debate marijuana possession. Reasonable people can disagree on that. Now, it doesn't specify the quantity. A teenager with a joint? You can say that that may be a good candidate for diversion to something else. Drug dealer with several kilos of pot in the

back, maybe you ought to be prosecuting that.

Oh, and, by the way, how do we know she doesn't just limit it to kids with a joint? Well, what is No. 13 on the list? Possession with intent to distribute.

So, drug dealers—in Joe Biden's America, drug dealers, it is legal. You can sell booze to kids. You can sell drugs to kids. You can sell stolen televisions to kids. She doesn't prosecute drug dealers.

But look, at least it is just pot and come on, we know—you know, in States—in a lot of States pot is not that bad, right? It is just pot.

Uh-oh. No. 14, nonmarijuana drug possession. So for any Democrats ready to go home, saying, "Hey, we just like pot because we are Democrats," nope. Heroin, cocaine, LSD, fentanyl drug dealers who are poisoning our kids, in Joe Biden's America, we don't prosecute you.

And No. 15 is really the crowning jewel of this—resisting arrest. So I want you to envision what this says. You can break and enter into a vacant property and do damage. You can have a homeless person trespass on your front lawn, set up a tent, threaten your children, sell them drugs, and if a police officer shows up and tries to arrest them, they can violently resist arrest. And what does the DA say? "All good by me. Not a crime."

Madam President, this is, in a word, nuts. This is crazy.

And do you know what? This is what the Democrats support.

I will tell you why. The Democrats are counting on the news media refusing to cover this. The Democrats are counting on ABC, NBC, and CBS—this is not news. The Democrats are counting on CNN will not cover this.

Every single Democrat in this body has voted for Rachael Rollins. They had to bring Vice President HARRIS out to break the tie.

And, you know, Democrats, when they go home, they like to say: "We are not for abolishing the police."

No. Do you know what? When you vote to confirm a lawless so-called prosecutor who says "I won't prosecute crime," you have abolished the police. Cops can arrest them, but the DA will let them go. And what does she say? "Dismissed . . . prearrestment . . . without conditions."

This is radical and extreme, and I want to make a challenge to Senate Democrat colleagues. Some of you are in purple States. A few of you are in red States. Some of you are in bright blue States. I challenge any of you in the bluest State of the Union to go home to your constituents, get any gathering in a townhall, and put this chart in front of them. Ask your constituents: Do the people of Nevada agree that we shouldn't prosecute trespassing or shoplifting or drug dealing or resisting arrest or violent threats? Do the people of Virginia agree that these are not crimes and shouldn't be prosecuted?

And I promise you, in all 50 States, there is not a State too blue where your constituents would agree on this. And so what our Democratic colleagues are counting on is that people won't know.

You know, before the vote, I spoke with several Democrats. I tried to tell several Democrats, this is a bad vote. This is a vote you are going to regret. This is a vote your constituents are going to be mad at you for. One of those Democrats said: "Well, the majority leader asked me to do it."

You know, crack the whip, party unity, party discipline. The order from the Democrats in the White House is this is the chief Federal law enforcement officer in the Commonwealth of Massachusetts. God help you if you don't want violent criminals robbing your store. God help you if you don't want drunken homeless people setting up tents in your front yard. God help you if you don't want drug dealers selling drugs to your children because Joe Biden and KAMALA HARRIS have said those are all A-OK. And if you don't believe me—because in this bizarre partisan world nobody believes the other side—read the memo, "The Rachael Rollins Policy Memo." She wrote it. She put her name on it in writing. This is what it says.

If we lived in a time of sanity—Senators on both sides—Democrats listening to this would say: "Hold on a second. That doesn't make any sense at all. Let's tap the brakes."

By the way, one Democrat could stop this nomination—one. Every individual Democrat, you had the choice. It means every one of you is also the deciding vote. So when you go back to your home State, you singlehandedly decided this lawless, so-called prosecutor should be confirmed.

I will tell you this, you can never again claim you oppose abolishing the police because this vote is front and center: trespassing, not prosecuted; shoplifting; larceny; disorderly conduct; receiving stolen property; driving with a suspended license; breaking and entering with property damage; loss and malicious destruction of property; threats; minors in possession of alcohol; marijuana possession; possession with intent to distribute; nonmarijuana drug possession.

I don't ever want to see a Democrat standing up here talking about fentanyl: Fentanyl is terrible. I don't want to see another Democrat talking about the opioid crisis, saying: "People are dying in New Hampshire. People are dying in my State." They are, and you are about to vote for a prosecutor who won't prosecute the drug dealers selling those opioids and poisoning our children and won't prosecute resisting arrest. So, if a cop comes, take a swing.

To my colleagues on the Democratic side of the aisle, there is still time for you to stop this nomination. I implore of you: Listen to your constituents and do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINÉ. Madam President, I ask unanimous consent that the vote not begin until following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. KAINÉ. Madam President, in a minute, I am going to ask unanimous consent for the approval of three important nominees who are not controversial. We have been hearing reasons to oppose a nominee who has some controversy, and I am going to raise three who are not controversial.

In July, I had the opportunity to travel to Mexico, Ecuador, Colombia, and Guatemala as part of a bipartisan congressional delegation. The first question we received in Mexico was not about COVID-19 and not about immigration. It was, When is your Ambassador going to get here?

Fortunately, since then, the Senate has approved the nomination of Ken Salazar to be Ambassador to Mexico, but the exchange underscores the importance of having U.S. Ambassadors on the ground and the value that other nations see in Senate-confirmed representatives of the United States.

I take the floor today to talk about three noncontroversial nominees: Adam Scheinman, of Virginia, to be Special Representative of the President for Nuclear Nonproliferation; Marc Ostfield to be Ambassador to Paraguay; and Cynthia Telles to be Ambassador to Costa Rica.

Mr. Scheinman has had a long history in the State Department and on the National Security Council at the White House on Nuclear Nonproliferation issues.

Marc Ostfield is a career Foreign Service Officer with deep experience in the Americas.

Cynthia Telles is the daughter of the first Hispanic to be a U.S. Ambassador. Her father was the U.S. Ambassador to Costa Rica 60 years ago, and after a very distinguished career, she has been nominated to inherit the post that he ably inhabited.

These were all nominees approved noncontroversially by the Foreign Relations Committee on October 19, nearly 2 months ago.

I will just mention to my colleagues one thing about Mr. Scheinman. It is particularly important that he be confirmed as soon as possible. An important duty of the Special Representative of the President for Nuclear Nonproliferation is to lead the U.S. delegation to the Non-Proliferation of Nuclear Weapons Treaty Review Conference. This conference happens once every 5 years—once every 5 years—and it is going to happen next month. If he is not confirmed before then, the United States will not have an Ambassador-level official to lead the American delegation at this existentially important meeting.

Madam President, I ask unanimous consent that the Senate consider the following nominations: Executive Calendar Nos. 433, 436, and 439; 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 on these 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 Texas.

Mr. CRUZ. Madam President, reserving the right to object.

The eyes of history are on the Senate today. If the Nord Stream 2 Pipeline comes online, as it is on the verge of doing, the odds of Russian tanks rolling into Ukraine increase dramatically. We have imposed sanctions on the Nord Stream 2 Pipeline with bipartisan unity. We can do it again.

If Russian tanks roll into Kiev, who in this Chamber wants that on their conscience?

We need to stop Russia from invading Ukraine, and the only way to do it is by imposing sanctions on Nord Stream 2. We did that 2 years ago. We overwhelmingly passed bipartisan sanctions that President Trump signed into law.

It is worth explaining why these two are linked.

We are all reading in the newspaper—and my friend from Virginia and I have sat in briefings, classified and public briefings—that over 100,000 Russian troops are massed on the Ukraine border. The administration declassified its own projections that an invasion of Ukraine is imminent and could come as soon as January or February of next year. This disaster is the direct result of a political mistake made by Joe Biden.

What does the Nord Stream 2 Pipeline have to do with Russia's invading Ukraine?

Well, here is a little bit of ancient history. In the year 2014, Vladimir Putin invaded Ukraine.

Why?

He did it because he has said that he considers the dissolution of the Soviet Union to be the greatest geopolitical disaster of the 21st century, and his grand ambition is to recreate the Soviet Union—by force.

A reassembled Soviet Union would be a profound threat to the safety of all Americans. We spent decades with a dangerous Soviet Union. In 2014, Putin invaded Ukraine—he invaded Crimea—but he stopped. He didn't go through all of Ukraine.

Why did he stop?

He stopped because Russian natural gas, to get to Europe, goes through Ukraine. The pipelines go through Ukraine.

Mr. KAINE. Madam President, may I invoke regular order? This is not a response to any of these three nominations.

The PRESIDING OFFICER. Is there an objection to the request?

Mr. CRUZ. Madam President, reserving the right to object.

There is nothing in regular order that limits my ability to explain my view on this topic.

So, apparently, the Democrats don't want to talk about Joe Biden's gift to Russia and Putin that has set up the tanks on the border of Ukraine.

The PRESIDING OFFICER. Is there an objection to the original request?

Mr. CRUZ. Is the Chair refusing to let me speak?

The PRESIDING OFFICER. The Senate has a scheduled vote. You see that Members have made their way to the floor. We have a lot of business to take care of, as you see.

Mr. CRUZ. And, just a moment ago, the Chair granted unanimous consent that that time be extended until this unanimous consent request was concluded. That is the pending UC that was granted.

If Senator KAINE or the Chair wants to silence me because you don't want to hear what is happening in Ukraine, you can try to do that.

Mr. KAINE. Madam President, we have no interest in silencing Senator CRUZ. In fact, the Democrats agreed to allow Senator CRUZ to present his amendment on Nord Stream 2 last week, and it was blocked by Republican colleagues.

I have made a request for unanimous consent about two Ambassadors to the Americas and about someone who needs to attend a nuclear nonproliferation conference and lead the delegation from the United States. It happens once every 5 years, and it is coming up.

The Senator is allowed to speak about Nord Stream 2 for as long as he wants, but he shouldn't interrupt a UC for these three individuals to give a speech that he has given many times and that he is going to continue to give many times, and I am sure we are all going to hear it many times.

I would like a ruling on my request for unanimous consent on these three nominees.

The PRESIDING OFFICER. Is there an objection to the original request?

Mr. CRUZ. Madam President, I object. And the Chair and the Democrats are hiding from the truth.

The PRESIDING OFFICER. Objection is heard.

Mr. KAINE. Madam President, I yield the floor.

VOTE ON ROLLINS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Rollins nomination?

Mr. SCHATZ. Madam President, 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 senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 486 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

(Ms. STABENOW assumed the Chair.)

(Ms. ROSEN assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

The nomination was confirmed.

The VICE PRESIDENT. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will immediately be notified of the Senate's actions.

CLOTURE MOTION

The PRESIDING OFFICER (Ms. ROSEN). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 482, Michael D. Smith, of Virginia, to be Chief Executive Officer of the Corporation for National and Community Service.

Charles E. Schumer, Tammy Baldwin, Angus S. King, Jr., Patrick J. Leahy, John W. Hickenlooper, Jon Ossoff, Richard J. Durbin, Jeff Merkley, Benjamin L. Cardin, Sheldon Whitehouse, Kirsten E. Gillibrand, Mark Kelly, Kyrsten Sinema, Joe Manchin III, Edward J. Markey, Richard Blumenthal, Jack Reed, Raphael G. Warnock, Jeanne Shaheen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Michael D. Smith, of Virginia, to be Chief Executive Officer of the Corporation for National and Community Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The yeas and nays resulted—yeas 60, nays 39, as follows:

[Rollcall Vote No. 487 Ex.]

YEAS—60

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Hassan	Reed
Blunt	Heinrich	Romney
Booker	Hickenlooper	Rosen
Brown	Hirono	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Lujan	Tester
Cassidy	Manchin	Tillis
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cornyn	Merkley	Warnock
Cortez Masto	Murkowski	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Feinstein	Ossoff	Wyden

NAYS—39

Barrasso	Hawley	Portman
Blackburn	Hoeven	Risch
Boozman	Hyde-Smith	Rounds
Braun	Inhofe	Rubio
Cotton	Johnson	Sasse
Cramer	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shelby
Daines	Lummis	Sullivan
Ernst	Marshall	Thune
Fischer	McConnell	Toomey
Grassley	Moran	Tuberville
Hagerty	Paul	Young

NOT VOTING—1

Sanders

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 60, the nays are 39.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Michael D. Smith, of Virginia, to be Chief Executive Officer of the Corporation for National and Community Service.

The PRESIDING OFFICER. The majority whip.

UNANIMOUS CONSENT AGREEMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the vote on the confirmation of the Smith nomination scheduled for 5:15 p.m. instead occur at 6:45 p.m.; that upon disposition of the Smith nomination, the Senate resume legislative session and that all time in relation to S.J. Res. 29 be expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Therefore, for the information of Senators, there will be two rollcall votes beginning at 6:45 p.m.

CORONAVIRUS

Mr. DURBIN. Mr. President, yesterday, Chicago reported its first case of the new coronavirus variant, Omicron. Our State's health officials predicted this day would come; it did. They are actively preparing for additional cases.

The World Health Organization has identified it as a variant of concern. It has the potential for increased transmissibility and could possibly—I underline “possibly”—evade some protections from existing vaccines.

But as we begin to learn about this variant, some hopeful signs have emerged. On Sunday, Dr. Fauci described early data on the severity of Omicron as “encouraging.” Additionally, today, we received preliminary findings that patients are better protected against Omicron with a third Pfizer dose.

And while it is still too soon to draw any definitive conclusions—too soon—what is clear is that the historic investments we have made—the Senate and President Biden—these investments in public health are paying off.

Thanks to the American Rescue Plan—which we passed earlier this year on, sadly, a partisan rollcall without a single Republican vote—America is more prepared. That rescue package not only funded production and distribution of lifesaving vaccines; it paved the way for public health officials to detect and track new variants like Omicron. It provided more than a billion dollars toward expanding and accelerating genomic sequencing, the process that allows us to analyze how the coronavirus is evolving and spreading in realtime, so we can respond.

Thanks to this investment today, America is sequencing roughly 80,000 virus samples a week. Before President Biden took office, we were sequencing fewer than 3,000; now, 80,000 a week. That has made a world of difference when it comes to tracking the spread of a variant.

In less than 2 weeks since the variant was discovered in South Africa, it has been identified in at least 19 States in addition to Illinois.

As we await more data on the risk Omicron poses to the public, here are three things we know. First—and it bears repeating—the best protection is to get vaccinated. Ninety-five percent of Americans are eligible, and 70 percent have already gotten at least one shot. Within days, we will hit the impressive milestone of 200 million Americans getting fully vaccinated. We need to continue to promote this incredible safety tool, and that means booster shots as well.

Second, America must continue to support the global vaccine campaign. As I have said before, COVID doesn't know borders. As long as it is circulating across the globe, the risk of virus mutation growing stronger and

roaring back into the United States continues to be real.

Fortunately, the Biden administration has already taken important steps to address global vaccine inequality and get more shots to low-income countries. Just this week, USAID announced a \$400 million investment in a new global vaccine access program to deliver vaccines to remote parts of the world.

I just got off the phone with Dr. Atul Gawande, a surgeon at Brigham and Women's Hospital, a prolific author, and a man who is very insightful. He has agreed to step forward and to work with Administrator Samantha Power at USAID. He is the right person for this job at this very moment. So I encourage my colleagues to let him move off the calendar and into the job as quickly as possible. We need his expertise at USAID.

The third point I would like to make is that we need to build on the American Rescue Plan's investment in public health. Effective public health systems are like smoke detectors: They can alert us to deadly dangers long before they threaten.

At the start of this pandemic, America's public health system had been ignored and underfunded for years. That is the reason why we proposed nearly \$10 billion in the Build Back Better plan, which we are currently working on, to improve laboratory capacity, disease detection, the workforce, and public health preparedness. This funding will fortify our public health system at a time when it is absolutely necessary.

BUILD BACK BETTER ACT

Mr. President, on a related matter, just before Thanksgiving, the House of Representatives passed the Build Back Better Act. It is one of the most pro-family pieces of legislation in modern history.

For nearly 50 years, the wealthy in America have gotten richer while the middle class has been squeezed. Build Back Better is about restoring fairness.

Four years ago, when the Republicans had their chance to use the reconciliation process, they really identified their highest priority: tax breaks for the wealthiest Americans. They continue to hold to the philosophy that if you give tax breaks to wealthy people, eventually people who are in the middle-income categories—working families—will start to see some benefits coming their way. I couldn't disagree more.

I believe investing in working families in America has always been the best investment. These are families with kids who are destined for college and even better jobs if we invest in those families and give them a fighting chance. The wealthy are going to do just fine by themselves, and they are doing pretty well, I might add.

We have got to make sure that this Build Back Better Act, which President Biden supports, really focuses on working families. And that is why the

bill that passed the House has the largest tax cut for middle-class and working families ever in America's history.

That bears repeating.

Four years ago, the Republicans gave a tax break to the wealthiest people in America. The bill that we are considering will give the largest tax cut for middle class and working families in our Nation's history. It helps families with big-ticket items that keep people up at night: affordable childcare; universal pre-kindergarten; expanded, affordable healthcare coverage; help with affordable housing. It makes serious investments in reducing greenhouse gas emissions.

Let's be very clear about it. I can remember a time when the whole issue of climate change and global warming was a truly bipartisan concern. The bills that used to come to the floor were cosponsored by the likes of John McCain and Joe Lieberman, a Republican and a Democrat, both very seriously concerned about what was happening to the world's environment.

That is no longer the case. It is a struggle for us to get Republicans to even acknowledge that there is a challenge, let alone accept the challenge of the solutions that lie ahead.

We need to make serious investments in reducing greenhouse gas emissions and the effects of climate change. And critically important to our future economic prosperity, we need Build Back Better to make investments in higher education and affordability, which is the next topic I would like to address.

PELL GRANT PROGRAM

Mr. President, the Pell Grant Program has been the cornerstone of America's investment in college student aid for more than 50 years, but it has failed to keep up with the times. It was created in 1972—think about that—almost 50 years ago, and at the time the Pell grants were worth more than 75 percent of the average cost of attending a 4-year public college or university—tuition, fees, and living expenses. The Pell grant covered 75 percent of it. Today, the Pell grant covers less than 30 percent.

Well, what makes up the difference? Student debt makes up the difference. Forty-five million Americans now own \$1.7 trillion—that is with a “t”—\$1.7 trillion in student loan debt. That is more than America's combined debt to credit card companies. It is second only to mortgages. It is the largest consumer debt in America. Build Back Better will ease the squeeze of college costs by increasing the maximum Pell grant by \$550. It will also expand Pell grants and other forms of Federal aid to DACA students. These historic investments will help 5 million students from lower incomes earn college degrees and build a better, stronger America.

Now, there is one item in here that I am going to close with that is very important. For years, I brought to the attention of the Senate one industry that purports to be part of education in

America—for-profit colleges and universities. With this new Pell grant, we make it clear that the \$550 increase will not go to for-profit colleges.

Why, you ask? Take a look at the record. The for-profit college industry is one of the most heavily federally subsidized sectors in America. Some for-profit college companies receive 100 percent of their revenue from Federal taxpayers. That is right. Pell grants and student loans make up their entire revenue.

The University of Phoenix is one of the giants in the industry—has been for years. One of the founders once called Pell grants and student loans “the juice” for the for-profit college industry. It was one of the largest ever increases to the Pell grant on the table. The for-profit college industry is looking for more “juice.” They are not going to get it, and I am glad they don't.

I would like to leave those who are following my remarks with a quiz. What percentage of post-secondary students in America attend for-profit colleges and universities? The answer: 8 percent.

Next question: What percentage of defaults on student loans are by students from for-profit colleges and universities? The answer: 30 percent—8 percent of the students and 30 percent of the student loan defaults.

Is it just bad luck? No. It is by design. For-profit colleges and universities will literally accept anyone with a pulse. You do not have to show any aptitude or any ambition. If you will sign on the dotted line and they can take over your Pell grant and hook you up with a student loan, they are perfectly happy.

Then what happens? Well, the net result of it is often disappointing. The students have to drop out. They can't continue to pay the high tuitions at these places, and when they drop out, they still have a mountain of debt to pay off. Eventually, you will get a default on it—30 percent of them are going to default on it. That is an outrageous number when you think about it. Also, I might add, these so-called colleges and universities are notorious for fraudulent conduct—misleading their students about what they are learning and what they can earn from what they learn. It is a terrible record.

For-profit colleges just spend 26 percent of their revenue on instruction. Well, what do they do with 74 percent? They market, and they take it as profit. Twenty-six percent of their revenue on education—it is a joke. And we are fools to keep perpetuating this terrible drain on the American economy and this terrible hardship on some of these students and their families.

So over the last 20 years, nearly every major for-profit college has been investigated and sued by State and Federal agencies for deception and abusive practices.

Many, like the University of Phoenix, and DeVry, which sadly is from

the city of Chicago, got paid tens of millions of dollars in Federal subsidies. Since the collapse of the most infamous for-profit colleges—Corinthian and ITT Tech—we see taxpayers holding the bag for the defaulted student loans to the tune of millions of dollars.

So let's be clear. Adding new program protections in Build Back Better is not about Congress punishing students. The for-profit college industry is doing that quite well by themselves. This is about protecting traditionally underserved and marginalized students and preventing taxpayer dollars from being wasted on these miserable institutions.

In closing, I ask unanimous consent to enter into the CONGRESSIONAL RECORD a letter from a coalition of groups urging Congress to support these new protections for Pell grants—among them, the National Urban League, the Education Trust, and Veterans Education Success.

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

NOVEMBER 17, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. CHUCK SCHUMER,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER SCHUMER: We represent a broad coalition of organizations working on behalf of students, veterans, faculty and staff, civil rights advocates, researchers, and others concerned about career education programs that leave students with debts they cannot afford. Predatory schools leave students with unfair and unaffordable student loan debt and leave taxpayers exposed when students cannot repay those debts.

We strongly support the Build Back Better bill's investments in higher education, including the \$550 increase to the maximum Pell grant. Pell grants have helped millions of low- and moderate-income Americans, most with family incomes under \$40,000, attend and complete college. We also support incentivizing students to attend schools where Pell grant dollars will go the furthest, and where increases in aid are less likely to translate into increased tuition costs and debt. Excluding schools that operate on a for-profit basis will promote both goals.

Research shows that—in contrast to other sectors of higher education—tuition rises at for-profit colleges when additional federal financial aid is made available to the sector. Further, investigations and data spanning more than a decade show that for-profit colleges, overall, provide worse outcomes for students than other sectors of higher education. High prices, low spending on instruction, and high dropout rates at many for-profit schools have left former students, including a disproportionate share of Black and Latina/o borrowers, buried in debt and without the career advancement they sought.

