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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ALEX PADILLA, a Senator from the State of California.

PRAYER

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

Let us pray.

Eternal God, who upholds us with Your might, keep our Senators sure-footed as they travel through these challenging times.

Lord, lead them safely over the treacherous heights they must sometimes move. Open their eyes that they may see glimpses of truth from Your Divine precepts that will illuminate their paths.

Lord, remind them that victory comes from You, the God of our salvation. Continue to use them as guardians of freedom.

Lord, we thank You for the life and legacy of former Vice President of the United States Walter Mondale.

We pray in Your great 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, April 20, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ALEX PADILLA, a Senator from the State of California, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. PADILLA 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

COVID-19 HATE CRIMES ACT— Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 937, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 937) to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

Pending:

Schumer (for Hirono/Collins) Amendment No. 1445, of a perfecting nature.

RECOGNITION OF THE MAJORITY LEADER

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

REMEMBERING WALTER FREDERICK MONDALE

Mr. SCHUMER. Mr. President, last night, the country lost a giant of Democratic politics, a kind and revered public servant, a Vice President who reimagined the position and expanded Americans' views of who could hold America's highest offices. Walter Mondale, known to friends and foes alike as "Fritz," died at the age of 93.

As President Carter's right-hand man, Fritz revolutionized the role of the Vice Presidency. There is an old yarn about two brothers: One went off to sea, and the other became Vice President. Neither was heard from again. That is not true of Walter Mondale.

Walter Mondale was an uncooperative subject for those Vice Presidential comedians. Not only was he often the last person in the room with the President when the tough decisions were made, but he became an unofficial ambassador for the administration. His relationship with Prime Minister Begin of Israel helped paved the way for a peace treaty between Israel and Egypt at Camp David in 1978.

In his ultimately unsuccessful run for the Presidency, Walter Mondale's pick of my fellow New Yorker, the late Geraldine Ferraro, as Vice President was an early crack in the glass ceiling that our current Vice President, KAMALA HARRIS, would eventually shatter.

Vice President Mondale will be remembered as a lion of progressive politics; an ardent defender of civil rights, aid to schoolchildren, childcare, healthcare, and consumer protections. Mondale once said:

My whole life I worked on the idea that government can be an instrument for social progress. We need that progress. Fairness requires it.

Indeed, as Mondale said, we need government to make social progress.

As we say goodbye to one of our country's most decent public servants, let us follow in his example.

MARIJUANA

Mr. President, now on a much different subject, today is what you might call a very unofficial American holiday, 4/20. It is as appropriate a time as any to take a hard look at our laws that have overcriminalized the use of marijuana and put it on a par with heroin, LSD, and other narcotics that bear little or no resemblance in their effects

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



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either on individuals or on society, more broadly.

The war on drugs has too often been a war on people, particularly people of color. For decades, young men and women—disproportionately, young men and women of color—have been arrested and jailed for even carrying a small amount of marijuana, a charge that often came with exorbitant penalties and a serious criminal record from which they might never recover, being rejected from job after job because this minor, minor deviation from the law was listed as a serious criminal record.

It makes no sense. It is time for change. I believe the time has come to end the Federal prohibition on marijuana in this country, and I am working with Senators BOOKER and WYDEN on legislation to do just that. My thinking on this issue has evolved.

A number of States—including, very recently, my home State of New York—have legalized the recreational use of marijuana for adults, and those experiments, by and large, have been a success. The doom-and-gloom predictions, when States like Colorado or Oregon went forward and decriminalized and legalized marijuana, never occurred.

In State after State, through ballot initiatives and constitutional amendments, the American people are sending a clear message that they want this policy changed. Senators BOOKER, WYDEN, and I are going to continue to work on our legislation, and in the near future, we hope to have a draft of a comprehensive reform effort, not only to end the Federal prohibition on marijuana but to ensure restorative justice, protect public health, and implement responsible taxes and regulations. This was the approach taken by legislators in New York. I believe it is the right approach, and it serves as a model for how we should deal with the issue in Congress.

Hopefully, the next time this unofficial holiday, 4/20, rolls around, our country will have made progress in addressing the massive overcriminalization of marijuana in a meaningful and comprehensive way.

VOTING RIGHTS

Mr. President, now on voting rights, today in the Judiciary Committee, Senators will hear testimony from a number of public officials and experts about the surge in voter suppression laws since the 2020 election, including former Georgia gubernatorial candidate Stacey Abrams.

These voter suppression laws—more than 250 proposed laws in more than 40 States—constitute a grave and immediate threat to the very core of our democracy. In ways both large and small, they seek to restrict the franchise, often targeting minority communities, younger voters, and dense urban districts.

Our Republican colleagues have tried in vain to defend these laws as meaningful and appropriate protections

against voter fraud. In many cases, those attempts have been just laughable.

Just to take one example from earlier this week, the Republican-led Montana State Legislature passed a law that ends election-day voter registration and would no longer allow student IDs to be used as a sole ballot form of identification. Just think about that for a moment. What problems are the Republicans in Montana trying to solve there? Has there been a rash of 40-year-olds showing up with student IDs to commit voter fraud? No, there certainly hasn't been. We all know what is going on here. Younger voters have been shown to be more Democratic. So Montana Republicans have made it harder for them to vote. It is despicable—just despicable—and these laws are moving through State legislatures all across the country, including the most recent one in Georgia, which, among other crucial reforms, makes it a crime—a crime—to provide food and water to voters waiting in line at the poles, even though in minority areas the lines are often much longer because there are fewer polling places.

I know my Democratic colleagues on the Judiciary Committee are going to shine a spotlight on all of these efforts, and I applaud Chairman DURBIN for holding this very important hearing today. Voting rights are a topic that deserves continued national attention. It is a top priority for this Democratic Senate majority.