For-profit colleges spend just 26 percent of the tuition revenue they receive on instruction, compared to 79 percent at nonprofit colleges and an even higher percent at four-year public colleges. Just 25 percent of for-profit students graduate with a bachelor's degree in six years, compared to 61–67 percent in other four-year sectors. For-profit institutions account for less than 10 percent of overall college enrollment but make up one-third of all students in default.

Additionally, many for-profit schools have engaged in predatory and deceptive practices to recruit students into low-quality programs. When investigations have documented such deception and fraud, the schools have collapsed and closed, taking taxpayer dollars with them and leaving students with neither credentials nor enhanced earning power. Since 2009–10, more than \$9 billion in Pell grants have gone to for-profit schools that have collapsed. ITT Tech and Corinthian Colleges alone received more than \$4.2 billion in Pell grants in the six years before both schools shuttered.

Multiple states, including California and Washington, have taken steps to allocate state financial aid dollars in a manner comparable to the Build Back Better provision—directing students to more valuable programs by increasing available aid for those programs. The approach taken in the Build Back Better Act will focus new Pell grant investments in a simple and effective way that will reduce waste, fraud, and abuse.

The Build Back Better bill makes an appropriate decision to direct the Pell grant increase in a manner that maximizes federal resources. We thank you for the hard work on the Build Back Better package, and we look forward to working together to pass this provision and the full package of critical new investments.

Sincerely,

American Association of University Professors; American Federation of Teachers; Americans for Financial Reform; Association of Young Americans (AYA); Center for American Progress; Center for Law and Social Policy (CLASP); Clearinghouse on Women's Issues; College & Community Fellowship; Consumer Action; Education Reform Now Advocacy; Feminist Majority Foundation; Generation Progress; National Down Syndrome Congress; National Education Association; National Urban League; New America Higher Education Program; Ohio Student Association; Project on Predatory Student Lending; Public Citizen; Public Higher Education Network of Massachusetts (PHENOM); The Education Trust; The Institute for College Access & Success; Veterans Education Success; Young Invincibles; David Halperin, Attorney; Robert Shireman, The Century Foundation.

Mr. DURBIN. I urge my colleagues to resist any attempt to remove this provision during floor consideration. Do not open the spigot of Federal dollars to this predatory industry. They have syphoned off enough money and ruined enough lives of students as it is. We shouldn't perpetuate this terrible fraud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. RES. 474

Mr. SCOTT of Florida. Mr. President, since being elected to the U.S. Senate about 3 years ago, I have spoken often about the dangers presented by communist China. I have not been alone in this. Colleagues on both sides of the aisle—Republicans, Democrats, and Independents in this body—have been vocal about the threats we face from General Secretary Xi and his communist regime.

While we may not always agree on the solutions to the problems caused by communist China, I feel we are united in a truth: the good people of China are being brutally oppressed, censored, intimidated, and manipu-

lated by the Chinese Communist Party—a regime that wants nothing more than to dominate the world and extinguish the democratic values and true freedoms we so proudly stand for.

Communist China's actions have repeatedly made this fact clear to all freedom-loving people across the world, and its latest attack on liberty and freedom of Peng Shuai demand our attention.

Ms. Shuai is one of China's most recognizable athletes. She is a three-time Olympian and was ranked the No. 1 doubles player in 2014 by the Women's Tennis Association. She has won championships at Wimbledon and the French Open and has represented her country at the highest levels of tennis competition.

So when she shared her story of sexual abuse by a former Vice Premier of the Chinese Communist Party last month on social media, it rightfully caught the attention of the world.

And communist China's reaction to these disturbing allegations have both shocked us all and completely verified all of our fears.

Instead of taking Ms. Shuai's claims seriously and investigating these allegations, the communist Chinese Government followed its authoritarian playbook—silence, deflect, and cover up.

General Secretary Xi and his Communist thugs are so thin-skinned, weak, and intolerant of any questioning of their conduct that the government immediately silenced and disappeared Ms. Shuai.

For more than 2 weeks, a global outcry arose, led by the Women's Tennis Association, asking "Where is Peng?"

Then, communist China's state media released what it said was an email from Ms. Shuai to the Women's Tennis Association reversing her allegations. It read like a hostage note and only raised more concerns as to her whereabouts and safety.

Then, the communist Chinese Government shared a couple of videos of Ms. Shuai at various structured public events and staged two video calls with the International Olympic Committee. Shockingly, the International Olympic Committee didn't ask about her disappearance. They didn't ask about her allegations of abuse. But are any of us surprised?

I have been pressing the International Olympic Committee to speak up against communist China's genocide, attacks on democracy, and other abuses for 2 years. They have been completely silent.

The IOC's failure to ask these questions reveals it is more interested in appeasing the Chinese Communist Party and maintaining its good relationship with a genocidal communist regime than the safety of athletes.

I am not the only one who believes this. Last week, world renowned sports broadcaster Bob Costas appeared on CNN and told the truth that I have been sounding the alarm on. The IOC is

in bed with communist China. It is disgusting, but that is the truth.

Fortunately, the Women's Tennis Association took real action to stand up for Ms. Shuai. Last week, the WTA announced it would be suspending all of its events in China until it was clear that Ms. Shuai was safe and in good health. The WTA is also calling for a full-fledged and completely transparent investigation into Ms. Shuai's allegations.

We should applaud the WTA for doing the right thing and showing the world how sport can stand up to an evil authoritarian communist regime. This is what courage looks like, and I believe it ought to be celebrated in this body. The IOC, on the other hand, is bending over backward to keep communist China happy.

We have American athletes and coaches traveling to Beijing in just weeks. It is terrifying. If communist China is willing to do this to its own citizens, how do we know Americans will be safe during the Olympics?

We must demand that Ms. Shuai immediately be freed from censorship, coercion, and intimidation, and that there be a full investigation into her serious allegations of sexual assault against former Vice Premier Zhang Gaoli.

That is why I have introduced a resolution calling exactly for that.

I am thankful that Senators LUMMIS, RUBIO, BRAUN, HAWLEY, and CRUZ have joined me. The United States is the leading voice of freedom and democracy around the world. We cannot tolerate this kind of behavior, and I urge my colleagues to stand together today for human rights and help pass this good resolution.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 474, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, if I can be recognized.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me say to my colleague from Florida, I like your resolution, and I really think it speaks to the sentiment shared by the vast majority—maybe even all of the U.S. Senators.

I am not certain how to pronounce this young lady's name—Peng Shuai.

Mr. SCOTT of Florida. Peng Shuai.

Mr. DURBIN. Peng Shuai. Well, I will accept you as my Mandarin coach and refer to her as Peng Shuai.

It is outrageous. She reports sexual abuse by a high-ranking official and then she disappears and they feed us occasional videotapes.

Well, I want to join you in commending the Women's Tennis Association, and I also want to add that I

think the President was correct in not only saying that we were going to withhold any diplomats being sent over to China during the next round of the Olympic Games, but I understand the administration is reaching out to other countries to join us.

Whether it is the Uighers or whether it is Ms. Peng Shuai, outrageous human rights abuses should not be ignored. And as I glance at your resolution here, it looks like you hit the nail on the head.

So why am I reserving the right to object?

Here is something that I think would be helpful in the cause of human rights. What if the United States of America actually had an Ambassador in China?

Think about that possibility. We would have someone representing our country on the scene in Beijing working for the United States, speaking up for human rights.

Well, what is holding us back? Why won't Biden nominate somebody for this job?

Well, it turns out he did, a man named Nicholas Burns.

Well, we all know him. He has a long record of diplomacy in Foreign Service—service in Russia and other places. He is a key man in the State Department and one that we can rely on. And he should be in Beijing fighting for the causes that you and I agree on today.

What can possibly be holding him up? We need him there.

Well, it turns out he is being held up by that side of the aisle objecting to his being called.

Well, we have a chance to resolve that today. We can pass not only your resolution, but we can appoint Mr. Burns as the Ambassador to China and get it done and he could be on a plane in the morning.

How about that? That would be an amazing thing to accomplish. You take that home to Florida, and I will take that home to Illinois. It is a good day's work.

And so, to reach that end, I ask that the pending request be modified as follows: Notwithstanding rule XXII, the Senate proceed to the consideration of the following nomination: Calendar No. 525, R. Nicholas Burns, of Massachusetts, to be Ambassador of the United States of America to People's Republic of China; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that the President be immediately notified of the Senate's action; and then, as if in legislative session, the Senate proceed to the immediate consideration of your resolution, S. Res. 474, submitted earlier today; that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table without intervening action or debate.

What an amazing bipartisan achievement that we can put together in just a few minutes here.

The PRESIDING OFFICER. Will the Senator from Florida so modify his request?

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Reserving the right to object, first, I thank my colleague for agreeing that—I think we all agree that what has happened to Peng Shuai is wrong, and I think we all know we have to stand up to what communist China is doing.

Here is my concern about Nick Burns: Until the day he was nominated by President Biden, he had had no problems with communist China. He has never stood up to communist China; he has taken money from communist China; he has always looked the other way.

So my concern is that we ought to have a vote on him because everybody ought to have the opportunity to talk to him and get his position. I have talked to him, and he has never ever said a word about the Uighurs, about the Tibetans, about what happened in Hong Kong, about stealing American technology. He has never done any of those things. So I don't know how it is going to help us.

I object to the modification, but I hope my colleague will agree that the resolution itself is worth it to go forward and just do it by themselves, and, over time, we will have a vote on Nick Burns.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there an objection to the original request?

Mr. DURBIN. Mr. President, time is wasting. We need an Ambassador to China.

I am sorry, but I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, this is pretty disappointing, all right?

My Democratic colleague said that he agreed with the resolution. I think it is time that we stand up for the Chinese citizens who are being oppressed by Secretary Xi.

What this resolution does is say that, you know, we have got to stand up to all the oppression in China, that we have got to stand up for Peng Shuai. The resolution says, you know, as for the athletes who are going over there, we have your backs. Yet, if you look at what is happening now, the Democrats are saying: We are not going to do those things.

I don't think that is right. I don't believe our platform in the Senate should be that we don't stand for alleged victims of sexual assault. I think, by not having this resolution approved today and having the Democrats block it, that that is exactly what we are saying.

So it is pretty disappointing. This was a basic resolution that said that we were going to stand up for Peng Shuai. I am very appreciative of what

the WTA has done. I am very disappointed with what the NBA has done. I am disappointed with what the IOC has done.

I am also disappointed that the Senate, today, could not come to a resolution and simply stand up for somebody who has accused the Vice Premier of China of sexual assault. None of us would like that to happen to anybody in our families, and we don't want it to happen to anybody in this country. We ought to stand up for people in China just like we would want them to stand up for people in this country.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. VAN HOLLEN. Mr. President, I am here on the floor today to urge the Senate to move immediately to vote on the confirmation of Dr. Laurie Locascio to be the Under Secretary of Commerce for Standards and Technology at the Department of Commerce and—this is a double-headed position—as the Director of the National Institute of Standards and Technology.

As of today, we have 156 pending nominations on the executive calendar. These include Ambassadorial nominations to important countries like China, Japan, and others all around the world. It is harming our national security. We should be moving forward with them urgently. Then there are a whole number of nominations that relate to very important U.S. domestic Agencies, and one of them is this appointment at the National Institute of Standards and Technology.

Look, many Americans are aware of the NIH, the National Institutes of Health. They know that that Institute does very important medical research that helps save lives and that it develops treatments to help Americans and others around the world. In fact, they have played a key role in the development of the vaccines against COVID-19.

Less well-known but also very important is the National Institute of Standards and Technology, which plays a key role in supporting American economic competitiveness and supporting innovation for Americans and American companies around the world. They also play an important role in the supply chain effort of the United States. That, of course, has taken on added significance in recent months as we experience bottlenecks.

So we are only hurting ourselves, and we are only hurting our country by refusing to allow this body to move forward on a vote on her nomination. We are essentially saying to this very important institute, this important government entity: We are not going to vote on your leader. So it is time to move forward on this.

Now, I want to talk a little bit about why Dr. Locascio is an exceptional choice for this role. It is not only because she hails from the great State of Maryland; it is not only because she is a graduate of the University of Maryland, Baltimore and that she has been

a leader of the University of Maryland's research endeavors since 2017; but it is also—and most importantly—because she brings to this position three decades of experience in working at all levels at NIST, the institute to which she has been nominated to lead.

She began her time at the Agency as a research staffer and rose to become the Acting Principal Deputy Director and Associate Director for Laboratory Programs. She was responsible for directing the Material Measurement Laboratory, which is one of NIST's largest laboratories. She also has very intimate knowledge of NIST from her other years of experience there, and she has really touched upon every area of endeavor within the NIST portfolio.

As I indicated, this appointment would be important at any time, but it is especially important at this moment as we grapple with supply chain issues and as we try to bolster U.S. manufacturing and try to make sure that we manufacture here, in the United States, essential products that we need.

This body, in addition to focusing on the manufacturing side of the ledger, also understands the importance of investment in vital research and materials science, in things like quantum computing and artificial intelligence. We passed, with an overwhelming bipartisan vote of 68 to 32, the U.S. Innovation and Competition Act, and NIST has very important responsibilities in those areas. What NIST does there is very important in our maintaining and sharpening our position in the world, especially as we address the growing challenge of China.

I also want to mention the Manufacturing Extension Partnership that is run out of NIST, which plays a very important role right now as we work to fight these supply chain blockages and also accelerate the production of personal protective equipment—N95 masks and ventilators. That push was fueled, largely, by the \$50 million that this body helped to appropriate for the MEP program in the CARES Act. Again, that is a program housed in NIST that is helping to deal with supply chain bottlenecks when it comes to essential protections from the pandemic.

So there is no justification for blocking this nomination. In fact, all we are doing is tying our hands behind our backs by depriving this important institute of their top leader at a time when we face national challenges on supply chain issues and at a time when we understand we have got to be at the top of our game when it comes to innovation and cutting-edge technologies in so many areas where it is essential to meet the challenge of China and others around the world in global competition. So I would really urge my colleagues to allow this nomination to proceed. It is the right thing to do for our country.

Mr. President, at this point in time, I ask unanimous consent that, notwithstanding rule XXII, the Senate

consider the following nomination: Executive Calendar No. 551, Department of Commerce, Laurie E. Locascio, of Maryland, to be Under Secretary of Commerce for Standards and Technology; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order on the nomination; 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, I want to acknowledge my colleague's interest in the nominee for the National Institute of Standards and Technology.

I am not sure if my colleague is aware, but, last month, I sent a letter to the Commerce Committee, informing them that I would be holding all Department of Transportation and Department of Commerce nominees until the committee hears testimony from Secretary Raimondo and Secretary Buttigieg about the supply chain crisis.

Right now, there are nearly 100 ships waiting to dock in California ports to unload their goods, but they are unable to do so because of President Biden's supply chain crisis. Christmas is just a couple of weeks away, and families and businesses are facing empty shelves, shortages on goods, and higher prices. So far, as far as I can tell, I have only seen Secretary Buttigieg and Secretary Raimondo play TV commentator rather than actually go out to California and solve the problems.

It is long past time for the Biden administration to tell us exactly what they are doing to solve this crisis and help American families. Until we hear from Secretary Buttigieg and Secretary Raimondo in the Commerce Committee, I will be objecting to all Commerce and Transportation nominees going through an expedited process here in the Senate.

This isn't personal. It is about accountability. I look forward to hearing from Secretary Raimondo and Secretary Buttigieg and then going forward with these nominees.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I would just ask my colleague, in the coming days, before the end of the year, to reconsider his position.

He is a member of the Commerce Committee, and he knows well that there have been three hearings on supply chain issues, one on May 11 regarding "Freight Mobility: Strengthening America's Supply"; on July 15, "Implementing Supply Chain Resiliency"; and on December 7, "Uncharted Waters: Challenges Posed by Ocean Shipping Supply Chains," where the committee discussed a whole range of supply chain issues.

Moreover, responding to these issues, if we are really serious about addressing our supply chain issues, how does it help to deny us the opportunity to vote and put in place the Director of an Agency that is supposed to help relieve the supply chain bottlenecks?

I know the Senator from Florida had to leave, but it is a very simple question. If there is a genuine interest in addressing supply chain bottlenecks and addressing the cost pressures, how does denying NIST a leader help advance that agenda? Clearly, it does not. Clearly, this is harming the U.S. markets at this important time. Clearly, it is harming our supply chain efforts. Clearly, it is harming U.S. competitiveness.

So I urge my colleagues to move forward on this nomination. Apparently not today because of the objection, but let's get it done before the end of this year.

I am not going to ask for a quorum call. Thank you. That is it.

The PRESIDING OFFICER. The Senator from Wisconsin.

VACCINE MANDATE

Mr. JOHNSON. Mr. President, I come to the floor of the Senate today to make a few points and ask a few questions.

First of all, can we all acknowledge that there is so much that we do not know about the coronavirus, about COVID, the disease, or about the COVID vaccines? Our response to COVID, as a result, has been a reaction to very imperfect information.

So, very early in the pandemic, I gave those individuals in a position to have to make very tough decisions with imperfect information a great deal of latitude in making those tough calls, but over the course of the months, we have learned a lot.

We have always been told to follow the science, but it sure seems our healthcare Agencies—as I refer to them, the COVID gods; the Dr. Faucis of the world, the Agency heads, the Biden administration, the mainstream media, and social media—have never allowed second opinions. There has been one narrative, and they simply have not been willing to consider alternative measures.

So a question I think we should all be asking ourselves is, Does that response work? Over 780,000 Americans have lost their lives. The human toll of the economic devastation of the shutdowns, the year of lost learning for our children, the psychological harm to our children, the record overdose deaths, the increase in suicides—I don't know how you can take a look at America's death rate—the last time I looked, it was a couple weeks old; about 220 per 100,000 population. By the way, Sweden was at 145 per 100,000 a couple of weeks ago. I don't see how anybody can take a look at the response imposed in our country by the COVID gods and say it was a success.

So acknowledging the fact that there is still so much we don't know, I would

appreciate a little modesty on the part of the COVID gods. I would appreciate that we actually follow the advice that I have always heard when dealing with a serious medical condition: Get a second opinion. Get a third opinion. As I said, that is not allowed.

I think it also calls for a little respect for our fellow citizens. These are some tough decisions. They are tough decisions whether or not you want to get vaccinated.

Even more gut-wrenching than tough decisions based on these idiotic and pointless vaccine mandates is, do I subject to the coercion, to the pressure, to the fear of reprisal and take the jab or lose my job? These are tough decisions.

I am a big supporter of Operation Warp Speed. I have had every vaccination until this one because I had COVID. The COVID gods aren't acknowledging natural immunity. They are not acknowledging vaccine injuries. They are not acknowledging the fact that even if you are fully vaccinated, you can still get COVID and you can still transmit COVID. So what is the point of a mandate? But, of course, that is not what we are getting from the COVID gods.

This weekend, something happened that is not unusual. My words were taken completely out of context, twisted, distorted, and I was relentlessly attacked.

I would like to respond to those attacks that were headlined:

"Fauci calls Ron Johnson's AIDS comment 'preposterous.'"

Fauci said:

I don't have any clue of what he's talking about.

"Fauci Blasts Ron Johnson for Saying He 'Overhyped' AIDS: 'Preposterous!'"

"Anthony Fauci Rips GOP Sen. Ron Johnson's 'Preposterous' Accusation He's 'Overhyped' COVID."

So what did I say? That sounds terrible. Well, what I said was in response to radio talk show host Brian Kilmeade's question asking about the Omicron variant.

He said: It looks benign. I mean, mild symptoms; mostly people under 40.

So I answered his question about Omicron, talking about Muller's ratchet. It is a phenomenon. It makes sense—how viruses generally mutate, how they become more contagious because they want to replicate, so they become more contagious but generally less lethal because it doesn't have replication if you kill your host. Now, nothing is guaranteed, but that would be the general direction of the variants of the coronavirus. Why would we assume anything worse? But that is what the COVID gods are doing. They are assuming the worse. They are using every new variant to keep us in the state of fear that they have created to maintain control over our lives and rob us of our freedom, to impose freedom-robbing vaccine mandates, again, that are preposterous—there is a good use of that word—that are pointless, that are idiotic.

But after talking about that state of fear, I went on to say:

By the way, Fauci did the exact same thing with AIDS. He overhyped it.

Now, full stop, that is where the news media stopped and then accused me, falsely, of downplaying AIDS. I have never, nor would I ever downplay the tragedy that is AIDS, that is COVID. These are serious, deadly diseases. They have killed hundreds of thousands. I would never downplay them.

When I said "overhyped," I explained exactly what I was talking about in the next six words. I said:

He created all kinds of fear, saying it could affect the entire population when it couldn't. . . . [H]e's using the exact same playbook [for] COVID.

Here is the key point that I want to talk about a little bit later: ignoring therapy, pushing a vaccine. The solution to this pandemic, I have always thought, was early treatment. We still haven't robustly explored early treatment, and that is a travesty.

Now, Dr. Fauci wanted to show us that this criticism of him, creating a state of fear, is preposterous, but let's go to what he actually said back in May of 1983.

Now, I was alive in May of 1983. I understand how unsettling this new disease was. I understand the state of fear, the legitimate state of fear. But responsible health officials should not have stoked it, and Dr. Fauci did. He authored an article in the *Journal of the American Medical Association* stating "the possibility that routine close contact, as within [any] family household, can spread the disease." He added:

If indeed the latter is true, then AIDS takes on an entirely new dimension.

And then:

If we add to this the possibility that non-sexual, non-blood-borne transmission is possible, the scope of the syndrome may be enormous.

Now, it is important to note that these aren't off-the-cuff comments; this is in a column he wrote with forethought. Dr. Fauci knew what a delicate time we were in as the public awareness of this disease was emerging, when people were already frightened by what they were hearing. He was in a position of authority. He knew what he said carried weight and would be disseminated, and it was.

The following day's headlines—the *United Press International* published a story headlined "Household contact may transmit AIDS." The next day, the *Associated Press* ran a story asking "Does AIDS spread by routine contact?" The same day, the *New York Times* article read "Family Contact Studied in Transmitting AIDS," and it invoked Fauci's article in discussing the possibility of transmission between family members.

He stoked the fear, and it, quite honestly, continues to this day. He stigmatized AIDS patients for years with his fearmongering.

Now, less than 2 months later, in June of 1983, Dr. Fauci flip-flopped and

he publicly contradicted his own fearmongering by stating:

It is absolutely preposterous—

He likes that word, by the way—

It is absolutely preposterous to suggest that AIDS can be contracted through normal social contact [by] being in the same room with someone or sitting on a bus with them.

I mean, you heard what he said 2 months earlier, right? If he felt it was so preposterous on June 26, why had he raised the fear, stoked the fear, just 2 months earlier?

It is interesting. I just found out last night that not only did he write that article stoking the fear, he started giving interviews. I have seen an interview where he basically used the exact same words. But now he denies it. He wants to deny the reality of what he said and what he did. He wants to rewrite history.

By the way, when it comes to the AIDS crisis, rewriting history, I am not the only one who is accusing him of that. In an article published—or updated last on December 6 in 2017, in the *Huffington Post*, in their comment platform, which I guess has since been taken down, an author of a book—his name is Sean Strub—wrote an article—wrote a blog for *HuffPost*.

The book Mr. Strub wrote was "Body Counts: A Memoir of Politics, Sex, AIDS, and Survival." And he describes it, as he recounts how slow the Federal Government was in publicizing the use of Bactrim and other sulfa drugs to prevent PCP, which is the pneumonia that was then the leading killer of people with AIDS, in addition to its long-time and well-known use to treat that type of pneumonia.

So let me quote from Mr. Strub's article. He said:

Dr. Anthony Fauci is rewriting history. He is doing so to disguise his shameful role in delaying promotion of an AIDS treatment that would have prevented tens of thousands of deaths in the first years of the epidemic.

The article goes on to say:

In 1987, pioneering AIDS activist Michael Callen begged Fauci for help in promoting the use of Bactrim as PCP prophylaxis and issuing interim guidelines urging physicians to prophylax those patients deemed at high risk for PCP.

The article goes on:

Had Fauci listened to people with AIDS and the clinicians treating them, and responded accordingly, he would have saved thousands of lives. In the two years between 1987, when Callen met with Fauci and 1989, when the guidelines were ultimately issued, nearly 17,000 people with AIDS suffocated from PCP. Most of these people might have lived had Fauci responded appropriately.

Another doctor, Dr. Barry Gingell—I am continuing with the article here—

a medical advisor to Gay Men's Health Crisis, met with Fauci to plead for his support, they didn't just say there was "this preliminary activity and some small trials," as Fauci claims. They explained that many frontline AIDS physicians, following the lead of Dr. Joseph Sonnabend, were already using Bactrim effectively to prevent the recurrence of PCP. The science was clear. A decade before, clinical trials by Dr. Walter

Hughes had proven its efficacy in preventing PCP in other immune-compromised populations, like children with leukemia.

It continues:

Fauci refused to acknowledge the evidence and, according to one account, even encouraged people with AIDS to stop taking treatments, like Bactrim, that weren't specifically approved for use in people with AIDS.

Dr. Sonabend wrote in 2006:

Why, in the case of AIDS, was Bactrim, a known preventative measure against PCP, introduced so many years after a need for it had been recognized? To this must be added the question of why this neglect, the consequences of which can be measured in the tens of thousands of lives lost, has received almost no attention.

The media has continued to cover for Dr. Fauci.

The article goes on:

If we don't tell the truth about the history of the AIDS epidemic, it will be subject to more whitewashing—

As we witnessed this weekend. My aside.

—more distortions and more rewriting to suit the legacies of the officials in charge. These are the same officials who seem incapable of ever acknowledging or taking responsibility for mistakes they made—mistakes that cost our community thousands of lives.

Now, why did I take so much time to read an excerpt from this article from 2017?

It is because it is the major point I was making in my comments to Brian Kilmeade. Dr. Fauci, he is using the exact same playbook for COVID as he did for AIDS: ignoring therapy like Bactrim or the cornucopia of cheap, generic, repurposed drugs that are available, that are being used successfully to treat COVID and save lives.

The solution, I have always felt, has always been early treatment. But, again, Dr. Fauci is ignoring therapy and pushing a vaccine.

Why?

There are multiple medical experts who have looked at this, who are treating COVID, who are doing the research, who say upwards of 500,000 lives were needlessly lost because we ignored and, I would argue, sabotaged early treatment with cheap, generic, repurposed drugs.

In fact, the FDA completely trash-talked one of these repurposed drugs, a Nobel Prize-winning drug termed by the World Health Organization as a miracle drug, Ivermectin, calling it horse paste; saying: Come on, you all; you are not cows.

Fake news stories saying that people are lining up, clogging hospitals because of overdoses of Ivermectin, only to find out that is a completely false news story—like false studies published in medical journals that had to be withdrawn 2 weeks later early in the pandemic, which also poisoned the use of some of these repurposed drugs.

Let's take a look at some facts. Let's take a look at some facts that, when I go on media and I describe these facts, I am censored by the COVID gods; I am removed from YouTube, as is sometimes the radio talk show host.

But let's look at the facts of drugs versus the vaccine. Now, many of you will be shocked by this because this is all being censored. This information, this is not allowed. Again, there is one narrative; it is the narrative of the COVID gods. No second or third opinions are allowed. No questions are allowed to be asked, much less answered.

So let's take a look at Ivermectin. I have got two columns here: Total adverse events reported to either the FAERS system—the adverse event reporting system from the FDA for drugs—and the VAERS system—the vaccine adverse event system reported through the CDC.

So the top three. First of all, Ivermectin. Over 26 years—26 years of reporting—Ivermectin has about 3,756 adverse events reported in through FAERS. So that is adverse events. In terms of deaths, it averages about 15 reports of deaths per year.

Now, let's get something straight here. There are two main criticisms of FAERS and VAERS. It doesn't prove causation. I get that. But it also dramatically understates the adverse events.

So, again, we are going to use this as a comparison.

Ivermectin: 15 deaths per year, on average, over 26 years of usage.

Hydroxychloroquine: 23,355 total adverse events over 26 years. On average, about 69 deaths—death reports per year.

How about the seasonal flu vaccine?

Again, 26 years' worth of history: 198,776 total adverse events reported on VAERS, but an average of 80 deaths per year for the seasonal flu vaccine.

I look at these, and I go: These are pretty safe drugs. No drug is 100 percent safe. No human body is exactly the same. But you have to look at these drugs as having a very safe and reliable safety profile.

So if you have COVID—and let's face it, the current NIH guideline on COVID is to do nothing: go home, foray it alone, isolate yourself, hope you don't get so sick you have to check yourself into a hospital.

The only thing they are recommending for use is monoclonal antibodies. Try and get those. I have talked to so many constituents that haven't been able to. Either they are not sick enough or they become too sick or it has taken too long.

So, virtually, the NIH guideline continues to this day: Do nothing.

Now, a quick aside: How many other diseases is that the recommendation? Isn't it always early detection allows for early treatment, produces better outcome?

Of course, that is what we recommend for every other disease, except COVID because Fauci ignored therapies and pushed vaccines. He has just been—he has got his blinders on. It is vaccines, vaccines, vaccines.

And then they scaremonger both Ivermectin and hydroxychloroquine.

I don't know. Are you afraid of those? If you have got COVID, would you give those a shot?

I certainly would. And, by the way, I am not a doctor; I am not a medical researcher. But I have been in contact with doctors who have the courage and compassion to treat. And so when I have a friend or a constituent who calls me and says, "What can I do?" I refer them to a doctor who treats them.

And I have example after example of these things working, keeping people out of hospitals and certainly preventing death. I know it is anecdotal, but the evidence is mounting, and it is getting to the point of being—I think it is at the point of being irrefutable.

So now let's compare this to the drugs of choice of Dr. Fauci and the COVID gods. Let's take a look at Remdesivir. The studies were weak. They changed the endpoint of reducing death—because it didn't—to reducing days in the hospital. But they still rushed through the emergency use authorization, and it has been the treatment, because it is blessed by the COVID gods, that hospitals will apply.

Now, in fairness, hospitals also do dexamethasone. They will do other things—corticosteroids. Pierre Kory testified before my committee in May of 2020 about corticosteroids.

But Remdesivir is the big one; over \$3,000 a dose when these cost 20 to 50 bucks, total, as part of a multdrug, multivitamin—vitamin D, zinc. Remdesivir: 6,500 adverse events. I don't have it here. 1,612 deaths so far since it has got its emergency use. That is an average of 921 a year. That is Remdesivir.

Now let's look at the COVID vaccine, and this will shock you. It should shock you because nobody is talking about it. And when a guy like me talks about it, I get censored, I get vilified, I get attacked.

927,740 total adverse events. And, remember, one of the criticisms is VAERS dramatically understates the number of adverse events.

Total deaths: 19,532. Now, again, I realize VAERS doesn't prove causation, but almost 6,000 of these worldwide deaths occurred on days 0, 1, or 2 following vaccination.

I know Fauci, I know Janet Woodcock, I know Francis Collins are not concerned about this. I am concerned about this. Other people who have been able to avoid the censors and see this, they are concerned about it. They are making those tough choices. They also realize COVID can be a deadly disease. They have to make an informed decision whether or not to get vaccinated.

Shouldn't they have all the information?

But they are not being given all the information. It is about time they are.

Let me conclude by just asking—for the audience, really—why do I continue to push these truths?

And they are truths. There is no misinformation up here. This is the truth. These aren't my numbers. This isn't my data. This is the CDC and the FDA's data.

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

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

Pfizer has ignored her, cast her aside.

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

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

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

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

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

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

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

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

With that, I yield the floor.

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

GOVERNMENT FUNDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

million for increased transportation costs.

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

And what else would the majority bill do?

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

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

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

Is rescinding that money good for border security?

I say no.

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The IRC goes on—

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

That was Secretary Austin's own panel.

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

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

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

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

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

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

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

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

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

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

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

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

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

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

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

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

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

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

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

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

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

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

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

NDAA FINAL TEXT DOES NOT MEANINGFULLY REFORM MILITARY JUSTICE

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

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

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

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

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

NDAA TEXT IS NOT COMMANDER FRIENDLY

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

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

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

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

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

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

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

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

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

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

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

OTHER PROBLEMS WITH THE NDAA TEXT

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

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

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

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

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

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

UNANIMOUS CONSENT REQUEST—S. 3344

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And now I yield to Senator HOEVEN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Oregon.

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

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

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

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

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

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

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

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

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

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

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

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

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

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

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

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

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

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

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

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

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

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

What am I missing here?

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

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

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

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

process they used to spend the money. That made perfect sense to me as a Republican. That is why I said it for 4 months.

Now, all of us on our side have a moment of reckoning here. I don't want to default, and we won't. But I do want to make sure that when Republicans tell their other Republicans and the public at large, you can somewhat count on who we are and what we say. We put that at risk for no good reason.

To the leadership of both sides, I like you. Senator MCCONNELL has been a great Republican leader—minority leader, majority leader. But this is a moment where I want to be on the RECORD to say, I don't like this.

What we have done is allow the House of Representatives to change a Senate rule. No matter what the subject matter, that is not a good idea. We have set in place a process that allows our Democratic colleagues to raise the debt ceiling without using reconciliation, the budget process, where they would have to amend the budget resolution. The very resolution they used to spend all this money, we are simply asking amend it to pay for it.

We have taken that off the table, and people on our side are not going to accept this very well. So all I can say is—I want to make it clear—when it comes to Medicare, count me in to avoid the cuts. When it comes to raising the debt ceiling, I want it done through a process that will make it harder to spend all this money in the future. And I want to be part of a Republican Party that you can take what we say to the bank on big stuff—stuff that matters.

So I have a proposal that when the bill comes over from the House, which it is here, that would allow us to vote to prevent Medicare from being cut, would strip out the way you are going to raise the debt ceiling, reject the idea that the House can amend a Senate rule to limit minority rights—and that is what we have done here.

This is not a good idea, to take Medicare and marry it up with anything important, as Senator HAWLEY said, because there is no end to that game. And it is not a good idea, in my view, even with some Members of my own party agreeing, to let the House change the Senate rules. I don't like that. We have set in motion some really dangerous stuff here, so I have the following proposal:

As if in legislative session, I ask unanimous consent that when the Senate resumes consideration of House message to accompany S. 610, it be in order for me to offer amendment No. 4877, which strikes section 8 relating to the debt limit. I further ask that the Senate vote on adoption of the amendment prior to the vote on the motion to invoke cloture on the motion to concur in the amendment to S. 610.

In English, I am asking for a vote so that we can show the country that we will protect Medicare, but many of us are not going to have our fingerprints on a Washington deal that I think stinks up the place.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, now, my colleague from South Carolina began his remarks with two of my very favorite subjects: supporting America's senior citizens and playing in the NBA, a lifetime dream of mine.

But the fact is, this unanimous consent request from my colleague is essentially a different way to do the same thing as the Kennedy request. And, colleagues, it is wrong for exactly the same reason.

The prospect of default is not simply a matter of the two sides squaring off over who has got the best talking points. The fact is, default would just be an economic disaster.

I just laid out what it would mean for our small businesses and our folks who depend on keeping interest rates from shooting into the stratosphere, and the military would have difficulty getting paid. That is not what America wants.

Colleagues, I was just home this weekend. I got around my State, and what people said overwhelmingly is—they said: "Hey, I heard you guys just got together"—I say to my friend from South Carolina—"and you guys got an agreement on keeping the government open. Heard that wasn't going to happen."

And then they said: "Ron, what you have always tried to do since those Gray Panther days"—and my colleague from South Carolina knows I always try to be bipartisan.

They said: "Keep it going. Keep going with that bipartisan effort."

Now, they are listening to a debate about my colleagues trying to bust up an agreement between the Democratic leader, Senator SCHUMER, and the Republican leader, MITCH MCCONNELL, to make sure we pay the bills for costs that have been incurred.

So my colleague from South Carolina has asked for consent, and I think it would be a mistake for this country and be a mistake particularly for our country's senior citizens that I have devoted so much time to. For that reason, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from South Carolina.

Mr. GRAHAM. So why does this matter? It matters a lot about how the Senate works. Every Member of this body has the ability to come down to the floor and object to a piece of legislation. That makes the Senate different than the House.

What we have done here is allowed the House to change the Senate rules in a fashion where, if you can get 10 Republicans, all of us are dealt out. So that is not a good idea 1 time, 10 times, or 100 times by either party because what it does, it changes the rules of the Senate in a fashion that I feel very uncomfortable with simply because the

House has been able to change the rules of the Senate so that all of us have been basically marginalized.

There will be some Republicans who are my friends, and do what you need to do. I understand. I don't want to default on the debt either. But this is a bad idea. It is not what we promised we would do. It sets in motion playing the Medicare card in a dangerous fashion, and it sure as hell sets in motion playing with the rules of the Senate in a fashion that I never even thought of until 24 hours ago.

So I want to make this hard, not easy, because I think what we are doing is going to really change the structure of the Senate and certainly going to do a lot of damage to the Republican Party.

I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Tennessee.

VACCINE MANDATE

Mr. HAGERTY. Mr. President, on September 9, President Biden announced that his Department of Labor, through OSHA, would issue a vaccine mandate covering more than 80 million privately employed Americans. Violators would be subject to significant financial penalties.

This mandate makes medical decisions for much of the American people with the stroke of a pen, and it immediately struck me as severe Federal overreach. Therefore, the next day, I wrote to the Secretary of Labor to confirm that he would submit this mandate to Congress for review under the Congressional Review Act. In that letter, I noted that Americans' elected representatives should review an order that threatens the livelihoods of many of their constituents.

I am pleased to join Senator BRAUN and a majority of my Senate colleagues in supporting this resolution to disapprove President Biden's vaccine mandate.

Regarding the mandate itself, I want to first say that I support the vaccine, which is a product of President Trump's Operation Warp Speed. I visited my doctor, and I made the personal choice to take the vaccine. I have spoken to many Tennesseans and have urged them to do the same. But the decision to take the vaccine is a personal one. It is a decision that each American should be allowed to make in consultation with his or her doctor, not under Federal threat of job loss and financial penalty. This mandate improperly puts the Federal Government between Americans and their doctors and between Americans and their jobs.

Tens of millions of essential workers were asked to risk their health for the good of the country during the pandemic. They courageously responded to this call. Many of them—many of them—contracted the virus. Yet now we are telling these heroes, from front-line healthcare workers to the employees who made sure we had access to groceries and essential goods, that they will be fired unless they comply

with the vaccine mandate. They deserve better.

Not only is this vaccine mandate wrong, but it was promptly declared unlawful by the U.S. Court of Appeals. Other Biden administration vaccine mandates are meeting similar fates in the courts. Yet the Biden administration refuses to relent or reevaluate the damage that it is doing.

Sadly, the Biden administration's use of Federal Government power to control the American people's lives is not limited to vaccine mandates; it is a basic element of their strategy to remake America. Don't believe me? Just look at the Democrats' so-called Build Back Better proposal. The Biden administration is marketing this legislation to transform America by using a cartoon depicting a mom and her son and the government programs on which they would depend under this plan from the very beginning of their lives to the very end. That is the definition of cradle-to-grave, Big Government dependency, and that is the stated goal of the Democrats' legislation.

This legislation federalizes preschool and childcare, which will crowd out community- and faith-based providers and put the Federal Government in charge of what your children are taught during their most formative years.

If this was about children, then parents would be allowed to choose the preschool or childcare provider that is best for their children, but, instead, it is about control. So the government would ultimately decide which preschools and which childcare providers would survive.

The Build Back Better legislation increases by 10 times the penalties on private employers for violating the vaccine mandate. Now, a willful violation can result in a \$700,000 fine and must result in a minimum fine of \$50,000. In other words, small businesses that fail to comply will face financial ruin.

When it comes to employment, if you are one of the millions of Americans who work in the oil and gas industry, the Build Back Better plan delivers \$550 billion worth of crushing Green New Deal mandates and tax increases. It replaces these good-paying jobs with \$8 billion to the Civilian Climate Corps, a taxpayer-funded climate police.

Once your job is gone or your business is closed, the Build Back Better proposal offers government welfare programs with no work requirements. This attacks the dignity of work and right of self-determination that underscores what it means to be American—again, more government control.

By providing \$80 billion in increased IRS funding—a staggering six times the current IRS budget—the Biden administration is planning to wring an extra \$400 billion out of the American people to pay for all of this Big Government. With everyone from small business owners to grandparents now fac-

ing regular audits and IRS spying on their bank accounts, the government will have much greater control over how Americans earn and how they spend their money.

In sharp contrast, Republicans want to put Americans, not the Federal Government, in control of their lives. We want to strengthen the American dream so that Americans can free themselves from government dependency. We oppose Big Government socialism that imposes greater Federal control over Americans' lives.

In the coming weeks, Members of this body will be asked a very simple question, whether on the vaccine mandate or the Build Back Better legislation: Do you believe the Federal Government should have more control over American lives? Their answers are crucial for the future of our country. Is cradle-to-grave government dependency something to help Americans avoid or is it something to strive for? Should personal healthcare decisions be made by Americans or by government agencies? Do parents know what is best for their children or should bureaucrats and teachers unions decide? Are you willing to eliminate good-paying energy jobs? Should the IRS have more power to spy on the American people?

Over the next weeks, all of us must decide what kind of country we will have. My hope is that we will preserve and strengthen the American dream by empowering Americans to determine their own futures, to climb the ladder of success, and to free themselves from government dependency—not treat them with a lack of dignity that suggests that the very best they can hope for is a life managed by the Federal Government.

The first opportunity to provide an answer is the upcoming vote on this resolution disapproving President Biden's vaccine mandate. I have been pleased to work with Senator BRAUN to bring this resolution to the floor, and I urge all of my colleagues to support its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, Congress, not the Executive, makes the laws in this country. National laws have to be passed by the legislative branch. Our Constitution makes that very clear. In fact, it is the very clause of the first section of the first article of the Constitution. It states unambiguously:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

You cannot make up Federal law without going through that formula—passage in the House, passage in the Senate, followed by presentment to the President.

In the case of COVID-19 vaccine requirements, the President of the United States has decreed mandates—mandates that threaten the jobs and

the livelihoods of 45 million Americans, including over half a million Utahns whose jobs are on the line.

Now, courts across the country have started—quite correctly—to recognize that these mandates are offensive to the Constitution. They are not authorized by the law. But that doesn't diminish in any way, shape, or form our duty here as Members of the U.S. Senate, as part of the legislative branch, to assert clearly, unambiguously, and swiftly that these mandates are unconstitutional, illegal, and morally indefensible.

I have heard from hundreds of Utahns who are themselves at risk of losing their jobs and therefore their ability to provide food for their children, specifically due to these mandates. Their stories are nothing short of heart-breaking. I have heard from countless businesses in my State, businesses that are afraid of losing key workers and having to shut their doors and no longer operate specifically due to these mandates. I have heard from people who happen to have medical or religious concerns over the vaccines, and their pleas are falling on deaf ears.

These Americans aren't asking for anything extravagant or unusual or unreasonable—far from it. These are Americans who are simply worried about their ability to put food on the table and gifts under the tree during challenging economic times—economic times that are difficult enough as it now stands, economic times that have been worsened by excessive government spending, economic times that are about to get a whole lot more difficult for a whole lot more people specifically because of these mandates. President Biden seeks to make them not only unemployed but also unemployable, second-class pariahs.

Well, it is true the courts have offered temporary relief to some, but these Americans and these businesses look to Congress for immediate, lasting, and permanent relief. We do, after all, make the law. We are the only branch of the Federal Government authorized to do so.

So this will be one of the easiest votes that I have ever cast in my 11 years in the Senate. The American people agree. Only 14 percent of those polled support firing those who are unvaccinated. Fourteen percent of all Americans say that, yeah, somebody who doesn't get the vaccine ought to be fired as a result of not getting the vaccine. Even some Democratic politicians are starting to change their tune. They are souring on the mandates.

Americans understand that conditioning employment on personal medical decisions is callous, it is cruel, and it is immoral. It is certainly not something that these people want to face. It is not something that Democrats or Republicans want. It is not something they agree with. It is not something they are going to tolerate.

The economic impact of firing half a million Utahns would be disastrous,

and when you replicate the effects of doing that on State after State, where we see—according to many datasets, anywhere from a quarter to a third of the workforce in most States is being threatened by this. In some States, it is higher. It is more like 40 percent in places like West Virginia, 37 percent in Alabama, and 31 percent in Utah.

Now, in the healthcare sector alone, where keeping doctors and nurses and technicians at work has been particularly difficult, the Nation risks losing countless thousands of key professionals while the need for their very services remains most dire.

This isn't acceptable. It is not something we want to see. It is not something we should have to face.

When you add all of this up, the cumulative effect across different industries and in different States across the Nation would be catastrophic as we face supply chain troubles, inflation, rising gas prices, a labor shortage, and so, so much more. The very last thing our economy needs is to have tens of millions of Americans unemployed.

I am very, very much against these mandates. I am for the vaccines. I have been vaccinated. My family has been vaccinated; and I have encouraged people everywhere to get vaccinated, but when someone chooses not to be vaccinated for whatever reason—whether it is a medical reason or a religious reason or a reason related to a personal belief or due to a specific concern about a specific reaction they have had to something else—it is still their decision. It still doesn't warrant the overpowering hand of the Federal Government's coming in and threatening to force their employers to fire them under the threat of crippling penalties—penalties that any employer, no matter how big or wealthy or otherwise lucrative, would find incapacitating.

I have come to the Senate floor now 20 times to speak specifically against President Biden's vaccine mandates. I have offered more than a dozen bills to reduce their harms on millions of Americans and hundreds of thousands of Utahns.

Today, with my colleagues, I encourage the Senate to use the Congressional Review Act as it was intended. There is no clearer example in the history of the Congressional Review Act of such an egregious overstep by the Executive. There is no more blatant abuse of delegated authority or usurpation of authority that was never granted. The Congressional Review Act provides us with the opportunity to strike down this offensive mandate and make sure that neither President Biden nor any subsequent President can institute a similar rule.