PUERTO RICO

Finally, Mr. President, you couldn't find a better study in contrasts than the Trump administration and the Biden administration. On so many issues, the executive branch is finally returning to competence, undoing the damage wrought by 4 years of Trump's Presidency.

One important example came last night. Beginning in 2017, the Trump administration maliciously held back billions of dollars in congressionally approved disaster aid to Puerto Rico, which was devastated by Hurricane Maria, resulting in the deaths of thousands of Americans. This was vicious on the part of Donald Trump—nasty, so typical of the pettiness and inhumanity of his administration.

Well, the Biden administration has finally ended this appalling delay and will release the much needed disaster relief funds that Puerto Rico has waited for, for almost 5 years. The release of these funds means the people of Puerto Rico can finally and fully rebuild their homes, their schools, their businesses.

Puerto Rico, unfortunately, has too often been an afterthought to work here in Washington. Funds that would normally go to any State after a natural disaster like Hurricane Maria got delayed for years over the course of an entire administration.

Puerto Ricans are American citizens and should be treated exactly as such when disaster strikes. That is why, in

the American Rescue Plan, Democrats passed the largest, most comprehensive relief package for the people of Puerto Rico in a long, long time. I am proud to have worked with my House colleagues, particularly Representative NYDIA VELÁZQUEZ, to get that done.

Prior to the American Rescue Plan, the Federal Government had never supported Puerto Rico's tax credit for low-income workers. We did that for the first time ever.

Shockingly, prior to the American Rescue Plan, only families with three or more children in Puerto Rico could claim the child tax credit. That seems, to me, to be racist in its application. We fixed that and made sure that every family in Puerto Rico can claim the credit, just like every other American family.

So as long as Democrats have a majority here in the Senate, I am going to make sure that Puerto Rico is treated fairly and gets its fair share of support. When it comes to this disaster aid, I am so glad the Biden administration is rectifying the issue. I hope we never repeat such a shameful delay.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Mr. President, the situation on our southern border is bad and getting worse. Last month saw overall migrant totals hit a nearly two-decade high. More unaccompanied minors arrived than during any prior month on record.

These kids, crowded in underequipped facilities, tended by increasingly overwhelmed personnel, have become the heart-wrenching face of this crisis. Yet the most resolve, the most strength that this administration has shown on the border has been their commitment to their talking points, their refusal to call the crisis a crisis.

This past weekend, the President of the United States himself slipped up and used that forbidden word. But—get this—he was then overruled by his own staff. Yesterday, his Press Secretary said President Biden actually didn't intend to describe the situation as a crisis. Fascinating.

But then, yesterday, at last, we saw this administration take some new action on immigration. Finally, some proactive steps. Memos were issued to Immigration and Customs Enforcement and CBP with new instruction. Were they new policies to stem the crisis? No. Stepped-up enforcement? No. A way to fix the administration's signals that have induced these new waves of

vulnerable people to try their luck? No, not this either.

Here was the big news: The government will be adopting new, more politically correct rhetoric. Under this administration, we will no longer have “illegal aliens,” not because they will secure the border; just because they now will be called “noncitizens” or “undocumented migrants” and so on.

These priorities are almost a parody of leftwing governance: not securing the border, not a better plan for the children, just woke proofreading. This is not going to get the job done.

OPIOID EPIDEMIC

Mr. President, on a related matter, of course, the flow of actual people is not our only border security problem. Americans are dying and communities are being hollowed out because foreign drug dealers and profiteers have taken our opioid crisis as a business opportunity.

Fentanyl and fentanyl analogues that pour into our country impose a staggering, tragic loss. In 2020, the CDC recorded more overdose deaths than any year on record. They attributed the spike primarily to synthetic opioids like fentanyl.

My home State of Kentucky logged a 50-percent year-on-year increase in overdose deaths. Fentanyl and its constantly changing analogues are as toxic and lethal an illegal drug as there is. We are talking about substances that can be orders of magnitude more potent than morphine.

Customs and Border Protection say fentanyl seizures jumped more than 70 percent in fiscal year 2020. They are on pace for another record year in 2021. Much of this poison is manufactured in and exported from China.

The scope of this crisis is truly staggering. But incredibly, some on the political left want to respond to this national crisis by letting the criminal status of fentanyl analogues lapse this spring.

People want to let these drugs become legal. They actually want to let these drugs become legal. I am not making this up. Fentanyl analogues are poised to fall off the schedule of controlled substances in just a few weeks if Congress does not act, and some corners of the soft-on-crime left want us to do nothing. They are unhappy with the sentences that be can be imposed on drug dealers as a result.

These people are seriously arguing—seriously arguing that we should let these substances flow even more freely through American streets and American neighborhoods, costing who knows how many additional American lives to help some drug dealer avoid prison.

I understand that even among Democrats who say they don't want to decriminalize these poisons, there is some effort to kick the can a few months with a temporary extension so that a soft-on-crime bill could be crafted and forcibly paired with this step.

Look, these are terrible ideas, just terrible ideas. The right thing to do is

obvious. This isn't a trick question. We need to permanently schedule fentanyl analogues, take this permanent step to protect Americans, and be done with it. We should not just kick the can down the road for 2 months or 5 months or 12 months. We should not let this commonsense step be held hostage for liberal horse trading. We simply need to do the right thing.

Congress cannot hold American lives and communities hostage to try to grease the skids for drug dealers. Continuing to ban these analogues is not even a recipe for mass incarceration. The main effect is to cut down on the incoming supply of these poisons by changing the incentives for producers in China and other foreign countries.