I encourage my colleagues to think of the half a million Utahns, of the almost 5 million Californians, of the 300,000 West Virginians, and of the tens of millions elsewhere across the Nation. Forty-five million livelihoods are at stake of the workers and families in

each of our States. These Americans demand that we take action. Today, we have that choice. I implore each and every one of my colleagues to stand with the American people, the American worker, the American family by supporting this resolution.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise this evening to discuss President Biden's divisive and unprecedented vaccine mandate on private businesses.

I would like to make one thing clear at the start: I have encouraged Nebraskans to consider getting vaccinated since the day these vaccines were approved, and I hope more Americans will join me in choosing to get one, but that is their choice.

Through OSHA, the administration has issued an "emergency rule" to require, roughly, 84 million employees of private companies to get vaccinated or be subjected to weekly testing. If business owners fail to enforce this rule for their employees, they could be fined tens of thousands of dollars per violation.

The Biden administration is on entirely new ground here. There is simply no precedent for this kind of intrusion into Americans' private lives. Courts agree. The Fifth Circuit blocked the OSHA mandate almost immediately, citing "grave statutory and constitutional issues."

We in Congress have the power to push back too. In October, I joined nine of my Senate colleagues in sending a letter to President Biden that outlined our concerns about this abuse of Federal power. Under the Congressional Review Act, the House and Senate can vote to overturn executive Agency actions like this OSHA mandate, and I hope the Senate will do that when we vote on this later today. All 50 Senate Republicans signed on to this challenge. If our resolution passes both Chambers—and it looks like it may do that on a bipartisan basis—President Biden will have to decide if he wants to keep defending this deeply unpopular policy.

The administration's decision to force private employees to get vaccinated is not just unprecedented; it is also counterproductive. It would apply to nearly 300,000 workers in my State of Nebraska alone—more than 28 percent of our entire workforce. Businesses across Nebraska, from grocery chains to irrigation companies and family farms, have reached out to me about the damage this mandate will do to their companies. They come from very different industries, but their message is the same: We support the vaccines, and we have taken this pandemic seriously, but if the President goes through with this mandate, we could lose many of our employees.

At a time when millions of jobs need to be filled and we are seeing massive supply chain issues, Americans simply cannot afford this kind of Federal overreach. We need to stop this mandate in

its tracks here in Congress because this could be the first step on the road to even stricter rules.

Let's just look at New York City. It has recently announced one vaccine requirement that will affect private employees and another that will affect children as young as 5 years old. Bill de Blasio's parting gift to New Yorkers is this: Get at least one shot by December 27, or you are going to lose your job.

Starting later this month, kindergartners are going to have to show vaccine cards to get into restaurants, movie theaters, and other public places.

I do not want to see policies like this even come close to being enacted at the Federal level, but I wouldn't put it past this President to try. The Senate must pass this resolution and prevent these kinds of mandates from being issued again in the future.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I come here this evening, but I have been back home on recess breaks ever since there has been this idea of a vaccine mandate.

We have got a modern miracle in having vaccines available like they have been. It is part of the long journey against COVID. Along with therapeutics now, they are miracles. Yet getting vaccinated should be a decision between an individual and his or her doctor. It shouldn't be up to any politician, especially in a mandate coming down from that highest authority—our President—and he ought to be consistent with what he has said in the past. He said he would never make vaccines mandatory. He didn't keep his word.

Overreach—I have been here a little under 3 years, and I see it in so many arenas, a lot of it with good intention. We try to solve things here. I think the American public sometimes scratches its collective heads to say: Where are the results? Why does it cost so much? But in this case, you have got to also take into consideration our Constitution, our personal freedoms. It is at stake today.

The Federal Government has no authority to make anyone choose between getting a vaccine and keeping their job. Today, this body will stand up against this overreach.

Main Street—Main Street—is where I come from. When you have to explain to people constantly when they are scared by actions like this, can this possibly happen; will the government go through with it; will it somehow fall apart—well, when you have bad ideas, that eventually happens. And it is going to start here this evening. We have seen it in the courts. It has been repeated earlier here this evening how unpopular it is with the American public.

We did everything we could to keep individuals with their employers. We have spent billions, trillions of dollars doing so. The threshold for a small

business then, when we were helping, was 500 employees. Now we have lowered it to 100. It has got people frightened across the country.

Small businesses face enough hardships. Most are finally getting some type of equilibrium with everything that has happened over the last year and a half, and now they have to contend with this.

As mentioned earlier, any businesses could get fined up to \$14,000 per employee. That is more than we were lending them—money—in some small businesses over the recent past.

A lot of stuff just does not make sense. Listen to the number of organizations, ones that all play into telling us how they like to keep free enterprise going, keeping the private sector healthy: the National Federation of Independent Business, NFIB; National Retail Federation; National Restaurant Association; Association of Wholesale Distributors; American Trucking Associations; Associated Builders and Contractors; Associated General Contractors; American Pipeline Contractors; National Lumber and Building Material Dealers; Distribution Contractors. These are all businesses—I have another 10 I could mention—that come from Main Street America. It is not the tier of largest corporations; these are the businesses in our own hometowns. They are crying out: Do not follow through with this lunacy.

When you dig a hole, and you keep making it deeper, despite everything you are hearing, that is a bad business plan. You can always get out of it by just quit digging. And you are hearing it loud and clear.

We must focus on returning to the prosperity we achieved pre-COVID. One thing that will stop this recovery cold is the Federal Government getting in the way, as it is doing now.

His mandates are under fire in the courts. Main Street job creators are complaining against it. And tonight, the U.S. Senate must send a clear message: Back off on this bad idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to join my Republican colleagues to oppose President Biden's vaccine mandates.

Last December, President-elect Joe Biden told the American people that he would not issue a vaccine mandate. Just a year ago, as President-elect, Joe Biden said:

I don't think they should be mandatory.

He said:

I wouldn't demand it to be mandatory.

Last October, as a Presidential candidate, Joe Biden said:

You can't say "Everyone has to do [it]."

Then, this summer, his Press Secretary said it is "not a role the federal government even has the power to make"—"not a role even the federal government has the power to make."

In July, the Director of the Centers for Disease Control said:

There will be no nationwide vaccine mandate.

Then, in early September, with this Nation in shock and reeling because of the disastrous collapse in Afghanistan, suddenly and unexpectedly and completely opposite of everything this administration has promised, the Biden administration broke the law, and in doing so, violated the rights of the American people by calling for this vaccine mandate.

Joe Biden issued a nationwide mandate, and in doing so, he has taken a sledgehammer to the American workforce and the American economy. Because of the President's irresponsible policies, we now have the worst labor shortage in American history, and we have broken new records for unfilled jobs. As a result, we also have the worst supply chain crisis in 40 years. We don't have enough goods on the shelves. We don't have enough workers to fill the shelves.

The President must have known that many wouldn't comply with his mandate. He must have known people would be forced out of their jobs as a result of the mandate. He didn't seem to care. He imposed the mandate anyway.

Now people are losing their jobs, shelves are empty, and prices continue to rise. Inflation is the No. 1 concern of the American people.

Now, I am a doctor. I am vaccinated, so is my entire family. I am pro-vaccine and anti-mandate. Vaccines work. Nationwide mandates don't work.

Courts have already ruled that the President's mandates are illegal. Yesterday, a Federal judge in Georgia blocked the mandate on Federal contractors. Not only are these mandates illegal, they are ineffective.

Joe Biden's mandates have only hardened people against the vaccine. They have increased resistance to getting vaccinated because President Biden has politicized the vaccines, and all the mandates have accomplished is making people lose their jobs.

In the Joe Biden world, his mantra seems to be, vaccinate or terminate.

What we ought to be doing, instead, is giving people information. Let them work with their doctors to make the right decision for them and their families.

That is what I have been doing for decades in Wyoming as a doctor. We don't need mandates. We don't need public health officials who can give Americans reliable information, saying they have to enforce and apply a mandate. They are there to give the information and then the vaccine if the person chooses to have it.

The Biden administration spent 10 months flip-flopping on this issue. President Biden ran from his basement during the campaign saying he was the answer to COVID. He is not, hasn't been. He has sent one mixed message after another, and then he has issued a

nationwide mandate. It has been inconsistent, ineffective, and incompetent.

When President Biden issued his mandate, he said, "We've been patient [with the unvaccinated] but our patience is running thin."

Well, I will tell you, Mr. President, the American people have been patient. It is the patience of the American people now with you, President Biden, that is wearing thin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LANKFORD be recognized for up to 6 minutes, Senator MURPHY for up to 5 minutes, and that I be recognized last for up to 12 minutes prior to the scheduled vote.

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

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, it is sort of hard to be able to recognize a simple fact that this is the United States of America, home of the free, land of the brave.

Then why is it such a difficult conversation with so many people in my State when they ask this question: Are we still free as a nation?

Why are we having this conversation? Are we still free as a nation? Of course, we are.

We are having this conversation because September 9, the President of the United States announced he was losing patience with the American people, and he was going to put a new demand on every single office in America, every workplace; that anyone who had 100 or more people in their company, every single person in that company had to be vaccinated because the President was losing patience with them. He said it is for health risk.

COVID-19 is serious. I have been vaccinated. Everyone in my family has been vaccinated. I am exceptionally grateful for the vaccine. But to be able to reach into companies with this one simple statement: If you don't follow my instructions, so the President says, you will be fired—that every person in the country now doesn't work for their employer, they now work for the President of the United States. May I remind us, we are the United States of America, home of the free, land of the brave; that we are a people who make our own decisions and live in a free nation.

What is interesting is, there is all this conversation about everyone needs to be vaccinated or we are not going to ever get to herd immunity; we will never get to herd immunity; we will never be able to put down COVID-19. How many times have we heard that statement over the past year and a half? We have got to get to herd immunity.

Well, I don't know if anyone has looked lately at the CDC's website. But if you go to the CDC website, it will list out percentagewise how many people have been vaccinated or currently

have natural immunity in their system. And if you go to their website and see it, the number that they have for 16 years old and up is 92 percent of America. Ninety-two percent of Americans either have natural immunity, antibodies in their system, or they have received the vaccine and have that set of antibodies in their system.

May I remind us again, how long have we been talking about herd immunity? I understand COVID is a tenacious disease. I take it seriously because, like every single person in this room, I have lost family members and friends who have died due to COVID. But we do not have the right as Americans to assign to the President of the United States that that President can actually go to any company he chooses and pick and choose the companies and say, this company, everyone has to be vaccinated; that company, they don't. If you have 95 people, it is no big deal. If you have 100 people, they are toxic. If you are FedEx and UPS, you need to all be vaccinated, but if you are the U.S. Postal Service, you don't have to be vaccinated. That kind of picking and choosing that the President has done around our economy, that is not the role of the U.S. President.

For all of us who take this disease seriously and for all of us who have been vaccinated and stand up frequently and talk about the importance of vaccinations, we also believe that we are Americans and that we are free people.

So what are the mandates that are down now? Well, there was a private-sector mandate for every company of 100 or more. There was a Federal contractor mandate that if you have a company that works for the Federal Government, regardless of your size for any Federal contracting, that you have to also have every person vaccinated. There are Federal employers who all have to be vaccinated, members of the military, reaching into the National Guard, which, for the first time ever, they have violated the law, saying that they are going to literally cut the pay for members of the National Guard who are not vaccinated, though the law clearly states they cannot reach into a State National Guard and literally pick and choose individuals they want to pay and don't pay. They have already dropped that out there and saying they are going to do that as well.

They have reached out to members of the healthcare community and told them, if you have Medicare or Medicaid, then you all have to be vaccinated. What has been the response? The American people have responded loud and clear that they believe we live in the land of the free. And while millions and millions have been vaccinated, they all turn around and say, it was also my choice to be able to do that.

Companies in my State are literally requiring employees to sign two forms: One saying that they will get vaccinated and the second form saying, if you have a negative reaction to the vaccine, you won't sue our company.

What in the world? That is not who we are.

So what has happened in just the last couple of weeks? Well, the courts have finally gotten involved. First off, the courts have done a nationwide stay on the private-sector mandate. That is what we are talking about tonight, putting a nail in the coffin with a vote in the U.S. Senate to say: No, we will not allow this.

There has been a nationwide stay put in for those individuals that are on Medicare and Medicaid and those healthcare workers. There has been a nationwide stay now for Federal contractors, for universities, for individuals around the country that have any connection with the Federal Government.

The courts have already stepped in and said the President doesn't have the authority to do this, and this vote tonight is whether this body agrees that the President should have unilateral power to declare whatever he wants for any private-sector business in the country or if the President doesn't have that authority to do that. That is all this vote is. This vote is not about vaccines and, as has been falsely accused, this whole group of anti-vaxxers that are out here.

This is a very simple vote: Do the people in this body believe that the President of the United States has the authority to declare that any employee in any company of 100 or more to do what he wants?

I say no, because we live in the land of the free and the home of the brave, and it is time for us to go on record on if we believe that or not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, it is not often that you get the Business Roundtable, which is an organization representing some of the biggest private-sector companies in the world; the largest labor unions in the country; and the American public all on the same page on a policy. But that is what is happening with respect to the President's requirement that big employers in this country either test their employees regularly for COVID or they get vaccinated in order to stop the spread of this insidious disease.

This is a very popular proposal, and it is popular for a simple reason: People are exhausted with having their lives fundamentally changed, turned upside down by a pandemic that we have the power to stop.

We have the power to stop it because of researchers and scientists who discovered a vaccine that is wildly more effective than the vaccines that have been invented to attack other diseases—90 percent effective, if not more, against COVID. If everybody got vaccinated in this country, we could all take off our masks. If everybody was vaccinated in this country, we wouldn't have to be passing emergency relief bills to keep the economy afloat.

If everybody got vaccinated, we could open back up all of our restaurants. That is what Americans want. That is why this policy is so popular.

And I understand what my friend from Oklahoma is saying, that they are not arguing over the efficacy of the vaccine, they are just arguing over the constitutional powers of the Presidency.

But come on. Come on. We understand the power of our words in this place. Republicans know that when they come down to the floor and attack the vaccine mandate day after day after day, they know they are giving fuel to the fire of the anti-vaccine campaign. They know that they have become an extension of those that are trying to convince Americans that the vaccine has a microchip in it, that the vaccine kills you.

It just strains credibility for my Republican colleagues to suggest that there is no connection between the anti-vaccination campaign in this country and those that are every single day on the floor of the Senate talking about how dangerous it is to require that people in this country get the vaccine. There is a connection, and the growing movement of people in this country who think that the vaccine is some conspiracy to hurt people—well, this movement to try to end the vaccine campaign by the President, it is wind underneath their wings.

But let's talk about what this policy really is because it is actually not a mandate for vaccinations. It is a testing mandate. Right? That is what it is. What it says is that everybody in these big employers has to get tested once a week, and if you don't want to get tested, then your employees can get vaccinated.

Let's be clear. This is a testing requirement, not a vaccination requirement, and that testing requirement is totally consistent with the history of OSHA. In fact, OSHA is in the business of mandating testing.

OSHA mandates blood testing for industries with high exposures to lead. OSHA mandates hearing tests for industries with high noise level exposure. OSHA mandates testing for exposure to silica in industries that are working in and around silica.

OSHA requires testing all the time. So that is what they are doing here—yes, on a bigger scale and, yes, also with an ability to avoid the testing if you get vaccinated. But that is what this requirement is really all about.

And it is working. It is working—the numbers going from 50 to 96 percent in a company like Tyson Foods after the vaccine requirement.

Lastly, let me say this: This general lack of seriousness from our Republican colleagues about a plague that has killed 700,000 Americans, it is just stunning to me. It is just stunning. These aren't bee stings. These aren't knee scrapes. This is a deadly pandemic that has ended the lives of 700,000 of our mothers and fathers and

sisters and brothers prematurely, hundreds of thousands of Americans who should be sitting at the Christmas table, who should be at Hanukkah celebrations with their families this month. And they are gone; 700,000 Americans have disappeared.

But apparently, the inconvenience of a weekly test is so odious, is so revolting, that it is worth another 700,000 people dying—because that is what we are talking about: a weekly test. The OSHA rule does not mandate the vaccine; it is a way out of the weekly test, a weekly test that is a little swab swirled around your nostril five or six times for 30 seconds.

That is the requirement. That is the cost, the sky-high, Constitution-violating, unpatriotic cost the Republicans have been down here on the floor railing against for a month. Estimates suggest that that requirement can save thousands of lives. But apparently, the cost of a nose tickle is too great a cost to pay to save thousands and thousands of Americans from dying from a preventable pandemic.

I urge my colleagues to oppose this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from Connecticut, and I rise today as well to urge my colleagues to vote against this dangerous resolution, which would pull the rug out from under our COVID response efforts at a really critical moment.

We are fighting an unprecedented pandemic, and we all know just how painful this fight has been. Everyone remembers the way it upended our economy as small businesses shuttered, workers got sent home; the way it upended our healthcare system as emergency rooms filled and supplies dwindled and healthcare professionals started working really long hours in dangerous conditions; the way it upended our lives when schools and childcare providers were forced to close to keep people safe.

We all know people who have been infected by this deadly virus. We all know people who are still fighting the effects of long COVID, which we are still trying to work to understand. And we all know people who have been killed by this virus.

We have lost family members, mothers, daughters, fathers, sons, grandparents. We have all lost dear friends. We have lost beloved community members and frontline workers who keep our communities functioning. We have lost teachers and principals, doctors, nurses, police officers, firefighters. We have lost time with each other that we cannot get back.

This virus left no American and no part of America alone. COVID has now killed over 785,000 people in this country, more Americans than any war we have ever fought. And despite what Republicans seem to believe, given the fact we are voting on a resolution to

undermine a cornerstone policy of our pandemic response and despite the hard-fought and very real progress we have made, this crisis is not over.

We are still averaging over 100,000 new cases a day. We still have over 50,000 people hospitalized with COVID. We are still, right now, seeing, on average, well over 1,000 deaths a day, overwhelmingly among people who are not vaccinated.

And we are still on high alert for new variants. We saw with Delta how a new, more dangerous, more contagious variant of COVID-19 could set back all the progress we fought so hard to make, and we are at this very moment learning more about the Omicron variant and what sort of threat it might pose.

So how on Earth does it make sense right now to undercut one of the strongest tools that we have to get people vaccinated and stop this virus? In what world is that a good idea?

We all know the damage this virus does to our communities. We should be doing everything we can to stop it. We should be using every tool to protect our country, our economy, and our families.

And we know vaccines are one of the best tools we have to do that. It has been almost a year now since the first vaccine was authorized. After months of hoping—remember that?—that news meant we finally had a safe, effective vaccine to protect people from this virus, and we have made a lot of progress since then when it comes to making the most of vaccines and getting them to people across the country.

Vaccines are now authorized, as we know, for everyone ages 5 and up. Booster shots are now available to make sure people continue to stay protected amid concerns over these new variants. And around 60 percent of all eligible people in our Nation are fully vaccinated.

But we still have a ways to go to vaccinate our country and to vaccinate the world if we are going to end this pandemic. That should be our No. 1 priority.

But this resolution that our friends across the aisle are offering tonight would move us in the opposite direction. It will take away one of the strongest means we have to encourage people to get vaccinated, save lives, end this pandemic, and keep our economic recovery on track.

Immunization requirements in this country are not new. They go back as far in our history as General George Washington, who required his troops to get vaccinated against smallpox. They have been critical in the fight of diseases like polio and measles and mumps and rubella, just to name a few.

And the reason we no longer have to worry about diseases like smallpox and polio in this country is because vaccines work.

Nor are workplace safety standards a new thing. The Occupational Safety and Health Administration has a long track record of setting and enforcing

safety standards that simply prevent workers from getting sick or injured on the job.

OSHA not only has the authority to protect workers with safety standards; it has been doing this for 50 years. The law that established OSHA even gave it authority to respond to emergencies by issuing an emergency temporary standard, or ETS, when there is a grave danger to workers.

And it makes all the sense in the world for them to use that power to protect workers from COVID because the painful reality is that COVID-19 has killed a lot of workers. We have lost hundreds of meatpacking workers and grocery store workers to this virus. We lost over 3,600 healthcare workers to COVID in 1 year. And over 10,000 agricultural workers have been killed by COVID.

This is exactly the kind of threat OSHA should be protecting people against. It is exactly the kind of grave danger Congress gave OSHA the authority to issue an ETS to respond to. And OSHA has rightfully used that authority to put forward an emergency temporary standard on COVID-19 that is simple, it is flexible, and it is life-saving.

Republicans seem to not be hearing this part, so I want to be especially clear about it. This requires employers with 100 or more employees to make sure workers either—either—get vaccinated or get a COVID test once a week before they go in to the workplace—either vaccinated or tested once a week.

It also provides, by the way, paid time for workers to get vaccinated, removing a key barrier to vaccinations. It is a strong tool for getting our Nation vaccinated. And despite how my Republican colleagues talk about it, letting employers have the flexibility to offer a testing option means they don't have to ask workers to leave their job if they choose not to get vaccinated.

This step for getting people vaccinated or requiring testing is overwhelmingly popular with American people. A poll actually taken shortly after President Biden announced this step found that 6 in 10 Americans supported requiring businesses of 100 or more to have employees vaccinated or tested regularly; and 7 in 10 supported making sure people have paid time off to get vaccinated.

Of course, that should be no surprise. After all, no one wants to go to work worried that they might come home to their family with a deadly virus, worried that they might get their own kids sick, which is why getting more people vaccinated could help our country get back to work.

We all know people want to work where they feel safe. We all want to work where we feel safe. And economists predict that vaccination policies could lead to millions of Americans reentering the workforce.

Let's get something straight: the big threat to our workforce and to our

economy is the virus. It is the virus that has killed hundreds of thousands of people and shuttered businesses. It is not the safety standard that will keep workers safe and businesses open.

In fact, this type of safety standard is also supported by businesses across the country. Many businesses have already implemented policies like the standard Republicans are trying to overturn. And you know what has happened time after time?

United Airlines, 99 percent of its 67,000-person workforce has complied overwhelmingly by getting vaccinated. Tyson Foods went from having less than half of its 120,000 workers vaccinated to now over 96 percent. MGM Resorts has 98 percent of its workers vaccinated. Walmart says an overwhelming majority of employees have gotten vaccinated. A Connecticut manufacturer with 250 workers recently announced 100-percent vaccination rate. And that list goes on and on.

In one place after another, we are seeing over 90 percent of workers comply with this requirement—some through testing, and the overwhelming majority through vaccination.

The big picture here is that this rule, which Republicans keep attacking, is saving lives. OSHA estimates it will help protect 84 million workers and prevent thousands of deaths and over 250,000 hospitalizations from COVID-19, and yet here we are—Republicans pushing to scrap it entirely, undermining the progress, and putting America lives and livelihoods in danger.

This pandemic has done a lot of damage. It wrecked our economy. It shut down our schools and our businesses. It forced people to postpone weddings and graduations and funerals. It devastated our Nation's mental health. It killed over three-quarters of a million people.

It is not over. We have come a long way. This pandemic sent unemployment as high as 14.8 percent. Today, it is back down to 4.2 percent—the lowest it has been since the start of the pandemic.

Schools have reopened and brought students safely back to classrooms. Businesses are hiring. People are getting vaccinated, getting back to work, getting back to plans that have been put off by this pandemic, and getting back to seeing their friends and families. But they do not want to go backwards. The American people do not want to go backwards. And that is exactly where the Republicans' misinformation on commonsense policies like this will take us: backwards.

We know the path forward to finally end this involves getting everyone vaccinated. We should all be working towards that goal, not against it. Families are counting on us to lead our Nation through this crisis, not back into it.

After all we have lost and all the hard work we have done to rebuild, we must not throw our economy and our communities and Americans' lives into jeopardy by sabotaging our pandemic

response. When you are fighting a fire, you don't stop in the middle of it and turn off the water. That is exactly what this resolution will do.

It takes away one of the most important tools we have given OSHA to protect workers, in the middle of a pandemic when we need it most, and jeopardize all of the hard work Americans have done to get us out of this.

So I am here tonight to urge my colleagues to vote no—no to more lost lives, no to a longer pandemic, and to join me in defending a commonsense tool that will help put this incredibly difficult chapter of American life behind us.

I yield floor.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise to the Smith nomination?

Mrs. MURRAY. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. VAN HOLLEN) is necessarily absent.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 488 Ex.]

YEAS—58

Baldwin	Graham	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Warner
Collins	Menendez	Warnock
Coons	Merkley	Warren
Cortez Masto	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Feinstein	Ossoff	
Gillibrand	Padilla	

NAYS—41

Barrasso	Hawley	Risch
Blackburn	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lankford	Shelby
Crapo	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Tillis
Ernst	McConnell	Toomey
Fischer	Moran	Tuberville
Grassley	Paul	Young
Hagerty	Portman	

NOT VOTING—1

Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KELLY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD"

The PRESIDING OFFICER. All time on S.J. Res. 29 has expired.

The clerk will read the joint resolution by title for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BENNET. Mr. President, 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 52, nays 48, as follows:

[Rollcall Vote No. 489 Leg.]

YEAS—52

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Tester
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

NAYS—48

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

The joint resolution (S.J. Res. 29) was passed as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard" (86 Fed. Reg. 61402 (November 5, 2021)), and such rule shall have no force or effect.

The PRESIDING OFFICER (Ms. BALDWIN). The senior Senator from Kansas.

MORNING BUSINESS

Mr. MORAN. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO MAJOR GRACE MILLER

Mr. MORAN. Madam President, I am here tonight to take a moment to recognize the contributions of a member of my staff, Air Force Maj. Grace Miller, who has spent the last year working in my personal office as part of the U.S. Air Force Congressional Fellowship Program.

Before Grace departs my office at the start of the new year, I express my appreciation to Major Miller for all of her tremendously beneficial and hard work and her dedication to the service of our Nation.

Grace's 15 years of service in the U.S. Air Force developed her leadership capabilities and demonstrate her commitment to serving others. These attributes have made her an invaluable asset to our team as we work to serve Kansans, servicemembers, and veterans.

Before joining my office, Grace's assignments took her around the world in service to our country. Grace earned her commission from the University of St. Thomas in St. Paul, MN. As an aircraft maintenance officer, Grace has served in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Inherent Resolve, taking her across the Middle East.

Major Miller's commitment to service also extends to teaching. She taught English at the U.S. Air Force Academy, earning her the academic rank of assistant professor and serving as executive officer to the dean of the faculty.

Grace joined our team in January of this year. She, since then, has fully embraced Kansas, its people, and the challenges they face day in and day out. Grace's personal interactions with Kansans and Kansas veterans, in particular, have helped drive meaningful policy in a time when our past and present servicemembers have needed it the most.

She has spearheaded the Senate passage of the "Six Triple Eight" Congressional Gold Medal Act of 2021, which recognizes the 6888th Central Postal Directory Battalion—the only all-African-American, all-female battalion to be deployed overseas during World War II. The 6888, as this battalion has come to be known, sorted millions of pieces of backlogged mail so troops serving on the frontlines could hear from their families and loved ones from home.

Their efforts boosted morale and directly contributed to our servicemembers' fighting spirit, particularly toward the end of the war.

Grace has been a tireless advocate for these women, and I commend her dedication. The bill currently awaits passage in the House.

Furthermore, throughout the chaotic and disastrous withdrawal from Afghanistan, Grace was an indispensable resource for veterans and Afghan refugees. She continues to assist innocent Afghans seeking refuge from the Taliban's tyrannical hold on the country.

I want to highlight her efforts in this regard. She was tireless and was here morning, noon, and night—always with the goal of trying to make sure those who should be on a plane out of Afghanistan were able to be so. It was an emotional issue and a trying issue and something that she never conceded: the belief that she couldn't make a difference. Man, she made a difference in so many people's lives. It gives me the chills to tell the story of her dedication to this cause. I am so grateful; many Kansans are grateful; many Americans are grateful that she cared so much.

I will be sad that she will be leaving our office at the end of the month, but I know that she will serve the Air Force well as she transitions to the Air Force Legislative Liaison Office in the House of Representatives.

It was a real pleasure having Grace in our office, and I hold her in the highest regard personally and professionally. She is a significant asset to our Nation and to the U.S. Air Force. Grace represents the best of what the Air Force has to offer, and I know she will continue to benefit the future of our Nation.

I hope that her experience in our office is something that lends itself toward her further professional advancement within the Air Force and an understanding of our democratic process.

There is no group of people I hold in higher regard than those who serve our Nation, and I want to reiterate my gratitude to Grace for her service and dedication.

Once again, thank you, Grace, for all you have done for Kansans and for Americans in the year that you have spent in our office. You have been a model of selfless service and leadership. I know that you will continue to do great things throughout your Air Force career and your life of service, wherever that path may lead.

Grace, thank you so much.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Alaska.

BIDEN ADMINISTRATION

Mr. SULLIVAN. Madam President, today, I wanted to rise on the Senate floor and talk about a topic of utmost importance to my State, the great people I have the privilege of representing, and what the Biden administration is

doing to good, hard-working American families in Alaska. It is what I call the anti-Alaska agenda, or the Biden administration's war on working families.

I know that Americans all across the country have felt pain—economic pain, health pain, unfortunately, too many deaths as a result of the pandemic. Right now, we are seeing high energy prices and empty shelves. There has been a lot of suffering in America. We are a resilient people, however.

My State, like many, has been hit very hard by the pandemic, particularly economically—our energy sector, our fishing sector, our tourism sector. And as we are coming out of this pandemic and everybody trying to work together—we all want growth and opportunity in America—we have now been hit with this—with this. This administration has issued, in its first 9 months in office, 20 Executive orders for Executive actions solely focused on Alaska.

I came down to the floor 2 weeks ago to talk about this. It was 19 then. You wait a week or 2 with the Biden administration in Alaska, and it is up to 20. I am sure they have a lot more ready to go. Twenty—there is no State in America that is getting this kind of attention from the Biden administration, and we don't want it.

What I am going to be continuing to ask my Senate colleagues to do—and I am going to start with the President of the United States, who was a U.S. Senator for many years, decades—put yourself in the shoes of the people I represent.

Let's imagine that a Republican administration comes into office and issues 20 Executive orders or Executive actions focused on Delaware—tiny, little Delaware. The Senators from Delaware, including the former Senator, now-President, would be down on the floor of the U.S. Senate raising Cain, raising heck—I don't think I am allowed to swear here—because of this, because they want to stick up for the people they represent. Imagine that.

These Executive orders and actions are not some kind of simple abstractions; they are 20 orders and actions that go to the heart of what Alaskans do in terms of our economy: work, keeping food on the table, keeping lights on in their homes, paying the mortgage, keeping their kids in college, keeping their cultures thriving, keeping our communities from crumbling, particularly in rural Alaska. Some of the poorest communities in America is where this administration is targeting the people I represent.

Very few people in my State—Democrat, Republican, Native, non-Native—support this war against Alaska. This is not a partisan issue back home, and here is why: because real people, real families, real communities are being hurt—your fellow Americans. It has got to stop.

I have demanded a meeting with the President and his team to just walk him through this.

Mr. President, do you know what you are doing to one of your States that you are sworn to defend?

These orders threaten the well-being of my entire State, but they particularly threaten the people who live in rural Alaska, who are dependent on the land and natural resources for so much of their economy, so much of their tax base.

Here is the thing, I know what some of my colleagues or those who are watching are saying: Oh, it is just resource development issues in Alaska.

Well, I will talk about that. It is some of that, but it is not just resource development issues that are happening here. Let me give you one that really burns me up.

We had a bipartisan bill last year, last Congress, to provide what you will now call racial justice, racial equity, to Alaskan Native Vietnam veterans who served their country when most Americans were avoiding service and missed out, because they were overseas fighting for their Nation, on the opportunity to apply for what is called a land allotment. There was a deadline that happened, a complete injustice.

Native Vietnam veterans coming home, not treated well because they are Native, not treated well because they are Vietnam veterans, and then told: Oh, by the way, the land you were supposed to get, you don't qualify.

So we got a bill to pass to say that is an injustice. The previous administration signed it. They were implementing it. And when this administration came into office, the No. 1 issue I asked Secretary Haaland to commit to was to finish getting the Executive order out on these land allotments to implement this bipartisan bill because these Native Vietnam veterans aren't living that long.

The administration delayed it for 2 years. Why? It has nothing to do with oil and gas or mining. Why? These Vietnam vets, many aren't going to live for 2 more years. They did it anyway.

That is 1 of 20. Let me give you another one.

We have had, down in southeast Alaska, the issue of the Tongass—that is the largest national forest in the country. Every elected official—Governor, Senator, Democrat, Republican—in Alaska, the last 30 years, has pressed with the roadless rule, an exemption to the roadless rule, so we can have an economy there; roads for southeast communities. Every elected Governor or U.S. Senator, didn't matter the party, that is how important this was. We were able to get an exemption in the last administration. I appreciate what President Trump did on that.

This administration comes in, and they reverse it. One of the 20. Guess how we, the Alaska delegation, found out about that reversal. A front-page story in the Washington Post. The Secretary of Agriculture wanted to brief the Washington Post and all the extreme environmental groups who want-

ed this before they let the people of Alaska or their representatives know. These are the examples.

And, yes, the list also includes resource development projects. But here is the thing on that—I have a folder full of letters. These are letters from the elected leaders, Tribal leaders, borough leaders, Alaska Native Corp. leaders, Native leaders in my State—dozens of letters. Kaktovik Inupiat Corporation, Native village of Kaktovik—that is a Tribe—City of Utqiagvik, City of Atkasuk, City of Wainwright, Inupiaq Community of the Arctic Slope—that is another Tribe—the Voice of the Inupiat Arctic, these are all Alaskan Native leaders who live in the North Slope, some of whom live in the Arctic National Wildlife area. Every single one of these great leaders in my State, every one, was writing, even begging, this administration not to do this—not to do this. And they ignored them—they ignored them.

This is a letter from Edward Rexford. He is the President of the Native Village of Kaktovik. He wrote to Secretary Deb Haaland after she suspended oil and gas leases in the ANWR, which we passed. What the Secretary did, in my view, was clearly illegal.

Edward Rexford wrote: "You have changed our future with one stroke of a pen without any explanation or consultation with us—the tribe that lives within the Coastal Plain."

His village, Kaktovik, is the only village within the coastal area of ANWR. That is it. There is no group of Americans who should have a greater voice in the development of this area than them. But they didn't even get a phone call—not a phone call, not consultation, Tribal consultation, which is required by law—none of it.

That is all part of the 20 Executive orders and actions that I said are hurting people, hurting communities, hurting families, hurting Native cultures.

I will tell you this: The Biden administration loves to talk about how they are committed to environmental justice and racial equity, but it is with a caveat.

Here is the reality: They want to help unserved minority populations around the country. And I think this is a good goal, but it comes with a caveat. Unless, of course, they are indigenous people of Alaska, then the Biden administration targets them.

Look at this folder. These are communities of color in my State, and all they do is get targeted, not helped; targeted, their economic opportunity. And then the things that most Americans take for granted that don't exist in these communities—clinics, flushed toilets, gymnasiums—all of that comes with economic opportunity. And when you shut it down, you are really hurting indigenous people in some of the most impoverished communities in the country. But I guess they seem OK with that.

I want all of my Senate colleagues to do just a quick thought experiment.

Imagine what it would be like, whether you are a Democrat or a Republican—but just think about it: A Democrat and a Republican administration comes in or you are a Republican and a Democrat administration comes in and changes the future of your State with a stroke of a pen, as Edward Rexford said, for the people you represent. Imagine an administration coming in with 20 Executive orders in 8 months, shutting down your economy as you are trying to get out of a pandemic.

Every Senator here would be mad. Every Senator here would be mad. And the one thing I very much enjoy about serving in this body is we are a collegial body. We have our differences, but I certainly have friends on both sides of the aisle, try to work with everybody, try to be respectful with everybody. The Presiding Officer and I chaired committees together, worked together on a lot of things.

And here is the thing, if a Republican administration came into power and targeted one of my colleague's States with 20 Executive orders in 8 months and whoever it was came to me and said: "Hey, DAN, you know this is unfair. My constituents are really being attacked, really being hurt. Could you reach out to the Republican administration and say: Hey, come on. Tone it down. Geez, Louise, 20 Executive orders in one State," I would help, and I think almost every Senator here would help. That is what we do here.

And I want to say that some of my Democratic colleagues here, when I have talked about this, when I have told them about this, when I have spoken about this, a number of them have come to me and said: "Hey, DAN, give me the list. Give me the list of 20. Maybe I can't help you on every one of them, all of them. Maybe there are some I actually like. But I do want to try and help."

That is what has happened. That is what makes this body a good place. To those Senators, I really want to thank you. And I am going to ask for your help because I would do it for you.

And this is unacceptable. Tens of thousands of people I represent are being hurt by the Federal Government, by the President and his White House. So I appreciate that from my colleagues. And this is, in general, how this body works. It makes this a special place.

But I will say this. Not all Senators have been so gracious and senatorial and collegial. To the contrary, a few of my colleagues are helping lead the charge in the war on Alaska's working families. They seem to be putting a ton of effort into it themselves. I am not sure why, but they spend a lot of their time and energy focused on doing this: shutting down the Alaska economy, hurting working families, and ridiculously and absurdly acting as if they speak for the very people I am privileged to represent, as if they don't have enough to do in terms of helping their own constituents.

So I am going to make an example and give an example of one. The leader of this small group is the senior Senator from New Mexico. Here is a sampling—three letters in the last year and a half he has written, signed, or led, focusing on shutting down Alaska's economy and hurting the great people I have the privilege of representing.

Two of these letters deal with the 1002 area of the Arctic National Wildlife Refuge—controversial, no doubt. In 2017, we voted to provide the opportunity for development in that small area, what we call the 1002 area. The President signed it. It came into law.

Now, I know most of my colleagues on the Democratic side didn't agree with that. We have legislation we don't agree with. I accept that. I am still very good friends with so many.

But, afterward, the senior Senator from New Mexico led letters to all the top banks in America and all the top insurance and financial institutions in America and didn't just say don't invest in the ANWR but said "don't invest in any oil and gas development project in the Arctic."

What is that, the Arctic of America? That is my State.

So now you have, as opposed to collegiality, a small group, led by this Senator, writing the biggest banks in America, the biggest financial institutions in America, trying to muscle them, saying: Don't invest anything in Alaska.

That is not what this body is all about. I would never do that to a colleague. I would never write all the banks of America and say: Don't invest in poor communities, Native communities in New Mexico or in the New Mexico oil and gas industry. I wouldn't do that.

Who does that?

Well, unfortunately, a few—not many, a few—Senators are doing that.

Absurdly, this Senator had the audacity, in one of his letters, to try to speak for the people I represent. He put in the letter: The people dependent on the Arctic Refuge don't want you to invest there.

That is patently absurd. Just read the letters from all the people who actually live there, all the people who live there, who overwhelmingly want opportunities for oil and gas development and for jobs and economic opportunity.

You would think, with all of New Mexico's problems, this Senator would focus on his own constituents.

So I reached out to him and the few others who wrote these letters. I have reached out. I wrote my own letter to them saying: Hey, I was disappointed to see you do that. Why didn't you come talk to me? I wouldn't do that to you. And, by the way, what you are doing is really going to hurt my constituents.

This is a letter I wrote to this Senator and a few others: I would appreciate the courtesy of talking about this

before you go do it. You clearly don't understand the indigenous communities that I represent.

I even provided a Wall Street Journal op-ed from the mayor of the North Slope Borough, Harry Brower, the Inupiaq mayor, who had a lot to say to the banks who weren't going to invest in his community.

But I got no response. To the contrary, just a few months ago, this same Senator led a letter to the Secretary of the Interior, Deb Haaland, asking her to shut down a very important energy development in Alaska called the Willow Project. This is that letter—just about 4 months ago.

Let me talk about the Willow Project. The Willow Project is not in a controversial area; it is in the National Petroleum Reserve of Alaska, set aside by Congress decades ago for oil and gas development. Every Native group in Alaska supports this project, all the unions do, 2,000 direct jobs, billions in revenues for some of the poorest communities in America, the lowest emissions of any major oil and gas development project in America.

This is a huge win-win-win for everybody—not even controversial. Yet the senior Senator from New Mexico wrote Deb Haaland saying: Shut down the Willow Project in Alaska.

Why is he doing this, literally trying to kill thousands of Alaskan jobs and impoverish Alaska Native communities?

Do the people in New Mexico know that their senior Senator spends so much time trying to give Alaska oil and gas workers pink slips and impoverish Native communities? I wonder. I wonder.

I thought, for just a moment, maybe I should do something against New Mexico, but then I was like, no; you know what, that is not my style. I wouldn't want to hurt New Mexico oil and gas workers or Native communities. They are all great Americans, I am sure. We are a great country. I wouldn't want to target them the way this Senator is targeting my State, trying to hurt thousands of Alaskan working families.

And it should be emphasized and I want to emphasize, that is not how we work here. That is not what I have seen in my almost 7 years in the U.S. Senate, Senators trying to attack other Senators' States, specifically focusing on hurting working families.

The vast majority of the Senators I know wouldn't do that at all. That is not how business is conducted here in the U.S. Senate. To the contrary, most of us generally try to help each other. We don't always agree; that is for sure. But particularly when States have unique challenges that could hurt their citizens, when my colleagues would come to me, "Hey, Dan, can you help out on this," I usually try to help. But I certainly don't go on offense and try to hurt like this administration is doing and the senior Senator from New Mexico.

But I thought the better course to fight back—because I am going to fight back, OK. I am going to fight back. These are my constituents who are hurting. The better course to fight back against these attacks on Alaskan working families was not to try to hurt New Mexicans but just show this, the rank hypocrisy of what the senior Senator is actually doing and saying.

One of his main reasons, in this latest letter, to shut down Alaska, in trying to deny Federal permits for the Willow oil and gas project, is to "achieve climate goals." OK? That is in his letter to Deb Haaland.

But if you do just a little digging, this Senator seems fine with trying to achieve these goals on the backs of Alaskan workers and Alaska Natives but not on his own constituents, not on the backs of his own constituents—to the contrary.

Guess which State in America has gotten way more Federal oil and gas drilling permits than any other State in the country—guess which one. It is certainly not Alaska. It happens to be New Mexico. It just so happens to be New Mexico.

Guess where the Secretary of the Interior is from. New Mexico. Hmm. Is that a coincidence? I wonder, in their frequent phone calls, when they talk about concerns of climate and shutting down oil and gas in Alaska, if shutting down oil and gas in New Mexico ever comes up.

I am pretty sure it doesn't. How do I know that? Because close to half of all oil and gas drilling permits issued by the Department of the Interior, by New Mexican Deb Haaland, in 2021 have gone to one State. What State is that? New Mexico—2,286 Federal oil and gas drilling permits; almost half of all the permits in the country to one State.

So here is the bottom line. Here is their view. Shut down Alaska, hurt working families in Alaska, supposedly, to help America's climate goals, but then quietly say "drill, baby, drill" in New Mexico, with more permits by far than any other State in the country—almost 2,300. If that is not rank hypocrisy, I don't know what is.

So I am going to start asking questions about this and, by the way, so should the press. I sure hope our friends in the press think that, hmm, there is something a little strange going on here. Clearly, there is hypocrisy happening. But, you know, that happens here occasionally—or maybe more than occasionally. But is there anything else going on?

And I hope the press in New Mexico ask their senior Senator why he is so darn focused on hurting the good people of Alaska—because I wouldn't do that to New Mexican oil and gas workers or New Mexican Native communities.

And finally, I am going to ask questions in another area. The Biden administration is clearly trying to shut down my State. It is there for everybody to see. Everybody back home

knows it. But here is the thing. They can't do it illegally, and they can't do it unethically. And right now there is strong evidence that they are doing just that.

What do I mean? Today, I sent this letter that I would like to be printed in the RECORD to the inspector general of the Department of the Interior.

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

Hon. MARK LEE GREENBLATT,
Inspector General, U.S. Department of the Interior, Washington, DC.

INSPECTOR GENERAL GREENBLATT, I write to express my deep concern and to request relevant materials related to several Department of Interior (DOI) appointees that are utilizing their government positions to work on matters directly and substantially related to their previous clients or employers to the benefit of these entities. These actions raise dire conflicts of interest and questions as to these appointees' impartiality under Executive Order 13989 and related United States ethics laws. These individuals have made key decisions to overturn, review, and delay resource development projects and land management plans in Alaska that they and their former employers or clients were actively opposing prior to their appointments. I ask that you supply all relevant information requested below so we may have a full understanding of these appointees apparent and likely conflicts of interest. I further ask that your office consider opening an ethics investigation into the work of these appointees.

Executive Order 13989 requires all appointees to sign a pledge to "not for a period of 2 years from the date of [their] appointment participate in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients, including regulations and contracts." Beyond the E.O., 5 CFR §2635.502(a)(2) requires appointees to consult with ethics officials and receive approval prior to participating personally and substantially in a matter where a reasonable person with knowledge of the relevant facts would question their impartiality. It has come to my attention that such apparent conflicts of interest certainly exist for the political appointees discussed below and to the best of my knowledge none have received the requisite approval as required by federal law and regulation.