The Department of Justice reports that, in the last 3 years, only 8 people—8 people would have qualified for the mandatory minimum sentences that some people are complaining about. More than anything else, scheduling these terrible drugs is a harm reduction and prevention tool. It works upstream. It disincentivizes their manufacture and their import into our country.

Too many of our neighbors have already been taken from us. Too many communities have already been hollowed out. There is simply no excuse for inaction.

It should not just be a Republican priority to slam the door on the opioid epidemic in every possible way. This should actually be a bipartisan no-brainer. Let's permanently schedule these analogues and keep this poison out of our land and out of our citizens' bloodstreams.

AFGHANISTAN

Mr. President, now, on one final matter, this afternoon, President Biden is sending his top national security officials to brief Members on his misguided plan to abandon the battlefield in Afghanistan.

As I said when this decision was announced, the enemies that threaten America, our allies, and the people of Afghanistan are not vanquished. Taliban retribution and repression and the terror of al-Qaida, ISIS, and the Haqqani Network will likely only grow after we have left.

I know many colleagues on both sides of the aisle share my concerns. I expect that the administration's representatives will face tough questions about the rationale behind their plan for a rushed withdrawal.

So it is appropriate to ask: Does the Taliban share the administration's commitment to a negotiated solution, to not harming Afghan women or girls or seeking vengeance on those who have worked with the United States to root out terror? Somehow I doubt it.

Does the administration have a plan for keeping terrorists off-balance in the absence of troops and leverage in the region? Will it seek to maintain the 2001 AUMF, which authorizes the ongoing counterterrorism operations that have actually kept our homeland safe for 20 years?

How does the administration plan to maintain our insight into terrorist activities or our ability to strike them without a presence on the ground, to sustain our partners who are doing the fighting? I worked hard to find common ground with this administration on foreign policy, but if the White House is serious about making America, our allies, and our interests more secure, it will need to start tacking toward a more enduring approach centered on strength, grounded in reality and not wishful thinking.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding the order of yesterday, the Senate recess from 12:30 p.m. until 2:15 p.m. and that at 2:15 p.m., the Senate proceed to executive session to resume consideration of the Gensler nomination and the Senate vote on the motion to invoke cloture on the nomination; that following the cloture vote, the Senate resume legislative session and the Senate recess until 4 p.m. to allow for the all-Senators briefing; further, that if cloture is invoked on the Gensler nomination, all postcloture time be considered expired at 5 p.m.; that immediately following the disposition of the Gensler nomination, the Senate resume consideration of the Monaco nomination and vote on confirmation as provided under the previous order; that if either nomination is confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that following the confirmation vote on the Monaco nomination, the Senate resume legislative session.

The ACTING PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

Mr. SCHUMER. Therefore, Senators should expect one rollcall vote at 2:15 p.m. and two rollcall votes at 5 p.m.

MEASURES PLACED ON THE CALENDAR—S. 1216 AND H.R. 7

Mr. SCHUMER. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the bills by title en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 1216) to extend the temporary scheduling order for fentanyl-related substances.

A bill (H.R. 7) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in

the payment of wages on the basis of sex, and for other purposes.

Mr. SCHUMER. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar en bloc.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

COVID-19 HATE CRIMES ACT— Continued

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

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

The Republican whip.

INFRASTRUCTURE

Mr. THUNE. Mr. President, last fall, there was a concern among many around the country, many Republican voters, that if elected—Democrats in the House, the Senate, and the White House—if they had the whole of government, they would try to implement massive change, transformative change, as it was described. There was a consistent view articulated by Democrats in other places around the country that it would never happen because Joe Biden, after all, is a moderate. These ideas are crazy ideas. Nobody would ever do some of the things that are being talked about.

Well, I have to say that pretty much everything that was predicted is now coming true, at least as it pertains to legislation that is being advanced by Democrats here in the Congress and by the White House, starting, of course, with the massive amount of spending, the massive expansion of the government.

We saw that with the coronavirus relief bill, which ended up being about \$2 trillion. That was on top of the \$4 trillion that Congress, in a bipartisan way last year, had put toward coronavirus relief. Much of that \$2 trillion—in fact, most of it, about 90 percent of it—didn't have anything to do with coronavirus. Only about 10 percent of all that spending of nearly \$2 trillion was actually related to the coronavirus. Most of it was other things that Democrats had wanted to fund, that had been on their wish list, if you will, for some time, and expansion of government.

Well, if that weren't enough, there is now talk of an "infrastructure" bill that would spend on the order of another \$2.5 to \$3 trillion—again, much of which is unrelated to infrastructure. If you define "infrastructure" simply as roads and bridges, things that most people think of as infrastructure, the

number that has been used is 6 percent of that entire bill is about infrastructure. If you add in broadband and a few other things, it gets slightly higher than that.

The point is that most of the spending in this bill is unrelated to infrastructure. It is another \$2.5 to \$3 trillion expansion of government, new spending financed—some with tax increases but a lot of it just adding to the debt, just putting it on the credit card and handing the bill to our children and grandchildren, something that has been routinely done around here for a long time.

Mr. President, what I think people should find concerning is that the worst fears predicted about what the left might do if in charge of this country are, in fact, coming true. Much of this new spending—by the way, the infrastructure bill is a first installment. There is another bill to follow, we are told, that would include more trillions in spending, dealing with other issues, including healthcare.

You have this massive expansion of government, massive amount of new spending, unprecedented, truly unprecedented in history, coupled with massive tax hikes, also unprecedented. What is being talked about just in the first infrastructure bill is over \$1 trillion in new taxes. The taxing, spending, borrowing patterns that we predicted would happen are, in fact, coming true. Add to that other things that were suggested and proposed throughout the fall and the course of the campaigns.