Ms. Nada Culver currently serves as the Deputy Director of Policy and Programs at the Bureau of Land Management. Prior to her appointment, she worked as Vice President, Public Lands and Senior Policy Counsel at the National Audubon Society and served as the Senior Counsel and Senior Director of Policy and Planning at the Wilderness Society. The Audubon Society was engaged in petitions and lawsuits to halt five Public Land Orders affecting Alaska signed by the Secretary of Interior under the last administration, challenges to the National Petroleum Reserve Alaska (NPR-A) 2020 Integrated Activity Plan (IAP), Environmental Impact Statement on the Willow Projects, challenges to the Arctic National Wildlife Refuge oil and gas leasing program, and the Ambler Road project. It has come to my attention that Ms. Culver has been personally and substantially involved in decisions at the DOI related to delaying PLOs, announcing reviews of the IAP, the Ambler Road project, and the 1002 leasing program. Ms. Culvers impartiality on these matters is plainly questionable, and again her involvement on these issues likely violates ethics laws and regulations.

Prior to her appointment, Ms. Natalie Landreth, presently Deputy Solicitor for Lands, worked for the Native American Rights Fund (NARF). In this position Ms. Landreth counseled and represented NARF in comments and petitions on various projects and management plans under consideration by DOI, including the EIS for the oil and gas leasing program in the 1002 Area and the Willow project. In addition, she counseled an Alaska tribal organization as they sought to prevent the development of the Ambler Road project, which the DOJ, at DOI's behest, moved to stay for further review of the project, in line with petitions from this same organization. NARF's aggressive opposition towards, and request for further review of, a multitude of development projects now currently being reviewed by the DOI raises serious concerns now that their former staff attorney, Ms. Landreth, is a part of the team conducting those very reviews. Since her appointment, it has come to my attention that Ms. Landreth has been directly and substantially involved in the DOI decisions concerning these projects, advancing NARF's agenda without approval from ethics officials.

Prior to her appointment as Deputy Assistant Secretary for Land and Mineral Management, Ms. Laura Daniel Davis worked for the National Wildlife Federation (NWF). As Chief of Policy and Advocacy, Ms. Davis oversaw NWF's campaign to reverse the 1002 Area lease sale order included in the 2017 Tax Cuts and Jobs Act. NWF also pursued a strategic campaign to invalidate the painstaking work of the DOI on the NPR-A 2020 IAP. Now, in a position of public trust, Ms. Davis has advanced her former employers goals—recalling and reviewing the IAP. Any reasonable person would at the very least perceive a conflict of interest if not outright malfeasance in Ms. Davis invalidating the finalized 2020 IAP as her former employer has advocated for, especially in the absence of an ethics approval.

Finally, Robert L. Anderson, formerly Principal Deputy Solicitor for the Department of Interior, and now Solicitor of the Department of the Interior, was previously the director of the Native American Law Center at the University of Washington School of Law and a staff attorney for NARF. Mr. Anderson was instrumental in establishing the NARF Anchorage Office that now consistently opposes and challenges any and all resource development in Alaska. Mr. Anderson himself has authored a number of articles detailing his personal disdain for the Alaska Native Claims Settlement Act (ANCSA) and natural resource development. After consistently denouncing the DOI in its handling of tribal and Alaska Native issues, Mr. Anderson has now been appointed as the DOI's chief advocate. The DOI has numerous responsibilities under ANCSA and oversees resource development in much of Alaska. Any reasonable person that has read Mr. Anderson's works would certainly question his impartiality and ability to effectively represent the Department he has long decried.

With such direct and substantial conflicts of interests being ignored, the positions of their former employers and clients are being advanced through a subversion of unbiased analysis, constituting arbitrary and capricious actions, fraud, waste, and abuse, and violation of federal ethics laws and regulations. To the best of my knowledge, none of these appointees have received a waiver from EO 13989 or 5 CFR §2635.502(a)(2) making their violations not only unethical but clearly illegal. When such behavior rears its head there is a responsibility to the public to investigate and expose every improper action taken. The American people expect, and the law demands, impartial decision making by

those privileged to serve in the U.S. government. None of these individuals—as relates to decisions made about Alaska—appear to be abiding by the law.

For that reason, I am requesting the following documents within the next 30 days:

Copies of the signed and dated ethics pledge for each of the above listed officials;

Any and all communications and documentation concerning ethics consultations and waivers issued to the officials discussed above;

Any and all recusals made by the above listed officials;

All internal communications (including Microsoft Teams chats and texts from personal cell phones) concerning the re-opening of the NPR-A IAP to, from, and amongst the above listed officials and the White House;

Any and all communications between the above listed officials and their former employers and clients since their appointments (including Microsoft Teams chats and texts from communications devices);

Any and all communications and opinions to and from the Solicitor's Office concerning the legal sufficiency of the NPR-A IAP and the grounds for re-opening it (including Microsoft Teams chats and texts from communications devices);

A timeline of the conversations and decisions made at the Department of the Interior and among its officials that led to the review of the NPR-A IAP, the 1002 leasing program, Ambler Road project, and the delay of the five PLOs;

A detailed explanation of the purpose and need for re-opening the NPR-A IAP that pinpoints any perceived insufficiencies;

Any and all records of tribal consultations done in connection with the decision to re-open the NPR-A IAP (including Microsoft Teams chats and texts from communications devices);

Public service demands an objective duty to the nation above all else. Government officials have a duty to serve the people and uphold the law they have been entrusted to execute. An impartial administration of the law is essential to safeguarding our democratic values and must never concede to private agendas. I am deeply troubled by the disdain these officials have demonstrated for ethics rules and the institutional damage such disregard has caused. Moreover, I have raised these issues directly with Secretary Haaland and Solicitor Anderson, but have been ignored. Finally, almost all the likely unethical decisions at issue here are focused on shutting down responsible resource development in Alaska, hurting working families throughout my great state. For that reason, I will work tirelessly to bring the full extent of these unlawful improprieties to light.

Mr. SULLIVAN. Here is what I am asking in this letter. There is very strong evidence that at least four senior political appointees at the Department of the Interior who have been involved in many of these 20 Executive orders and Executive actions shutting down my State were actually, in their previous jobs, working on the very same issues and advocating for the very same outcome—meaning they are working with a special interest group to say shut down the Willow Project.

And then when it came to the Interior, they are working on whether or not to shut down the Willow Project. Now, most of us know, if that is true, that is clearly illegal and clearly unethical.

We have documented this letter—four senior Department of the Interior officials, all of whom who are trying to

shut down my State—and I think there is strong evidence that they are violating ethics laws and violating the law. So I have asked for a detailed investigation by the Department of the Interior Inspector General into whether or not these individuals have violated Federal ethics laws in their quest to hurt working families in my State.

Let me conclude with this. I am a supporter of responsible resource development in America of all of the above: energy, wind, solar, oil—in every part of our great country, in Alaska, of course, in New Mexico—all across our great land. And I am a supporter of the great men and women who do this in Alaska and New Mexico and Texas and North Dakota.

What is happening in my State right now, this is just wrong, and I am going to fight. And any other Senator who would be going through what my State is going through, with your constituents being harmed, you would be down on the floor fighting, too.

The vast majority of the U.S. Senators here—Democrats and Republicans—I think deep down in their hearts know that this is just wrong. You don't come in with a new administration and say, Hey, let me target one State and beat the heck out of their working families. It is just wrong.

And I am hopeful that my colleagues here—and I am asking them because we need the help. I have great people I represent—proud, tough people, but I can't fight the whole damn Federal Government when they are focused on shutting you down. So I am hopeful that my colleagues—all of my colleagues; I will share the list of the 20—that you can help me get the Biden administration and some misguided hypocritical U.S. Senators to enact a cease-fire in their war on working families and Native communities in the great State of Alaska.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Mr. SCHUMER. Madam President, I ask that the Chair lay before the Senate the message to accompany S. 1605.

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

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 1605) entitled “An Act to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes.”, do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. I move to concur in the House amendment.

CLOTURE MOTION

I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 1605, a bill to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purpose.

Charles E. Schumer, Tina Smith, Martin Heinrich, Patty Murray, Tammy Duckworth, Tim Kaine, Gary C. Peters, Angus S. King, Jr., Richard J. Durbin, Jack Reed, Brian Schatz, Margaret Wood Hassan, Jacky Rosen, Chris Van Hollen, Jeanne Shaheen, Christopher Murphy, Debbie Stabenow.

MOTION TO CONCUR WITH AMENDMENT NO. 4880

Mr. SCHUMER. Madam President, I move to concur in the House amendment with an amendment No. 4880, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment with a further amendment numbered 4880.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ____ EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. Madam President, I ask for the yeas and nays on the motion to concur with an amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4881 TO AMENDMENT NO. 4880

Mr. SCHUMER. I have an amendment No. 4881 to amendment No. 4880, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4881 to amendment No. 4880.

Mr. SCHUMER. I ask unanimous consent that the reading of the names be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the effective date).

On page 1, line 3, strike “1 day” and insert “2 days”.

MOTION TO REFER WITH AMENDMENT NO. 4882

Mr. SCHUMER. I move to refer the House message to the Armed Services Committee with instructions to report back forthwith with an amendment No. 4882.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the House message to the Armed Services Committee with instructions to report back forthwith with an amendment numbered 4882.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ____ EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4883

Mr. SCHUMER. I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4883 to the instructions of the motion to refer.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “5 days” and insert “4 days”.

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4884 TO AMENDMENT NO. 4883

Mr. SCHUMER. I have an amendment No. 4884 to amendment No. 4883, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4884 to amendment No. 4883.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “4 days” and insert “3 days”.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December, 8, be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: All nominations placed on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; 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 any of the nominations; and the President be immediately notified of the Senate's actions.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1219 COAST GUARD nominations (7) beginning PATRICK J. GRACE, and ending KARL B. HELLBERG, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2021;

PN1282 COAST GUARD nominations (4) beginning ROYCE W. JAMES, and ending PETER H. IMBRIALE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1283 COAST GUARD nominations (293) beginning BRITTANY S. AKERS, and ending TIFFANY M. ZEHLE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1294 COAST GUARD nominations (183) beginning MARK P. AGUILAR, and ending MATTHEW W. ZINN, which nominations were received by the Senate and appeared in the Congressional Record of October 21, 2021.

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate consider the following nomination, Executive Calendar No. 563, Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission. (New Position)

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate; and if confirmed, the motion to reconsider be considered made and laid upon the table all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the Reed nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

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

CIVILIAN RESERVIST EMERGENCY WORKFORCE ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 154, S. 2293.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Reservist Emergency Workforce Act of 2021" or the "CREW Act".

SEC. 2. PERSONNEL PERFORMING SERVICE RESPONDING TO PRESIDENTIALLY DECLARED MAJOR DISASTERS AND EMERGENCIES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

"(d) PERSONNEL PERFORMING SERVICE RESPONDING TO DISASTERS AND EMERGENCIES.—

"(1) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—The protections, rights, benefits, and obligations provided under chapter 43 of title 38, United States Code, shall apply to intermittent personnel appointed pursuant to subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service.

"(2) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of service under subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service shall be considered preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to review in any judicial or administrative proceeding."

SEC. 3. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO FEMA RESERVISTS.

(a) IN GENERAL.—Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting before "and a period" the following: "a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))";

(2) by redesignating the second paragraph (16) (relating to uniformed services) as paragraph (17); and

(3) in paragraph (17), as so redesignated, by inserting before "and any other category" the following: "intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) or to train for such service,".

(b) MODIFICATION OF EXCEPTION FOR REQUIREMENT FOR MEMBERS OF UNIFORMED SERVICES TO PROVIDE NOTICE TO EMPLOYERS TO OBTAIN CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Section 4312(b) of title 38, United States Code, is amended—

(1) by striking the second sentence;

(2) by inserting "(1)" before "No notice"; and

(3) by adding at the end the following new paragraph:

"(2) A determination of military necessity for purposes of paragraph (1) shall be made—

"(A) except as provided in subparagraphs (B) and (C), pursuant to regulations prescribed by the Secretary of Defense;

"(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act (42 U.S.C. 5149(b)(1)), by the Administrator of the Federal Emergency Management Agency as described in sections 327(j)(2) and 306(d)(2) of such Act (42 U.S.C. 5165f(j)(2) and 5149(d)(2)), respectively; or

"(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh-11(d)(3)(B)).

"(3) A determination of military necessity under paragraph (1) shall not be subject to judicial review."

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered laid and made upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2293), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NO CONGRESSIONALLY OBLIGATED RECURRING REVENUE USED AS PENSIONS TO INCARCERATED OFFICIALS NOW ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. 693.

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

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 693) to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the bill be

considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 693) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act” or the “No CORRUPTION Act”.

SEC. 2. FORFEITURE OF PENSION.

(a) IN GENERAL.—Section 8332(o) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following:

“(4)(A) Subject to subparagraph (B), an individual convicted of an offense described in paragraph (2) shall not be eligible to receive any payment of an annuity pursuant to the retirement system under this subchapter or chapter 84, except that this sentence applies only to such payments based on service rendered as a Member (irrespective of when rendered).

“(B) If the conviction of an individual described in subparagraph (A) is overturned on appeal by a court of competent jurisdiction, the individual shall receive payments that the individual would have received but for the application of subparagraph (A).

“(C) This paragraph applies only to a conviction that occurs after the date of enactment of the No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act.”;

(3) in paragraph (5)(B)(i), as so redesignated, by striking “paragraph (5)” and inserting “paragraph (6)”; and

(4) in paragraph (6), as so redesignated, by striking “paragraph (4)(B)” and inserting “paragraph (5)(B)”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 719(e)(2) of title 38, United States Code, is amended by striking “section 8332(o)(5)” and inserting “section 8332(o)(6)”.

RURAL OPIOID ABUSE PREVENTION ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2796 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2796) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the eligibility of rural community response pilot programs for funding under the Comprehensive Opioid Abuse Grant Program, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the Ossoff substitute amendment at the desk be

considered and agreed to, the bill as amended be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 4879), in the nature of a substitute, was agreed to, as follows:

Purpose: In the nature of a substitute

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Opioid Abuse Prevention Act”.

SEC. 2. ELIGIBILITY OF RURAL COMMUNITY RESPONSE PILOT PROGRAMS FOR FUNDING UNDER THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 3021 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by striking “and”; (B) in subparagraph (G), by striking the period at the end and inserting “; and”; and (C) by adding at the end the following:

“(H) a pilot program for rural areas to implement community response programs that focus on reducing opioid overdose deaths, which may include presenting alternatives to incarceration, as described in subsection (f).”; and

(2) by adding at the end the following:

“(f) RURAL PILOT PROGRAM.—

“(1) IN GENERAL.—The pilot program described under this subsection shall make grants to rural areas to implement community response programs to reduce opioid overdose deaths. Grants issued under this subsection shall be jointly operated by units of local government, in collaboration with public safety and public health agencies or public safety, public health and behavioral health collaborations. A community response program under this subsection shall identify gaps in community prevention, treatment, and recovery services for individuals who encounter the criminal justice system and shall establish treatment protocols to address identified shortcomings. The Attorney General, through the Office of Justice Programs, shall increase the amount provided as a grant under this section for a pilot program by no more than five percent for each of the two years following certification by the Attorney General of the submission of data by the rural area on the prescribing of schedules II, III, and IV controlled substances to a prescription drug monitoring program, or any other centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program (including an electronic health records system) in each other State, and with any interstate entity that shares information between such programs.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) direct or encourage a State to use a specific interstate data sharing program; or

“(B) limit or prohibit the discretion of a prescription drug monitoring program for interoperability connections to other programs (including electronic health records systems, hospital systems, pharmacy dispensing systems, or health information exchanges).”.

The bill (S. 2796), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Opioid Abuse Prevention Act”.

SEC. 2. ELIGIBILITY OF RURAL COMMUNITY RESPONSE PILOT PROGRAMS FOR FUNDING UNDER THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 3021 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by striking “and”; (B) in subparagraph (G), by striking the period at the end and inserting “; and”; and (C) by adding at the end the following:

“(H) a pilot program for rural areas to implement community response programs that focus on reducing opioid overdose deaths, which may include presenting alternatives to incarceration, as described in subsection (f).”; and

(2) by adding at the end the following:

“(f) RURAL PILOT PROGRAM.—

“(1) IN GENERAL.—The pilot program described under this subsection shall make grants to rural areas to implement community response programs to reduce opioid overdose deaths. Grants issued under this subsection shall be jointly operated by units of local government, in collaboration with public safety and public health agencies or public safety, public health and behavioral health collaborations. A community response program under this subsection shall identify gaps in community prevention, treatment, and recovery services for individuals who encounter the criminal justice system and shall establish treatment protocols to address identified shortcomings. The Attorney General, through the Office of Justice Programs, shall increase the amount provided as a grant under this section for a pilot program by no more than five percent for each of the two years following certification by the Attorney General of the submission of data by the rural area on the prescribing of schedules II, III, and IV controlled substances to a prescription drug monitoring program, or any other centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program (including an electronic health records system) in each other State, and with any interstate entity that shares information between such programs.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) direct or encourage a State to use a specific interstate data sharing program; or

“(B) limit or prohibit the discretion of a prescription drug monitoring program for interoperability connections to other programs (including electronic health records systems, hospital systems, pharmacy dispensing systems, or health information exchanges).”.

NATIONAL WREATHS ACROSS AMERICA DAY

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate proceed to consideration of S. Res. 476, submitted earlier today.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 476) designating December 18, 2021, as “National Wreaths Across America Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

VOTE EXPLANATION

Mr. HAWLEY. Madam President, had there been a recorded vote, I would have voted no on the confirmations of Executive Calendar No. 534, Clare E. Connors, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years; No. 535, Zachary A. Cunha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years; No. 536, Nikolas P. Kerest, of Vermont, to be United States Attorney for the District of Vermont for the term of four years; No. 581, Gregory K. Harris, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years; and No. 582, Philip R. Sellinger, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

TRIBUTE TO DR. LOUIS UCCELLINI

Mrs. SHAHEEN. Madam President, I rise today to acknowledge that the National Oceanic and Atmospheric Administration will soon lose a fine public servant to retirement. The National Weather Service’s director, Dr. Louis Uccellini, is retiring at the end of this year. The National Weather Service—NWS—produces the weather forecasts and products that we rely on a daily basis. These predictions are critical for protecting lives and property around the country, and Dr. Uccellini has played a big part of this work for the last several decades. Before I mention any specific accomplishments, let me share a couple of numbers: 43 years of public service, 70 published scientific articles and chapters in books, and more than 4,500 employees working out of some 168 units or offices.

Dr. Uccellini—or Louis, as he urges people to call him—has been passionate about weather since he was a small child. A tremendous snowstorm caught his attention during his youth, and even now, he is still fascinated by winter weather, so much so that among the many offices, teams, and even organizations he founded is the Winter Weather desk at the Weather Pre-

diction Center. Among his many scientific accomplishments, Dr. Uccellini co-wrote what has been deemed the most authoritative study on winter weather, appropriately called “Northeast Snowstorms.”

There is no aspect of today’s weather forecast that Dr. Uccellini didn’t either pioneer, or improve, from models that focus on individual phenomena or areas, to the first ensemble models, to seasonal forecasting models and even space weather. Louis established unified workstations that let forecasters view and assimilate multiple data inputs, and he took an entire forecast division from analog to digital. His ability to look at and integrate multiple types of data inputs and computer systems is why we as a nation can look from a daily forecast to weekly to sub-seasonal to seasonal. He introduced and integrated ocean, wave, water, air quality, and space models with weather models and oversaw all nine of the NWS’s National Centers for Environmental Prediction before being tapped to lead the entire National Weather Service.

Yet Louis is much more than a scientist. His leadership of NWS and pioneering cultural and organizational changes led the Federal contracting trade publication FCW to name him in 2020 as one of America’s top 100 Government Executives, and he was selected to serve as a National Academy of Public Administration Fellow. The ability to lead and manage an organization is difficult even when administration is one’s primary profession. It is a large secondary hat for a scientist to wear, and Louis wore it with aplomb, taking the National Weather Service to new heights of organization, service, and professionalism.

In 2013, Louis took the helm of the Weather Service. He improved the organization’s financial management by creating a budget and organizational structure that mirrored the forecast process. All of NWS is now in alignment: the forecast process, budget portfolio and management structure, creating a stronger sense of mission, and delivering transparency both internally and externally. He truly righted the ship. He actually embraced external audits and advice from consultants and proactively circled back to review changes he was leading at NWS.

One event comes to mind when I think of what will define Uccellini’s most lasting legacy. In April 2011, a dramatic and devastating tornado outbreak that struck our southern States killed 316 people even though the NWS had been warning partners and the community for days in advance. The tragic number of lives lost, despite multiple warnings, led Louis to lead the Weather Service into a new model for communication called Impact-based Decision Support Services, IDSS. The launch of IDSS was a sea change in NWS operations in which the forecast is not an end product but a starting point for forecasters to help emergency

managers advise communities. By deepening Weather Service partnerships with emergency managers, IDSS has increased forecast effectiveness and saved lives. Louis led the NWS toward its goal of creating a Weather-Ready Nation, increasing community and individual readiness and resilience.

There are few public servants like Louis Uccellini. He has strengthened our Nation’s research on and resilience to extreme weather events. On behalf of my constituents in New Hampshire, I thank Dr. Uccellini for his decades of excellent service to our Nation and wish him well in his retirement. He will be missed.

TRIBUTE TO LIEUTENANT COLONEL CHRIS RYAN

Mr. PORTMAN. Madam President, I rise today to honor an exceptional member of the U.S. Air Force. I am proud to enter this tribute into the RECORD as I have had the pleasure of traveling with Chris to London and Ukraine and saw firsthand his professionalism, leadership, and dedication to duty.

Lt. Col. Christopher “Chris” Ryan has distinguished himself through his professional character and dedication by serving this Nation in uniform. A leader and expert communicator, he has provided distinguished service to our country while assigned to the Air Force Senate Liaison Office. He is an outstanding leader and the perfect airman to represent the Air Force on Capitol Hill. Chris has served in the Air Force for over 20 years in both the enlisted and officer ranks. As an aircraft maintenance officer, Chris has led thousands of maintainers in support of the AC-130H, C-17A, KC-135R, and C-5M aircraft.

Throughout his career, Chris has demonstrated his exceptional abilities; he was the 1997 Airman of the Year at Joint Base Andrews and recipient of the John Levitow Award in 2000. Chris was both distinguished graduate for the ROTC Detachment 330 at the University of Maryland-College Park and at the Advanced Maintenance and Munitions Operations School. Further, Chris was recognized as the 2019 Secretary of the Air Force, Legislative Liaison Reserve Officer of the Year. Prior to his current assignment, Chris had the privilege of being selected as an Air Force Legislative Fellow where he was detailed to the Congressional Research Service and then worked for my dear colleague, the senior Senator from Oklahoma and then-chairman of the Armed Services Committee in 2018.

As a legislative liaison in the Air Force Senate Liaison Office from December 2018 to December 2021, Lieutenant Colonel Ryan performed his duties well and without reservation supporting the 115th, 116th, and 117th U.S. Congresses. His strategic thinking and foresight helped to strengthen and improve our national security. Chris accomplished this utilizing his in-depth

Air Force knowledge with numerous engagements between Congress and the Department of the Air Force.