Subsequent to that included adding DC as a State. So adding DC as a State is going to pass the House of Representatives. I am not sure if they are voting on it today, but it has either been voted on or will be voted on. It will pass the House of Representatives. That is a very, very serious, serious proposal which dramatically changes the U.S. Senate and, I believe, what the Founders intended with respect to the District of Columbia.

Then you add to it legislation that has already passed the House and is being contemplated being passed here in the Senate that would federalize elections in this country, that would codify ballot harvesting, and that would ban voter ID, photo ID, which is something that, I think, most Americans think is a very wise thing to do when it comes to election integrity, to make sure that the people who are voting actually are who they say they are. Voter ID is a pretty important part of that. It would have the taxpayers finance—publicly fund—campaigns in this country. I can't imagine the American taxpayers, among all of the other things that they have to finance in the government, also want to finance the campaigns that they have to sit through.

It would politicize the Federal Election Commission, which, in the past, has been a balanced—three Republican, three Democrat—bipartisan committee

that has overseen and regulated elections in this country. So it would politicize it and give the Democrats an advantage, a partisan advantage, on the Federal Election Commission.

All of those things are in this elections bill, which would transform—I mean, I am talking literally transform—the way we do elections in this country, which historically and by way of the Constitution and the law have been handled and administered at the State level. States have been very involved.

What this would do is consolidate more power in Washington, DC, and pull the regulation of elections up to the Federal Government, coupled with all of the changes that I just mentioned. There is no way—absolutely no way—that even if passed they could be done, could be implemented, for the upcoming 2022 election, which secretaries of state from across the country, including Democratic secretaries of state, have indicated.

So that is another thing that is on the liberal wish list that I mentioned: the federalizing of our elections—taking them away from the States where, historically, elections have been handled and administered—and bringing them here, essentially nationalizing our elections.

Then there is the Green New Deal. The Green New Deal is, I believe, being introduced again today by a number of Democratic Senators and House Members—something, again, that would completely change the way we fuel our country in ways that would drive up dramatically the costs that an average consumer in this country and an average family would have to pay for energy. It would be done through mandates, regulations, and heavy-handed government requirements as opposed to incentivizing some of these things that, I think, we all agree we should be doing when it comes to cleaning up our environment. The Green New Deal is the opposite of that. The Green New Deal is a government, Washington, DC, mandate, requirement, heavy-handed regulatory approach to that issue and something that has struck fear in the hearts of literally tens of millions of Americans since it began being talked about only a few years ago.

Those are just a handful on the list of what I would call horrors for which the left has been advocating for some time in this country. All of these things could be accomplished if the Democrats are able to follow through with another thing that they said they would never do and are now talking about and if they have the votes would do, and that is to do away with the legislative filibuster, which is a feature of our democracy that goes back literally 200 years to our Nation's founding and has ensured through those years that the minority has a voice in our policymaking process; that there is an opportunity for both sides to collaborate, compromise, and to ensure that there isn't majoritarian rule. The Founders

were very firm about that idea. They thought there needed to be checks and balances against that, and the legislative filibuster has provided that for 200 years.

It is something that we refused to do—even though the Republicans were asked repeatedly during the last 4 years of the Trump Presidency, by the President himself, to get rid of the legislative filibuster—because we believe it is essential as a feature of our democracy and something that protects the minority in this country, the minority rights, the voice of the minority, in our policymaking process. It ensures that we get solutions that, ultimately, are durable over time because they have been negotiated in a way that requires the input from both sides of the political equation.

That is something that has been sacred, so sacred, even despite the fact that President Trump, on 34 different occasions, asked the Republicans—or probably more; I would say “ask”—would be a gentle word—and essentially said that the Republicans in the Senate needed to get rid of the legislative filibuster. He either did that by tweet or by public statement. It was clearly something that he believed was a priority in order to implement his agenda. We resisted that. We resisted that even though we would have benefited from it on numerous occasions when it came to moving legislation through the Senate.

For the past 6 years, we had the majority, and for the past 4 years, we had the Presidency up until January of this year, and notwithstanding the constant barrage of suggestions—again, putting it mildly—to get rid of the legislative filibuster by a President from our own party, we resisted that simply because we believed the legislative filibuster is such an essential and critical part of our democracy.

So here we go. The Democrats get elected. They have, on countless occasions, told me privately—individual Senators on their side of the aisle—that there is no way. We would never do that. We will never get rid of the legislative filibuster. It is too important. We are not going to do that. In fact, 33 Democrats signed a letter as recently as 3 years ago, basically, essentially ratifying their support for the legislative filibuster and, as to the suggestion that it could possibly be done away with, suggesting that it would be a terrible, wrong thing to do for this country—essentially coming out strongly, strongly supporting the legislative filibuster. These are 33 Democratic Senators here in the U.S. Senate coming out in support of the legislative filibuster.

Now, the shoe is on the other foot. They are in the majority. They have been in the majority for about 2 months, and they are already talking about it openly, and many have come out and endorsed the idea. Frankly, to be honest with you, I think it would have been done already had it not been

for a couple of Democrats who, I think, are thoughtful enough, contemplative enough, and revering enough of our institutions in this country not to be run over by the majority on their side and do away with something that is just so critical and so important to our Nation's not only heritage and history but to our future. If it were not for that, I think it would have been done already. I think the Senator from New York, the Democratic leader, in a New York minute would get rid of the legislative filibuster if he had the votes to do it, partly out of fear that he would be savaged by his “woke” left if he wouldn't do it.

Obviously, the President, President Biden, whom, as I mentioned earlier, many people thought would govern as a moderate and a unifier and as someone who fiercely defended the legislative filibuster as a U.S. Senator and made speeches on this very floor in defending fiercely the legislative filibuster, is now also talking about getting rid of it in order to implement massive tax hikes, massive spending increases, and a massive growth in government—an expansion of government unlike anything we have seen in history, including the 1930s, the New Deal. This would dwarf that by comparison.