Chris expertly conveyed Department of the Air Force positions on the Air Force Future Design that included the future bomber, tanker, and fighter force. Chris' direct support provided the U.S. Senate critical information necessary for three National Defense Authorization Acts. His efforts helped establish the U.S. Space Force, ensure the confirmation of the 25th and 26th Air Force Secretaries, the 22nd Air Force Chief of Staff, and ensured the Department of the Air Force support of the National Defense Strategy in our return to Great Power Competition.

Lieutenant Colonel Ryan planned and led delegations for Members of Congress on visits all over the world to include the bicameral Commission on Security and Cooperation in Europe and the Reagan National Defense Forum. In fact, Chris escorted me to the United Kingdom and Ukraine in 2019. Chris' significant efforts led to successful engagements between this governing body and senior Department of Defense Officials, including the Secretary of the Air Force. All of these engagements helped U.S. Senators understand defense equities and their impact on national security. Due to his direct involvement and stewardship, Members of Congress were able to make informed decisions and ensure the Department of the Air Force was properly resourced and funded.

After serving in this vital role for the past 3 years and becoming a fixture on Capitol Hill, Lieutenant Colonel Ryan will move to his next assignment, as deputy group commander, 514th Maintenance Group, located at Joint Base McGuire-Dix-Lakehurst. Chris, his wife Rachel—the chief of staff for the Bureau of Arms Control, Verification, and Compliance at the Department of State—and their children Joshua, Kathrine, and Emma have sacrificed much as a family in service to our Nation. I am thankful for Chris' service and his work with my office and the Senate over the past 3 years on issues important to this great Nation. I salute this American patriot whose selfless service has kept our country safe and strong.

TRIBUTE TO STAFF

Mr. BROWN. Madam President, over the past couple of years, Ohioans and Americans around the country have worked and sacrificed to get our country through this pandemic. Among those who have risen to meet this historic moment are the dedicated public servants on our Senate staff. These patriots have given their all over these last 20 months to protect Ohioans' health, to put money in people's pockets, to keep a roof over people's heads, and to help our State and our country overcome this health and economic crisis.

I would not have been able to do the vital work we have done in the Senate

without their expertise and dedication and talent, and we would not be where we are today as a country—with rising wages, record job growth, and life-saving vaccines—without them. This holiday season, I ask my Senate colleagues to join me in thanking these dedicated professionals for their service to our country:

Ben Ashman; Mohammad Aslami; Blair Austin; Brian Ayers; Diana Baron; Shilesha Bamberg; Sarah Benzing; Emily Blaydes; Gabriel Bitol; Chad Bolt; Alyssa Brockington; Alea Brown; Homer Carlisle; Dani Carlson; Megan Cheney; Min Cheng; Emily Chipps; William Clayton; Beth Clodfelter; Beth Cooper; Alan Cox; J. Bradley Deane; Andrew Dickson; Abigail Duggan; Anthony Eliopoulos; Corey Frayer; Chanty Gbaye; Joe Gilligan; Francis Goins; Anna Gokaldas; Ross Griffin; Stanley Hardy; Sarah Harms; James Harnett; Diop Harris; Rachael Hartford; Jeremy Hekhuis; Joseph Henry; Christian Hill; Leah Hill; Mycheala Holley; Patrick Horn; Aarti Iyer; Alysa James; Marie Therese Kane; Matthew Keyes; Mike King; Zac Kiser; Sue Klein; Geoffrey Knight; Erica Krause; Ben Lockshin; Ann Longworth Orr; Mayra Lozano; Brian Lyons; Megan Malara; Marilee Marks; Drew Martineau; Allison Mazzeo; Jonathan McCracken; Colin McGinnis; Rajani Menon; John Miller; Samantha Miller; Katie Mulhall Quintela; Paulanne Oakes; Tanya Otsuka; Sneha Pandya; John Patterson; Emily Pellegrino; Jordan Pennell; Trudy Perkins; Seth Pringle; John Richards; Charissee Ridgeway; Kate Rodriguez; Pam Rosado; Phil Rudd; John Ryan; Vincent Sarubbi; Vinny Sheu; Sarah Shalash; Ellen Short; William Shostand; Fátima Sierra-Vargas; Jan Singelmann; Cierra Stewart; Laura Swanson; Ché Thomas; Nora Todd; Mary Topolinski; Elisha Tuku; Elaine Vilem; Meghan Vogel; Dariah Williams; Carolina Young.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF RICELAND FOODS

• Mr. BOOZMAN. Madam President, I rise today to commemorate the 100th anniversary of Riceland Foods.

Riceland's success story mirrors the growth of rice production in Arkansas. The first rice crop grown in Arkansas was produced in 1904. As more Arkansas farmers embraced this new crop, they found that relying on buyers from Texas or Louisiana, who passed through Arkansas infrequently, made sales difficult. That led farmers to build Arkansas' first rice mill in Stuttgart in 1907.

Stuttgart would soon become the center of Arkansas' burgeoning rice industry. In the years around World War I, rice crop prices fluctuated wildly, leading Arkansas producers to meet in Stuttgart to find a path to ensure continued viability. The Arkansas Rice Growers Cooperative Association was born out of this gathering.

The cooperative began as only a rice sales organization. As rice farming became more popular in Arkansas, the Arkansas Rice Growers Cooperative Association began leasing and eventually purchasing mills to process rice grown by area farmers.

In 1946, the cooperative began marketing its products under the Riceland label. In 1960, it diversified by merging with the Arkansas Grain Cooperative, which shared soybeans with neighboring soybean processing plant in Stuttgart. Shortly thereafter, Riceland Foods became the official name for the cooperative, which would remain headquartered in Stuttgart.

Today, Arkansas is the Nation's leading rice producer, and Riceland has grown into the world's largest miller and marketer of rice, as well as one of the Mid-South's major soybean processors.

Riceland has its own signature brands for home cooking and is also a major industrial supplier for companies such as Anheuser-Busch, General Mills, Gerber, and Kellogg's. They also supply to the food service industry nationwide.

The rice the cooperative's farmers grow is turned into products that reach consumers in more than 75 countries in North America, Central America, South America, the Caribbean, Europe, Africa, and the Middle East.

At a recent celebration to mark Riceland's 100th anniversary, chairman of the board Roger Pohlner spotlighted the cooperative's greatest assets: its members and employees. He told attendees, "Our founding members knew we were stronger together." The cooperative's 100 years of success is evidence of just how true that statement is.

I congratulate Riceland for reaching this historic milestone and wish them many more centuries of success.●

TRIBUTE TO JULIA RITA URSONE

• Mr. BLUMENTHAL. Madam President, today, I rise to recognize Mrs. Julia "Julie" Rita Ursone, a longtime Connecticut resident who turns 100 on January 8, 2022.

Born in Providence, RI, Mrs. Ursone was the child of Italian immigrants who became U.S. citizens. She moved to Stamford, CT, in 1947, where she has lived ever since.

Mrs. Ursone grew up during the Great Depression and readily supported American efforts during World War II through factory work.

To this day, she still lives in the house she built in 1951 with her late husband, who served in World War II and was an active member of their community. Passionate about doing her part in support of our Nation, Mrs. Ursone remains an active voter.

I hope my colleagues will join me in congratulating Mrs. Julia Ursone, her son Lou, and the rest of her family on this milestone of her 100th birthday.●

RECOGNIZING SMOKEY PIG BAR-B-Q

• Mr. PAUL. Madam President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an

outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize a family-owned small business, Smokey Pig Bar-B-Q of Bowling Green, KY, as the Senate Small Business of the Week.

Kaye and Phil Huffer purchased Smokey Pig Bar-B-Q in 1999. Smokey Pig Bar-B-Q's founder, Ned "Smokey" Nickerson, began serving up his signature Monroe County-style barbecue in 1969 when he established the restaurant. To prepare this southern Kentucky staple, the meat is prepared with no spices before being smoked over hickory wood. The hickory-smoked meat has a distinct flavor and is served with a vinegar-based sauce. Before his family bought the business, Phil regularly made the 100-mile round trip from Bowling Green to his hometown to purchase Monroe County-style barbecue. Noticing the absence of this particular style of barbecue in Warren County, Kaye and Phil decided to run a barbecue restaurant. They bought Smokey Pig Bar-B-Q, welcoming their first customers in March 1999.

More than 20 years later, Kaye and Phil continue to serve up some of the best barbecue in Bowling Green. Folks drive from all over the Commonwealth to enjoy their delicious cuisine and family-friendly hospitality. Kaye and Phil's care and attention to detail are evident in every aspect of Smokey Pig Bar-B-Q's restaurant and catering business. Even the charcoal is made on site, using hickory wood from local sawmills. Their son Scott has also joined his parents in dedicating himself to the restaurant's continued success.

Together, Kaye and Phil seek to give back to their community in any way possible. Through Smokey Pig Bar-B-Q, Kaye and Phil regularly support community organizations, including Norton Children's Hospital in Louisville, KY. When their son, Matthew, was born preterm, they turned to the Children's Hospital for support. Now, Smokey Pig Bar-B-Q is a longtime supporter of the hospital, supporting their mission to continue helping children overcome health challenges.

Over the years, Smokey Pig Bar-B-Q's unique cuisine has been profiled by local and national media. It is currently rated as TripAdvisor's No. 1 Quick Bites in Bowling Green, and Grubwire named it the best restaurant in Bowling Green in 2019. Additionally, the Kentucky Pork Producers Association honored Smokey Pig Bar-B-Q as the 2018 Pork Restaurant of the Year. For more than a decade, locals have voted Smokey Pig Bar-B-Q as "Best of Bowling Green" in BG Daily News's annual readers' choice awards. The restaurant was also featured in the Food Network's "Feasting on Asphalt" series hosted by Alton Brown.

Smokey Pig Bar-B-Q is a remarkable example of how hard work and ingenuity can turn a dream into reality. Small businesses like Smokey Pig Bar-B-Q form the heart of towns across

Kentucky and regularly step up to support their communities. Congratulations to Phil, Kaye, and the entire Smokey Pig Bar-B-Q team. I wish them the best of luck and look forward to watching their continued growth and success in Kentucky.●

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1605. An act to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 64. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 1605.

At 11:20 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 839. Resolution relative to the death of the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Health, Education, Labor, and Pensions, by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 29. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2773. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator and Assistant Secretary for Aging, Department of Health and Human Services, received in the Office of the President of the Senate on November 30, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2774. A communication from the Senior Advisor, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner of the Food and Drugs Administration, Department of Health and Human Services, received in the Office of the President of the Senate on November 30, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2775. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Thirteenth Review of the Backlog of Postmarketing Requirements and Commitments"; to the Committee on Health, Education, Labor, and Pensions.

EC-2776. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Strategies to Improve Patient Safety"; to the Committee on Health, Education, Labor, and Pensions.

EC-2777. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2018 Report to Congress on Community Services Block Grant Discretionary Activities - Community Economic Development and Rural Community Development Programs"; to the Committee on Health, Education, Labor, and Pensions.

EC-2778. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Agency Financial Report for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2779. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Management Response for the period of April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2780. A communication from the Senior Bureau Official, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Agency Financial Report for fiscal year 2021 and the Uniform Resource Locator (URL) for the Report; to the Committee on Homeland Security and Governmental Affairs.

EC-2781. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to transactions from the Unanticipated Needs Account for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2782. A communication from the Acting Chief Financial Officer and Associate Administrator for Performance Management, Small Business Administration, transmitting, pursuant to law, the Administration's fiscal year 2021 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-2783. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2784. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2785. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2786. A communication from the Chairman, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2787. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-2788. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to two (2) vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on November 30, 2021; to the Committee on Indian Affairs.

EC-2789. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Setting and Adjusting Patent Fees During Fiscal Year 2020" (RIN0651-AD31) received in the Office of the President of the Senate on November 30, 2021; to the Committee on the Judiciary.

EC-2790. A communication from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report relative to notifying Congress that the Commission did not complete or initiate competitive sourcing for conversion in fiscal year 2020, nor do they plan to do so in fiscal year 2021; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURBIN, from the Committee on the Judiciary, without amendment:

S. 1425. A bill to enable the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition, and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. REED for the Committee on Armed Services.

*John Bradley Sherman, of Texas, to be Chief Information Officer of the Department of Defense.

*Carrie Frances Ricci, of Virginia, to be General Counsel of the Department of the Army.

*Ashish S. Vazirani, of Maryland, to be a Deputy Under Secretary of Defense.

Army nomination of Brig. Gen. William J. Prendergast IV, to be Major General.

Army nomination of Col. Jackie L. Thompson, Jr., to be Brigadier General.

Space Force nomination of Col. Timothy A. Sejba, to be Brigadier General.

Army nomination of Brig. Gen. Roger D. Lyles, to be Major General.

Marine Corps nominations beginning with Brig. Gen. James H. Adams III and ending with Brig. Gen. Christian F. Wortman, which nominations were received by the Senate and appeared in the Congressional Record on December 1, 2021.

Mr. REED. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the ex-

pense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Troy J. Johnson, to be Major.

Air Force nomination of Mary T. Guest, to be Colonel.

Air Force nomination of Eric J. Jordan, to be Colonel.

Air Force nominations beginning with Zachary P. Augustine and ending with Michael L. Toomer, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nominations beginning with Chad A. Bellamy and ending with Andrew L. Thornley, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nominations beginning with Ross Andrew Brown and ending with Lisa Marie Wotkowicz, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nominations beginning with Kip T. Averett and ending with Daniel S. Walker, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nominations beginning with Shawn J. Alves and ending with Alexander J. Zoll, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nominations beginning with Patrick E. Bracken and ending with Thaddaeus J. Werner, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Air Force nomination of Anthony W. Perez, to be Lieutenant Colonel.

Air Force nomination of Dustin R. Meredith, to be Major.

Air Force nominations beginning with George L. Chapman and ending with Michael L. Yanzon, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nominations beginning with Luis J. Adames and ending with Michael J. Willen, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nomination of Rebecca L. Hess, to be Lieutenant Colonel.

Air Force nominations beginning with Angelica M. Drexel and ending with William R. Singiser, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nomination of Kyle P. Allen, to be Major.

Air Force nominations beginning with Sean M. Batzer and ending with Lenard W. Tol, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nominations beginning with Ashley D. Brown and ending with Alexander T. Pingree, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nomination of Ross C. Stanley, to be Major.

Air Force nominations beginning with Brandon R. Abel and ending with Brandon A. Zuercher, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nominations beginning with Bradley D. Altman and ending with Robert J. Yates III, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nominations beginning with Alicia D. Abrams and ending with James A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Air Force nomination of Simone E. Zacharias, to be Major.

Air Force nomination of Adrian A. Andrews, to be Colonel.

Army nomination of Richard J. Sonnenfeld, to be Colonel.

Army nomination of Andrea N. Apple, to be Major.

Army nominations beginning with Robert J. Abbott and ending with Megan Wakefield, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Army nomination of Tanya K. Bindernagel, to be Major.

Army nominations beginning with Grant T. Alexis and ending with Thomas J. Witkowski, which nominations were received by the Senate and appeared in the Congressional Record on October 27, 2021.

Army nomination of Gabrielle L. Murray, to be Major.

Army nomination of Michael R. Ruiz, to be Major.

Army nomination of Nicholas J. Beck, to be Lieutenant Colonel.

Army nomination of Peter A. Doblar, to be Major.

Army nomination of Francis E. Igo IV, to be Major.

Army nomination of Ken M. Woods, to be Major.

Army nominations beginning with Katharine M. E. Adams and ending with Hans P. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

Army nominations beginning with Alejandro L. Buniag, Jr. and ending with Michael W. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

Army nomination of Erica A. Wheatley, to be Colonel.

Army nomination of Jamison S. Nielsen, to be Colonel.

Army nominations beginning with Robert P. Lewis and ending with Scot W. McCosh, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

Army nomination of Jader A. Morales, to be Major.

Army nomination of Moises Salinas, to be Major.

Army nomination of Michael S. Schwamberger, to be Colonel.

Army nomination of Kyle A. Lippold, to be Lieutenant Colonel.

Army nomination of Taylor K. Opel, to be Lieutenant Colonel.

Army nominations beginning with Shawn G. Abbe and ending with Nathaniel C. Stone, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Army nomination of Jamie E. Mueller, to be Major.

Army nominations beginning with Peter S. Black and ending with Robert G. Sacca, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2021.

Army nomination of Edward W. Lumpkins, to be Colonel.

Army nomination of Gina M. Farrington, to be Major.

Army nomination of Disa L. Rifkin, to be Colonel.

Army nomination of Jessica K. Smyth, to be Lieutenant Colonel.

Army nomination of Brock A. Chavez, to be Major.

Marine Corps nomination of Eric A. Walraven, to be Lieutenant Colonel.

Marine Corps nomination of Daniel T. Celotto, to be Colonel.

Marine Corps nomination of Jason A. Retter, to be Major.

Marine Corps nominations beginning with Ryan P. Allen and ending with Matthew P. Zummo, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Marine Corps nominations beginning with Nicholas P. Adams and ending with John B. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2021.

Navy nomination of Stephen M. Dyer, to be Lieutenant Commander.

Navy nominations beginning with Mitchell I. Bell and ending with Patrick Z. X. Yu, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

Navy nomination of Matthew C. Dennis, to be Lieutenant Commander.

Navy nomination of Joseph M. Molina, to be Lieutenant Commander.

Navy nomination of Stephen B. Koye, to be Lieutenant Commander.

Navy nomination of Michael J. Urbaitis, to be Lieutenant Commander.

Navy nominations beginning with Alexander C. Charalambous and ending with Taibatu E. I. Obasi, which nominations were received by the Senate and appeared in the Congressional Record on December 2, 2021.

Space Force nominations beginning with Christina N. Gillette and ending with D. S. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

Space Force nominations beginning with Albert J. Ashby and ending with John C. Zingarelli, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2021.

Space Force nomination of Kevin G. Amsden, to be Colonel.

Space Force nomination of Travis Richard Prater, to be Colonel.

By Mr. WYDEN for the Committee on Finance.

*Lisa W. Wang, of the District of Columbia, to be an Assistant Secretary of Commerce.

*Maria Louise Lago, of New York, to be Under Secretary of Commerce for International Trade.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MARKEY, Mr. BROWN, and Mr. DUCKWORTH):

S. 3333. A bill to amend title 49, United States Code, to improve the accessibility of airline information and entertainment programming provided by air carriers on passenger flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. MURPHY):

S. 3334. A bill to extend the authority for the establishment of a commemorative work to honor enslaved and free black persons who served in the American Revolution, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself and Mr. MARKEY):

S. 3335. A bill to provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by the registered consortium, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASSIDY (for himself and Mr. BURR):

S. 3336. A bill to amend the Controlled Substances Act with respect to the scheduling of fentanyl-related substances, and for other purposes; to the Committee on the Judiciary.

By Mr. LUJÁN (for himself and Ms. SMITH):

S. 3337. A bill to protect Native children and promote public safety in Indian country; to the Committee on Indian Affairs.

By Mr. BLUNT (for himself and Mr. HAWLEY):

S. 3338. A bill to revise the boundary of the Ste. Genevieve National Historical Park in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNOCK (for himself, Ms. KLOBUCHAR, Mr. MENENDEZ, Ms. BALDWIN, Mr. REED, Mrs. MURRAY, Ms. SMITH, Mr. HEINRICH, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. VAN HOLLEN):

S. 3339. A bill to limit cost sharing for prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PADILLA (for himself and Mr. WICKER):

S. 3340. A bill to establish a competitive grant program to provide assistance to support small businesses and business district revitalization in low-income, rural, and minority communities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MORAN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. CASSIDY, Mr. ROUNDS, Mr. TILLIS, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. CRAMER, Mr. BRAUN, Ms. SINEMA, Ms. HASSAN, Mr. BROWN, Mr. BLUMENTHAL, Mrs. MURRAY, Ms. HIRONO, and Mr. MANCHIN):

S. 3341. A bill to direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs, performance metrics, and outcomes of the Department of Veterans Affairs Electronic Health Record Modernization program; to the Committee on Veterans' Affairs.

By Mr. BENNET (for himself and Mr. HICKENLOOPER):

S. 3342. A bill to authorize additional district judgeships for the district of Colorado, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mr. PADILLA, Mr. MARKEY, and Mr. WYDEN):

S. 3343. A bill to provide a civil remedy for an individual whose rights have been violated by a person acting under Federal authority, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. HAGERTY, Mr. COTTON, Mr. SCOTT of South Carolina, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mr. HAWLEY, Mr. BOOZMAN, Mr. HOEVEN, Mr. MARSHALL, and Mr. RUBIO):

S. 3344. A bill to protect the American Taxpayer and Medicare; to the Committee on Finance.

By Mr. RUBIO (for himself and Mr. WARNER):

S. 3345. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and donations by foreign nationals in connection with ballot initiatives and referenda; to the Committee on Rules and Administration.

By Mr. BENNET (for himself and Ms. COLLINS):

S. 3346. A bill to amend the Internal Revenue Code of 1986 to classify certain automatic fire sprinkler system retrofits as 15-year property for purposes of depreciation; to the Committee on Finance.

By Mr. TOOMEY (for himself, Mr. CARDIN, and Ms. ROSEN):

S. 3347. A bill to identify and impose sanctions with respect to persons who are responsible for or complicit in abuses toward dissidents on behalf of the Government of Iran; to the Committee on Foreign Relations.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3348. A bill to reauthorize the Freedom of Way National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROUNDS (for himself and Mr. VAN HOLLEN):

S. Res. 473. A resolution expressing the sense of the Senate on the necessity of maintaining the United Nations arms embargo on South Sudan until conditions for peace, stability, democracy, and development exist; to the Committee on Foreign Relations.

By Mr. SCOTT of Florida (for himself, Mr. LUMMIS, Mr. RUBIO, Mr. BRAUN, Mr. HAWLEY, and Mr. CRUZ):

S. Res. 474. A resolution demanding that the Communist Party of China prove that Peng Shuai is free from censorship, coercion, and intimidation and fully investigate the sexual assault allegations against former Vice Premier Zhang Gaoli; to the Committee on Foreign Relations.

By Mr. COONS (for himself and Mr. TILLIS):

S. Res. 475. A resolution recognizing the 73rd anniversary of the Universal Declaration of Human Rights and the celebration of "Human Rights Day"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. KING):

S. Res. 476. A resolution designating December 18, 2021, as "National Wreaths Across America Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 72

At the request of Mr. VAN HOLLEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 72, a bill to require full funding of part A of title I of the Elementary and Secondary Education Act

of 1965 and the Individuals with Disabilities Education Act.

S. 176

At the request of Ms. ROSEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 176, a bill to require a longitudinal study on the impact of COVID-19.

S. 1385

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1385, a bill to amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

S. 1613

At the request of Ms. DUCKWORTH, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 1613, a bill to require the Administrator of the Small Business Administration to establish a grant program for certain fitness facilities, and for other purposes.

S. 1813

At the request of Mr. COONS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 1837

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 1837, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a grant program for law enforcement agencies and corrections agencies to obtain behavioral health crisis response training for law enforcement officers and corrections officers, and for other purposes.

S. 2136

At the request of Ms. MURKOWSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2136, a bill to amend the Public Health Service Act to provide for the implementation of curricula for training students, teachers, parents, and school and youth development personnel to understand, recognize, prevent, and respond to signs of human trafficking and exploitation in children and youth, and for other purposes.

S. 2144

At the request of Ms. CORTEZ MASTO, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2144, a bill to clarify the eligibility for participation of peer support specialists in the furnishing of behavioral health integration services under the Medicare program.

S. 2607

At the request of Mr. PADILLA, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2607, a bill to award a Congressional Gold Medal to the former hostages of the Iran Hostage

Crisis of 1979–1981, highlighting their resilience throughout the unprecedented ordeal that they lived through and the national unity it produced, marking 4 decades since their 444 days in captivity, and recognizing their sacrifice to the United States.

S. 3063

At the request of Mr. HAGERTY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3063, a bill to prohibit the use of funds for a United States Embassy, Consulate General, Legation, Consular Office, or any other diplomatic facility in Jerusalem other than the United States Embassy to the State of Israel, and for other purposes.

S. 3253

At the request of Mr. COTTON, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 3253, a bill to amend the Family and Medical Leave Act of 1993 to provide leave for the spontaneous loss of an unborn child, and for other purposes.

S. 3299

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 3299, a bill to prohibit the Department of Defense from discharging or withholding pay or benefits from members of the National Guard based on COVID-19 vaccination status.

S. 3300

At the request of Mr. TILLIS, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 3300, a bill to prohibit the payment of certain legal settlements to individuals who unlawfully entered the United States.

S. 3311

At the request of Mr. MORAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3311, a bill to amend the Federal Trade Commission Act to establish procedures for the treatment of votes by departed Commissioners.

S.J. RES. 21

At the request of Mr. MERKLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the use of slavery and involuntary servitude as a punishment for a crime.

S. RES. 447

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 447, a resolution celebrating the 125th anniversary of the National Grain and Feed Association and recognizing the Association and its members for transforming the bounty of United States farmers into safe, nutritious, sustainable, and affordable human and animal food.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Mr. MARKEY):

S. 3335. A bill to provide liability protection for the sharing of information regarding suspected fraudulent, abusive, or unlawful robocalls, illegally spoofed calls, and other illegal calls by or with the registered consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, and for the receipt of such information by the registered consortium, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Robocall Trace Back Enhancement Act”.

SEC. 2. REGISTERED CONSORTIUM CONDUCTING PRIVATE-LED EFFORTS TO TRACE BACK THE ORIGIN OF SUSPECTED UNLAWFUL ROBOCALLS.

(a) IMMUNITY FOR RECEIVING, SHARING, AND PUBLISHING TRACE BACK INFORMATION.—Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (Public Law 116–105; 133 Stat. 3287) is amended by adding at the end the following:

“(3) IMMUNITY FOR RECEIVING, SHARING, AND PUBLISHING TRACE BACK INFORMATION.—

“(A) DEFINITION.—In this paragraph, the term ‘covered information’—

“(i) means information regarding suspected—

“(I) fraudulent, abusive, or unlawful robocalls;

“(II) illegally spoofed calls; and

“(III) other illegal calls; and

“(ii) includes—

“(I) call detail records of calls described in clause (i);

“(II) the names of, and other identifying information concerning, the voice service providers that originated, carried, routed, and transmitted calls described in clause (i); and

“(III) information about the entities that made calls described in clause (i), including any contact information of individuals that such an entity provided to the voice service provider that originated the call.

“(B) TRACE BACK IMMUNITY.—No cause of action shall lie or be maintained in any court against—

“(i) the registered consortium for receiving, sharing, or publishing covered information or information derived from covered information; or

“(ii) any voice service provider or other person or entity for sharing covered information with the registered consortium.

“(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (B)(ii) shall be construed to provide immunity for any act other than the act of sharing covered information with the registered consortium.”.

(b) PUBLICATION OF LIST OF VOICE SERVICE PROVIDERS.—Section 13(e) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (Public Law 116–105; 133 Stat. 3287) is amended to read as follows:

“(e) LIST OF VOICE SERVICE PROVIDERS.—

“(1) PUBLICATION OF LIST.—The Commission, or the registered consortium in consultation with the Commission, may publish a list of voice service providers based on—

“(A) information obtained by the consortium about voice service providers that refuse to participate in private-led efforts to trace back the origin of suspected unlawful robocalls; and

“(B) other information the Commission or the consortium may collect about voice service providers that are found to originate or transmit substantial amounts of unlawful robocalls.

“(2) ENFORCEMENT.—The Commission may take enforcement action based on the information described in paragraph (1).”.

By Mr. PADILLA (for himself and Mr. WICKER):

S. 3340. A bill to establish a competitive grant program to provide assistance to support small businesses and business district revitalization in low-income, rural, and minority communities, and for other purposes; to the Committee on Environment and Public Works.

Mr. PADILLA. Mr. President, I rise to speak in support of the Revitalizing Small and Local Businesses Act, which I introduced today.

Even before the onset of the COVID-19 pandemic, historic underinvestment in certain communities left their small businesses and business districts more vulnerable to economic shocks and limited economic opportunities.

Main Street programs and business district organizations have played an important role in supporting businesses through the economic crisis and will continue to play a critical role in supporting a strong, inclusive recovery. While many communities need place-based supportive services tailored to their unique needs, Federal investments have not meaningfully supported these entities.

As we work to build back better, we have an opportunity to improve equitable access to economic development resources by leveraging the expertise of nonprofit partners with deep connections to small businesses and the organizations that serve them.

That is why I am proud to introduce this bill together with Senator WICKER to create a new \$250 million Economic Development Administration grant program to support place-based supportive services to provide on-the-ground assistance in both urban and rural communities.

This bill would strategically and efficiently deploy funding to support the vital work of local programs to revitalize small businesses and business districts as these communities, particularly low-income, rural, and minority communities, seek to recover from the devastating economic effects of the pandemic.

It would support job retention and creation opportunities as well as deliver vital technical assistance to small businesses.

I thank Senator WICKER for coleading this bill with me, and I hope our col-

leagues will join us in support of this bill to empower place-based entities to respond to economic recovery needs through locally tailored solutions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 473—EX-PRESSING THE SENSE OF THE SENATE ON THE NECESSITY OF MAINTAINING THE UNITED NATIONS ARMS EMBARGO ON SOUTH SUDAN UNTIL CONDITIONS FOR PEACE, STABILITY, DEMOCRACY, AND DEVELOPMENT EXIST

Mr. ROUNDS (for himself and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations.:

S. RES. 473

Resolved, That it is the sense of the Senate that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;

(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to build sustainable peace;

(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is a necessary act by the international community to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;

(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and

(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—

(A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or

(B) credible, fair, and transparent democratic elections are held in South Sudan.

SENATE RESOLUTION 474—DEMANDING THAT THE COMMUNIST PARTY OF CHINA PROVE THAT PENG SHUAI IS FREE FROM CENSORSHIP, COERCION, AND INTIMIDATION AND FULLY INVESTIGATE THE SEXUAL ASSAULT ALLEGATIONS AGAINST FORMER VICE PREMIER ZHANG GAOLI

Mr. SCOTT of Florida (for himself, Ms. LUMMIS, Mr. RUBIO, Mr. BRAUN, Mr. HAWLEY, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on Foreign Relations.:

S. RES. 474

Whereas, as a decorated professional tennis player, a 3-time Olympian, and the number 1 doubles player in 2014 as ranked by the Wom-

en's Tennis Association, Peng Shuai is one of the most recognizable athletes from the People's Republic of China;

Whereas, on November 2, 2021, Peng Shuai publicly accused former Vice Premier of the People's Republic of China Zhang Gaoli of sexual assault;

Whereas Peng Shuai was immediately censored by the Communist Party of China and physically removed from public view;

Whereas searches for Peng Shuai were blocked on social media platforms accessible from the People's Republic of China;

Whereas, for more than 2 weeks, the international athletic community, led by the Women's Tennis Association, demanded that the Communist Party of China reveal the location and health status of Peng Shuai and fully investigate the allegations against former Vice Premier Zhang Gaoli;

Whereas the state media of the People's Republic of China released an email allegedly from Peng Shuai to the Women's Tennis Association in which Peng Shuai withdrew her allegations of sexual assault and claimed she was not missing;

Whereas the President of the Women's Tennis Association Steve Simon stated that the email raised more concerns as to the safety and whereabouts of Peng Shuai;

Whereas, after immense international public outcry over the disappearance of Peng Shuai, Peng Shuai re-emerged at various structured public events in the People's Republic of China and participated in staged video calls with the International Olympic Committee;

Whereas, on December 1, 2021, the Women's Tennis Association announced that it would halt all tournaments in the People's Republic of China, including Hong Kong, because the Association is not satisfied that Peng Shuai is safe;

Whereas Simon stated that the Women's Tennis Association would willingly cut off one of its largest business partners until the health and safety of Peng Shuai was clarified, despite knowing the decision could cost the Women's Tennis Association hundreds of millions of dollars in future revenue;

Whereas Simon stated, “Chinese officials have been provided the opportunity to cease this censorship, verifiably prove that Peng is free and able to speak without interference or intimidation, and investigate the allegation of sexual assault in a full, fair and transparent manner. Unfortunately, the leadership in China has not addressed this very serious issue in any credible way. While we now know where Peng is, I have serious doubts that she is free, safe and not subject to censorship, coercion and intimidation.”;

Whereas the International Olympic Committee will host the 2022 Winter Olympic Games in Beijing, People's Republic of China;

Whereas the actions of the Communist Party of China in silencing Peng Shuai call into question the safety of other athletes competing in the 2022 Winter Olympic Games; and

Whereas the actions against Peng Shuai and other flagrant human rights abuses, such as the genocide of predominantly Muslim Uyghurs, committed by the Communist Party of China are inconsistent with Olympic values and the integrity of sport: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the actions of the Women's Tennis Association—

(A) to seek the security and safety of Peng Shuai; and

(B) to hold the Communist Party of China accountable for its authoritarian censorship of Peng Shuai;

(2) condemns the International Olympic Committee for cooperating in the Communist Party of China's suppression of Peng Shuai;

(3) condemns the Communist Party of China's violation of Peng Shuai's basic human rights to freedom of speech and movement; and

(4) demands that the Communist Party of China—

(A) prove that Peng Shuai is free from censorship, coercion, and intimidation; and

(B) fully investigate Peng Shuai's sexual assault allegation against former Vice Premier Zhang Gaoli.

SENATE RESOLUTION 475—RECOGNIZING THE 73RD ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE CELEBRATION OF “HUMAN RIGHTS DAY”

Mr. COONS (for himself and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 475

Whereas the Universal Declaration of Human Rights, adopted by the United Nations on December 10, 1948, represents the first comprehensive agreement among countries as to the specific rights and freedoms of all human beings;

Whereas the Universal Declaration of Human Rights upholds the basic principles of liberty and freedom enshrined in the Constitution of the United States and the Bill of Rights;

Whereas awareness of human rights—

(1) is essential to the realization of fundamental freedoms;

(2) promotes equality;

(3) contributes to preventing conflict and human rights violations; and

(4) enhances participation in democratic processes;

Whereas Congress has a proud history of promoting human rights that are internationally recognized; and

Whereas December 10 of each year is celebrated around the world as “Human Rights Day”: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 10, 2021, as “Human Rights Day”;

(2) recognizes the 73rd anniversary of the Universal Declaration of Human Rights;

(3) reaffirms the Universal Declaration of Human Rights;

(4) supports the right of human rights defenders all over the world to promote the fundamental freedoms enshrined in the Universal Declaration of Human Rights; and

(5) encourages the people of the United States—

(A) to observe Human Rights Day; and

(B) to continue a commitment to upholding freedom, democracy, and human rights around the globe.

SENATE RESOLUTION 476—DESIGNATING DECEMBER 18, 2021, AS “NATIONAL WREATHS ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas 30 years before the date of adoption of this resolution, the Wreaths Across

America project began with an annual tradition that occurs in December, of donating, transporting, and placing 5,000 Maine balsam fir veterans' remembrance wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, in the 30 years preceding the date of adoption of this resolution, more than 12,000,000 wreaths have been sent to various locations, including national cemeteries and veterans' memorials in every State and overseas;

Whereas the mission of the Wreaths Across America project, to “Remember, Honor, and Teach”, is carried out in part by coordinating wreath-laying ceremonies in all 50 States and overseas, including at—

(1) Arlington National Cemetery;

(2) veterans cemeteries; and

(3) other memorial locations;

Whereas the Wreaths Across America project carries out a week-long veteran's parade between Maine and Virginia, stopping along the way to spread a message about the importance of—

(1) remembering the fallen heroes of the United States;

(2) honoring those who serve; and

(3) teaching the next generation of children about the service and sacrifices made by our veterans and their families to preserve freedoms enjoyed by all in the United States;

Whereas, in 2020, despite the challenges posed by the ongoing COVID-19 pandemic, approximately 1,750,000 veterans' remembrance wreaths were delivered to 2,557 locations across the United States and overseas;

Whereas, in December 2021, the tradition of escorting tractor-trailers filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery will be continued by—

(1) the Patriot Guard Riders; and

(2) other patriotic escort units, including—

(A) motorcycle units;

(B) law enforcement units; and

(C) first responder units;

Whereas hundreds of thousands of individuals volunteer each December to help lay veterans' wreaths;

Whereas the trucking industry in the United States will continue to support the Wreaths Across America project by providing drivers, equipment, and related services to assist in the transportation of wreaths across the United States to more than 2861 locations;

Whereas the Senate designated December 19, 2020, as “Wreaths Across America Day”; and

Whereas, on December 18, 2021, the Wreaths Across America project will continue the proud legacy of bringing veterans' wreaths to Arlington National Cemetery: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2021, as “National Wreaths Across America Day”;

(2) honors—

(A) the Wreaths Across America project;

(B) patriotic escort units, including—

(i) motorcycle units;

(ii) law enforcement units; and

(iii) first responder units;

(C) the trucking industry in the United States; and

(D) the volunteers and donors involved in this worthy tradition; and

(3) recognizes—

(A) the service of veterans and members of the Armed Forces; and

(B) the sacrifices that veterans, their family members, and members of the Armed Forces have made, and continue to make, for the United States, a great Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4876. Ms. HASSAN submitted an amendment intended to be proposed by her to the bill S. 610, to address behavioral health and well-being among health care professionals; which was ordered to lie on the table.

SA 4877. Mr. GRAHAM (for himself, Mr. MARSHALL, Mr. HAGERTY, Mr. PAUL, Mr. HOEVEN, Mr. LANKFORD, Mr. GRASSLEY, Mr. DAINES, Mr. KENNEDY, Mrs. BLACKBURN, Ms. LUMMIS, Mr. SCOTT of Florida, Mrs. CAPITO, Mrs. FISCHER, Mr. BOOZMAN, Mr. SCOTT of South Carolina, Mr. HAWLEY, Mr. COTTON, Mr. MORAN, Mr. INHOFE, Ms. ERNST, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 610, supra; which was ordered to lie on the table.

SA 4878. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 610, supra; which was ordered to lie on the table.

SA 4879. Mr. SCHUMER (for Mr. OSSOFF (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 2796, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the eligibility of rural community response pilot programs for funding under the Comprehensive Opioid Abuse Grant Program, and for other purposes.

SA 4880. Mr. SCHUMER proposed an amendment to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes.

SA 4881. Mr. SCHUMER proposed an amendment to amendment SA 4880 proposed by Mr. SCHUMER to the bill S. 1605, supra.

SA 4882. Mr. SCHUMER proposed an amendment to the bill S. 1605, supra.

SA 4883. Mr. SCHUMER proposed an amendment to amendment SA 4882 proposed by Mr. SCHUMER to the bill S. 1605, supra.

SA 4884. Mr. SCHUMER proposed an amendment to amendment SA 4883 proposed by Mr. SCHUMER to the amendment SA 4882 proposed by Mr. SCHUMER to the bill S. 1605, supra.

TEXT OF AMENDMENTS

SA 4876. Ms. HASSAN submitted an amendment intended to be proposed by her to the bill S. 610, to address behavioral health and well-being among health care professionals; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ 2022 MEDICARE PART B PREMIUM AND DEDUCTIBLE.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) seniors face a substantial jump in health care costs because of the increased Medicare Part B premiums for 2022; and

(2) Congress must act to address these premium increases.

(b) 2022 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “and (7)” and inserting “(7), and (8)”; and

(2) in paragraph (6)(C)—

(A) in clause (i), by striking “(d)(1) and (e)(1)” and inserting “(d)(1), (e)(1), and (g)(1) of section 1844”; and

(B) in clause (ii), by striking “(5) and (7)” and inserting “(5), (7), and (8)”; and

(3) by adding at the end the following new paragraph:

“(8) In applying this part (including subsection (i) and section 1833(b)), the monthly

actuarial rate for enrollees age 65 and over for—

“(A) 2022 shall be determined to be an amount that does not significantly exceed the monthly actuarial rate for enrollees age 65 and over for 2021 increased the percentage by which benefit amounts under title II are increased for 2022; and

“(B) 2023 shall be determined to be an amount that does not significantly exceed the monthly actuarial rate for enrollees age 65 and over for 2022 (as determined under subparagraph (A)) increased the percentage by which benefit amounts under title II are increased for 2023.”.

(c) TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (a), by adding at the end the following new sentence: “In applying paragraph (1), the amounts transferred under subsection (g)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under subparagraphs (A) and (B), respectively, of paragraph (1).”; and

(2) by adding at the end the following:

“(g)(1) For 2022 and 2023, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate premiums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that are attributable to the application of section 1839(a)(8) with respect to—

“(A) enrollees age 65 and over; and

“(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

“(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

“(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).”.

SA 4877. Mr. GRAHAM (for himself, Mr. MARSHALL, Mr. HAGERTY, Mr. PAUL, Mr. HOEVEN, Mr. LANKFORD, Mr. GRASSLEY, Mr. DAINES, Mr. KENNEDY, Mrs. BLACKBURN, Ms. LUMMIS, Mr. SCOTT of Florida, Mrs. CAPITO, Mrs. FISCHER, Mr. BOOZMAN, Mr. SCOTT of South Carolina, Mr. HAWLEY, Mr. COTTON, Mr. MORAN, Mr. INHOFE, Ms. ERNST, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 610, to address behavioral health and well-being among health care professionals; which was ordered to lie on the table; as follows:

Strike section 8.

SA 4878. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 610, to address behavioral health and well-being among health care professionals; which was ordered to lie on the table; as follows:

Strike section 8.

SA 4879. Mr. SCHUMER (for Mr. OSSOFF (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 2796, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the eligibility of

rural community response pilot programs for funding under the Comprehensive Opioid Abuse Grant Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Opioid Abuse Prevention Act”.

SEC. 2. ELIGIBILITY OF RURAL COMMUNITY RESPONSE PILOT PROGRAMS FOR FUNDING UNDER THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 3021 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by striking “and”;

(B) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(H) a pilot program for rural areas to implement community response programs that focus on reducing opioid overdose deaths, which may include presenting alternatives to incarceration, as described in subsection (f).”; and

(2) by adding at the end the following:

“(f) RURAL PILOT PROGRAM.—

“(1) IN GENERAL.—The pilot program described under this subsection shall make grants to rural areas to implement community response programs to reduce opioid overdose deaths. Grants issued under this subsection shall be jointly operated by units of local government, in collaboration with public safety and public health agencies or public safety, public health and behavioral health collaborations. A community response program under this subsection shall identify gaps in community prevention, treatment, and recovery services for individuals who encounter the criminal justice system and shall establish treatment protocols to address identified shortcomings. The Attorney General, through the Office of Justice Programs, shall increase the amount provided as a grant under this section for a pilot program by no more than five percent for each of the two years following certification by the Attorney General of the submission of data by the rural area on the prescribing of schedules II, III, and IV controlled substances to a prescription drug monitoring program, or any other centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program (including an electronic health records system) in each other State, and with any interstate entity that shares information between such programs.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) direct or encourage a State to use a specific interstate data sharing program; or

“(B) limit or prohibit the discretion of a prescription drug monitoring program for interoperability connections to other programs (including electronic health records systems, hospital systems, pharmacy dispensing systems, or health information exchanges).”.

SA 4880. Mr. SCHUMER proposed an amendment to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; as follows:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 4881. Mr. SCHUMER proposed an amendment to amendment SA 4880 proposed by Mr. SCHUMER to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; as follows:

On page 1, line 3, strike “1 day” and insert “2 days”.

SA 4882. Mr. SCHUMER proposed an amendment to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; as follows:

At the end add the following:

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 4883. Mr. SCHUMER proposed an amendment to amendment SA 4882 proposed by Mr. SCHUMER to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; as follows:

On page 1, line 3, strike “5 days” and insert “4 days”.

SA 4884. Mr. SCHUMER proposed an amendment to amendment SA 4883 proposed by Mr. SCHUMER to the amendment SA 4882 proposed by Mr. SCHUMER to the bill S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes; as follows:

On page 1, line 3, strike “4 days” and insert “3 days”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 2 p.m., to conduct a closed briefing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 3 p.m., to conduct a hearing on a nomination.

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, December 8, 2021, at 2:30 p.m., to conduct a hearing.

ORDERS FOR THURSDAY,
DECEMBER 9, 2021

Mr. SCHUMER. Finally, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m. on Thursday, December 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the House message to accompany S. 610; further, that if cloture is invoked on the motion to concur in the House message to accompany S. 610, that it be as if invoked at 1 a.m., Thursday, December 9; finally, that all time during adjournment, recess, morning business, and leader remarks count postcloture.

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

Mr. SCHUMER. For information of Senators, the vote on the motion to concur will be at approximately 12:30 p.m.

ADJOURNMENT UNTIL 11:30 A.M.
TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous con-

sent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:16 p.m., adjourned until Thursday, December 9, 2021, at 11:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8, 2021:

CORPORATION FOR NATIONAL AND COMMUNITY
SERVICE

MICHAEL D. SMITH, OF VIRGINIA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

SOUTHEAST CRESCENT REGIONAL COMMISSION

JENNIFER CLYBURN REED, OF SOUTH CAROLINA, TO BE FEDERAL COCHAIRPERSON OF THE SOUTHEAST CRESCENT REGIONAL COMMISSION.

DEPARTMENT OF JUSTICE

RACHAEL S. ROLLINS, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH PATRICK J. GRACE AND ENDING WITH KARL B. HELLBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2021.

COAST GUARD NOMINATIONS BEGINNING WITH ROYCE W. JAMES AND ENDING WITH PETER H. IMBRIALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2021.

COAST GUARD NOMINATIONS BEGINNING WITH BRITTANY S. AKERS AND ENDING WITH TIFFANY M. ZEHLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2021.

COAST GUARD NOMINATIONS BEGINNING WITH MARK P. AGUILAR AND ENDING WITH MATTHEW W. ZINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 21, 2021.