DC statehood, federalizing our elections, and passing the Green New Deal, all of that could be done with 51 votes if they could blow up and get rid of the legislative filibuster, and all of those are very real, not hypotheticals—real. These are things that have already passed or are going to pass the House of Representatives and are being considered here on the floor of the U.S. Senate, including today when, I think, the Green New Deal is being reintroduced. These are legislative proposals that are so far out of the political mainstream in the things that they are contemplating that it is hard to believe.

Just as an example of the impact that these tax increases could have, look at what the tax cuts that were passed—the reform act that was passed in 2017—were doing in terms of the economy and the benefits that they were having across all demographic sectors in this country. Up until the pandemic, we had the best economy probably in 50 years. We had the lowest unemployment rate, for sure. We had the biggest gain in income wage levels among particularly minority groups.

In fact, this is census data from 2019 that shows that the real median household income hit its highest level ever for African-American, Hispanic, and Asian-American workers and retirees. The 2019 poverty rate was the lowest in more than 50 years for children at 14.4 percent, the lowest ever for individuals at 10.5 percent, for families at 8.5 percent, and for households headed by unmarried women at 22.2 percent. More impressive is that, even after 10 years of economic expansion, the 2019 gains shattered all records as real household income leapt by \$4,379 in 2019 alone, 13

times the average annual gain since data were first collected.

So the tax policies we had in place were working, and there have been record income gains, especially among lower income Americans. The poverty rate, as I mentioned, plummeted 11 percent in 2019, the most in 53 years. Things were moving in the right direction. So the question is, If it isn't broke, why fix it? Why would we go and increase taxes in a massive way at a time when the economy is growing and expanding and creating better paying jobs?

What I would argue for those in any income group and across any ethnic group is that the best solution for improving their standard of living and their quality of life is to have a growing, expanding economy that is throwing off better paying jobs and higher wages. That is what raises the income level. That is what lifts the boat for every American, and that is what we ought to be looking for, not how much government can we pull back to Washington, DC, and how much government can do for you but how we can put the right policies in place that put the conditions in place for economic growth that will stimulate the kind of investment that will create those good-paying jobs and start lifting wages across this country.

It is about growth in our economy, I would argue. It is about good-paying jobs. It is about higher wages. That is what our arguments here ought to be about. Instead, right now, we are talking about growing government and increasing taxes and reversing what, I would argue, is a lot of progress that I just mentioned, that being from the 2019 U.S. Census Bureau's data.

Why would we go back on the great progress that has been made? Why would we start to contemplate some of these suggestions that I mentioned, from the tax hikes, the spending increases, the federalizing of our elections, the Green New Deal, and repealing the filibuster which, again, would consolidate more control, more power, in the hands of a few people here rather than keeping it distributed? It would consolidate more and more power in Washington, DC.

That kind of brings me to the topic for today that is on that list of horrors and things that would undermine the integrity of our political institutions in a way that these other things would as well but, I would say, on a much, much higher, much expanded level, and that is packing the Supreme Court which, again, people thought was a hypothetical. That was one of those things to which people said: Now, those guys down there, those Democrats, are not that crazy. There are some moderate Democrats out there. There are some people who would stand up in the way of that and keep something that crazy from happening.

Well, it didn't take very long. It only took a week—just 1 week after President Biden established his Commission

to study Court packing, which is another ostensible Supreme Court reform, for the Democratic Members of Congress in both Houses to introduce legislation that would actually pack the Court. This is no longer a hypothetical. This is colleagues on this side of the aisle and the Democrats in the House of Representatives who are openly advocating for packing the Supreme Court in the form of legislation and not just adding a couple of members but adding enough members to give them a majority, to give them a majority on the U.S. Supreme Court.

Now, many people are probably wondering what the crisis was that precipitated this legislation, a crisis so grave that these Democrats couldn't even wait for the results of the President's stacked Commission. President Biden's Commission, which is stacked with Democrats to give them the result that they want, is supposed to report back in the timeframe of, I believe, about 6 months. They couldn't even wait for that. They had to introduce a bill that would pack the Court. So why did they have to do that? Well, I will tell you.

The crisis that requires us to immediately add four additional Justices to the Supreme Court after 150 years of having the Court at its current size is that a duly elected Republican President was able to get three Supreme Court nominees approved. Apparently, by confirming a duly elected President's Supreme Court nominees, the Republicans stole the Court's majority which, I guess, apparently, rightfully, belongs to the Democrats, and in doing so, it "politicized the Supreme Court" and "threatened the rights of millions of Americans."

This legislation, the bill's Senate sponsor says, will "restore the Court's balance and public standing" and "begin to repair the damage done to our judiciary and democracy." That is from the Democrat sponsor's statements with respect to this legislation—necessary to "restore the Court's balance and public standing" and "repair the damage done to our judiciary and democracy."

Well, there is only one problem, of course, and that is that this supposed crisis of confidence in the Supreme Court doesn't actually exist. A majority of Americans approve of the job the Supreme Court is doing. The Supreme Court's approval rating actually increased—increased—over the course of the Trump administration.

If the junior Senator from Massachusetts, who is one of the sponsors of this legislation, is looking to address a crisis of confidence, perhaps he should take a look at Congress, whose approval rating is consistently far lower than that of the Supreme Court.

The real crisis—the real crisis we are facing—is not a crisis of confidence in the Court. It is that Democrats are apparently willing to do long-term damage to our democracy for partisan gain.

Yes, Democrats are being hypocritical, and, yes, their Court-packing

proposal is outrageously and transparently partisan. But, more than that, it is dangerous because Democrats' Court packing would eliminate public confidence in the nonpartisan character of the Court.

Right now, the Supreme Court is generally seen as being at least somewhat above the partisan fray, as the Founders intended—a fact that I think is reflected in the Court's positive approval rating.

And while some Justices are regarded as more conservative and some as more liberal, Americans don't see Justices as partisan in the way that we see politicians as partisan, and rightly so.

I can think of more than one significant case where supposedly conservative Justices have sided with the Court's liberals, and there are plenty of cases where all of the Supreme Court's Justices have ruled unanimously.

As Justice Breyer pointed out in his recent speech condemning Court packing, Supreme Court Justices do not fit neatly into conservative or liberal categories.

But that perception of Supreme Court Justices as above partisanship would not last long if Democrats succeeded in packing the Court.

Just think about it. We have had the same number of Supreme Court Justices, nine—nine Justices—for more than 150 years. One hundred and fifty years, and then Democrats sweep in, announce that the makeup of the Supreme Court isn't to their liking, and propose adding four Justices, all of them appointed in one fell swoop by a Democratic President. And that is in addition to any nominations the President might make in the ordinary course of things.

Does any Democrat sincerely think that after that any Republican would regard the Supreme Court as nonpartisan? Or, for that matter, how many Democrats would regard the Supreme Court as nonpartisan?

Just imagine if the roles were reversed. Imagine that Republicans were proposing to expand the Supreme Court and add four Republican-nominated Justices. Imagine the howls of outrage that would ensue, and rightly so. Democrats, the media, the far left—all would rightfully decry the politicization of the Supreme Court.

Yet Democrats expect us to believe that if it is Democrats who do this, if it is Democrats who pack the Supreme Court, somehow this move is not a partisan and self-serving one?

As Justice Ruth Bader Ginsburg said, "If anything would make the court look partisan, it would be that—one side saying, 'When we're in power, we're going to enlarge the number of judges, so we would have more people who would vote the way we want them to.'"

That is from the late Justice Ruth Bader Ginsburg.

Or, in the words of Justice Breyer, "I hope and expect that the court will retain its authority, an authority that

... was hard won. But that authority, like the rule of law, depends on trust—a trust that the court is guided by legal principle, not politics." That is from Justice Breyer.

And Justice Breyer noted: "Structural alteration motivated by the perception of political influence can only feed that latter perception, further eroding that trust."

As these two reliably liberal Justices make clear, Democrats' Court-packing plan would do the very thing Democrats claim to oppose, and that is to politicize the court. The Supreme Court would quickly lose its nonpartisan standing and quickly become a joke.

Democrats cannot possibly think that Court packing would begin and end with their move under the Biden administration. I can guarantee—guarantee—that the next time there is a Republican President and a Republican Congress, Republicans would be moving to "balance" the Democrats' power grab by adding a few seats of their own. Then the next Democrat administration would do the same thing. It wouldn't be long before the Supreme Court had expanded to ludicrous proportions. Twenty Justices? Thirty Justices? Maybe more?

Instead of a respected and separate branch of government, the Supreme Court would be co-opted by the legislative and executive branches. The separation of powers, upon which our entire Federal Government is built, would be destroyed. The consequences of politicizing and trivializing the Court, as packing the Court would do, would be grave. If Americans don't respect the Court, they will have little reason to respect the Court's decisions or regard them as either definitive or binding.

There has been a lot of concern, rightfully so, about the increasingly partisan and contentious nature of our politics. Politicizing the Court by packing the Court would further inflame partisan division and lead to increasingly bitter and dangerous friction in our society.

It is deeply, deeply disappointing that Democrat leaders—and others in their caucus who wish to be seen as serious and responsible policymakers—haven't condemned this dangerous proposal to upend a bedrock institution of our democracy.

I understand that it may be difficult for them to stand up to the unhinged and far-left fringes of their party, and it is possible that some of them are reluctant to condemn this proposal because of the partisan advantage it would provide. But anyone who cares about the health of our democracy and the stability of our country should be loudly and clearly opposing any discussion of Court packing.

I hope that at least some of my Democrat colleagues will find the courage to speak up and consign the idea of Court packing to the ash heap of history, where it should have remained.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNOCK). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

BORDER SECURITY

Mr. GRASSLEY. Mr. President, today I come to the floor to talk about what is very obvious on television—the crisis at the southern border.

During the past several months, the American people have watched as a full-blown crisis has developed. It has reached a catastrophic phase, and it is not getting any better.

Let me reemphasize that whatever the Biden administration wants to call it, it is a crisis. Simply put, the administration is in denial, and that denial has caused a humanitarian and national crisis. For example, border crossings are at the highest level we have seen in the last 15 years. Last month, Customs and Border Patrol, Border Protection, encountered more than 170,000 people attempting to cross at the southern border. That number includes almost 19,000 unaccompanied children, which is the highest number ever recorded in a single month.

The surge has overwhelmed personnel and prompted the Biden administration to put out—would you believe this?—emergency calls for volunteers. They did that from across the Federal Government. According to news reports based on recent Biden administration emails, the administration is recruiting NASA employees to sit with children at border facilities. Really? That is NASA. The border crisis is so bad that the Biden administration is trying to pull people from NASA and place them at the border.

My fellow Senators, this situation is out of control. This is a humanitarian and national security crisis. Terrorists, smugglers, criminals have seen this as their golden opportunity, and they are surely taking advantage of it.

This can't continue. I have written to the Biden administration. I have visited the border in person. I have seen overwhelmed facilities. I have heard the calls of the cartel members and human traffickers yelling insults from across the Rio Grande, taunting Senators—yes, taunting Senators.

Senator CORNYN and I have written to the chairman of the Judiciary Committee strongly urging him to hold border security hearings. During the Trump administration, while I served as chairman of the full committee and Senator CORNYN served as subcommittee chairman, we held no less than 15 hearings on oversight of the Department of Homeland Security and various aspects of our immigration policy. As chairman of the committee during the first 2 years of the Trump administration, I held hearings on immi-

gration topics of bipartisan interest to all committee members, including Democratic committee members. Those hearings included oversight of family reunification efforts and the Trump administration's decision to end DACA programs.

In that very same way, I am hopeful that Chairman DURBIN will be willing to hold hearings on matters of great importance to me and committee members on both sides of the aisle. I am ready to work with him to put together hearings that address these problems productively.

During the Easter recess, I instructed my oversight and investigative staff to get a classified briefing from the Department of Homeland Security, Customs and Border Protection, and Immigration and Customs Enforcement. That briefing provided important and time-sensitive information that further solidifies my belief that the Biden administration's border crisis is a national security problem.

Moreover, the Biden administration's denial that there is a border crisis is itself a national security problem. You can't solve a problem if you refuse to admit that there is such a problem existing. This head-in-the-sand attitude will cost lives. That is what is so sad about the situation. It is not making anyone's life any better. In fact, it is putting lives at risk, American lives and immigrant lives. Yet the administration refuses to solve the problem.

Earlier this month, I requested that the Department of Homeland Security, Customs and Border Protection, and Immigration and Customs Enforcement, after briefing my investigative staff, that they brief the full Judiciary Committee, Republicans and Democrats, on a member level. Members need to fully understand the national security problems at the border with respect to terrorists, narcoterrorists, human smugglers, and every one of their criminal counterparts. We must also be fully read in to the methods and means that they use to plan and accomplish their criminal goals.

Yesterday, in response to my request of these Agencies, the committee had that briefing. What we learned is that the crisis at the border is getting worse, and bad actors are expanding their technological edge to become more efficient at accomplishing their criminal goals. Human smuggling networks, cartels, and other bad actors are continuing to take full advantage of the crisis.

As to where we go from here, the Biden administration knows it has a crisis on its hands. It is time to stop the denial and act now to solve this border crisis.

INFORMATION SHARING

Mr. President, on another issue, I would like to address my fellow Senators. This deals with counterfeits and the need for the Federal Government to modernize its approach to information sharing.

Counterfeits pose a danger to the health and safety of consumers. They

also infringe on U.S. intellectual property rights and unfairly benefit international criminals.

This will come as no surprise to anyone: The majority of fake goods come from China and Hong Kong. And the United States? Well, we are the biggest loser when it comes to our intellectual property-related crime and activity.

Unfortunately, the problem of counterfeits has gotten worse during the pandemic. Americans have increasingly turned to e-commerce to buy goods like personal protective equipment, household products, as well as household cleaners, children's toys, and a lot of other items I won't list. Criminals use the same e-commerce sites to sell their bogus goods. These sites give criminals an air of legitimacy and make it harder for law enforcement to catch them. E-commerce sites also let criminals create multiple product listings that can trick consumers into purchasing fake goods.

Unfortunately, when there is money to be made, criminals will find out how to profit and do it at the expense of others, even in the event of a global pandemic. However, there is some good news. We have ways of addressing the problem.

Last week, I introduced legislation that will give U.S. Customs and Border Protection more authority to share information with rights holders and other interested parties on suspected counterfeit merchandise. This is an issue I first identified as chairman of the Senate Finance Committee when I investigated counterfeit goods sold online. During this investigation, I discovered that certain U.S. laws prevent Customs and Border Protection from sharing key pieces of information with their private sector partners. As a result, it is harder for Customs and Border Protection and its private sector partners to detect and disrupt counterfeiting networks. If they could work together and the law allowed it, it would be a lot easier to tackle the problems.

To give credit where it is due, Customs and Border Protection has recognized this problem and is taking steps to rectify it through the 21st Century Customs Framework—for short, 21CCF—to improve data-sharing capabilities in real time. However, without statutory authority from Congress, in some ways, Customs and Border Protection has one hand tied behind its back. So my bill will get rid of some of these barriers for the Agency. It is one small but very crucial step toward a more secure supply chain.

Sharing information is a simple solution that often gets overlooked. However, it can be an effective tool in creating comprehensive strategy against counterfeit activity. So I am asking my colleagues to join me in making this legislative fix so that we may create a supply chain that addresses a 21st-century problem.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INFRASTRUCTURE

Mr. CORNYN. Mr. President, in a State as big as Texas—as the Presiding Officer knows, having lived in and around Houston for a number of years in his previous life—we rely on a strong network of roads and bridges to travel safely and efficiently.

We have I-35, which spans the entire length of Texas, from north to south, and from Laredo all way to Dallas-Fort Worth. Much of that stretch, it seems like and feels like, is constantly under some construction.

There are bridges that are part of people's daily commutes, like RM 2900 in Kingsland. After this bridge was destroyed by floodwaters a few years back, it didn't just create inconvenience in the community but also risks. It could take a firefighter an hour to get around the water.

Fortunately, the Texas Department of Transportation and construction crews didn't waste any time, and I was able to join the dedication less than a year later. You heard that right. The bridge was destroyed, and less than a year later we dedicated the opening of that bridge.

Then we have critical projects in the works, like the “forts to ports” corridor of I-14, which stretches from Fort Hood all the way to the Gulf of Mexico. This will connect our critical military installations to our seaports and provide a serious boost to our military readiness.

These are much more than just roads and bridges. They are vital parts of our daily lives, trade, emergency response, and, of course, national security.

And as we welcome more new Texans every day, things are nearing a breaking point. We can't punch above our weight much longer when it comes to our transportation infrastructure. It is time—and I believe it is a bipartisan belief that this is the time—to invest in our Nation's infrastructure, and we know, historically, that this has not been a partisan issue.

I am pro-infrastructure, and I imagine every person in this Chamber would tell you the same thing, regardless of whether they are from a red State or blue State. We have a strong history of working together to fund the networks of roads, bridges, airports, railroads, tunnels, and the ports that the American people rely on. For example, in 2015, we passed a 5-year highway and transit funding bill called the FAST Act, with overwhelming bipartisan support. It received 83 votes here in the Senate and 359 votes in the House, as well as the signature of President Obama. This legislation provided the certainty and stability our States need to make long-term investments in critical projects, and it was the first of its kind in more than a decade.

Last Congress, we were poised to pass a similar bill. The Environment and Public Works Committee developed a truly bipartisan example of an infrastructure bill that built on the success of the FAST Act. That was led by Chairman BARRASSO and Ranking Member CARPER, at the time, but it was unanimous. This legislation included provisions to rebuild our crumbling roads and bridges and improve road safety, protect the environment, and grow the economy. Once again, it received broad bipartisan support and passed the committee with unanimous support.

As we know, the last year has brought us untold changes and, unfortunately, put this and other legislative goals on pause while we battled COVID-19. But now is the time to pick up where we left off and get a strong infrastructure bill signed into law.

Unfortunately, the proposal by the administration is a far cry from what the country actually needs. For starters, the cost of the plan is beyond comprehension. The nonpartisan Committee for a Responsible Federal Budget estimates said it will cost \$2.65 trillion, nearly nine times the size of the last highway bill—nine times.

When talking about this proposal, one House Democrat said: “It's gonna to be a kitchen sink.”

The founding director of the Cornell Program in Infrastructure Policy said: Well, the administration certainly has a “giant definition” for what constitutes “infrastructure.”

But even journalists are making fun of the scope of this plan, with one writing: “Maybe the real meaning of infrastructure is what's in our hearts.”

Well, these aren't just jokes. Only about 5 percent of this proposal is directed at roads and bridges, what some have called core infrastructure. In fact, it puts more money toward electric vehicle chargers than pavement that we drive on every day.

The proposal funds a long list of programs that are a far cry from what most people consider to be infrastructure: caregiving for the elderly and disabled, community colleges, programs to improve diversity in STEM careers. All of these are significant and important issues, but they don't belong in an infrastructure bill—certainly not one that proposes to raise taxes on the American people or to create more debt.

Then there are the most absurd policies that really resemble the Green New Deal, which I note was just reoffered by Senator MARKEY and Congresswoman OCASIO-CORTEZ: more than \$200 billion to build or retrofit more than 2 million “affordable and sustainable” places to live, a “Civilian Climate Corp,” and an unrealistic goal of 100 percent renewable-generated electricity by 2035.

My State is an all-of-the-above State when it comes to energy, but I can tell you that if all you are depending on is renewable energy, without appropriate

attention to the baseload you need, you are going to end up like we did, unfortunately, just a couple of months ago, with electricity going down due to extreme weather.

I support efforts to rebuild our infrastructure, but this is not an infrastructure proposal. This is, really, much closer to the Green New Deal 2.0. It is an encore to the nearly \$2 trillion wish list that our Democratic colleagues rammed through on a partisan basis earlier this year.

Any attempt to claim that Republicans won't work with Democrats on an infrastructure bill is completely disingenuous because this is not a good-faith attempt at bipartisanship.

I would be happy to work with our colleagues on the other side of the aisle to craft an infrastructure bill that addresses our legitimate infrastructure problems, and I think every person on this side would agree with that. That would include traditional transportation, such as roads and bridges, as well as certain forms of nontraditional infrastructure, for example, broadband.

The pandemic has really highlighted the digital divide that exists across our country, and as Americans relied on the internet to work, to attend school, for telehealth, and a long list of other activities, it has become increasingly apparent that we are far from where we should be when it comes to broadband access in this country.

There is bipartisan support for a bill that addresses our most urgent infrastructure needs without tacking on unrelated partisan priorities. As far as the price tag of the bill, I am not married to a particular number. The last highway bill that became law was roughly \$300 billion, and I think we all agree there is a need to pursue something bigger and bolder. But that needs to be limited to infrastructure.

The final pricetag of that bill should be the result of bipartisan negotiations between Democrats and Republicans, not in numbers handed down from the administration, unilaterally.

There is one point I want to make abundantly clear: A bipartisan infrastructure bill must exist instead of, not in addition to, our Democrat colleagues' unrelated priorities. We can't work in a bipartisan way to pass one bill only to have our Democratic colleagues then attempt to jam through on a partisan basis on reconciliation another long list of their priorities. In other words, we have to choose, and what I suggest we choose is bipartisan infrastructure legislation.

The choice before our Democratic colleagues is whether to work together or attempt to go it alone. You really can't have both.

We also need to be serious about paying for our infrastructure in a sustainable way. We have just spent trillions of dollars on coronavirus, not to mention the long list of priorities included in the most recent partisan bill.

This is not a time to continue the spending spree. Investments in our

roads and bridges are needed, but we need to figure out how they will be paid for. The massive tax hikes that the President has proposed are not a viable option. The burden will be borne by both American employers and workers.

In previous years, the vast majority of infrastructure funding came from the highway trust fund. Every State sends dollars to this fund, which finances infrastructure across the country. But the formula to distribute the funding is out of date and is facing serious deficits.

Making matters worse, Texans are getting short-changed and carrying the weight of these shortfalls, as a so-called donor State. We get 92 cents back on every dollar we send to Washington, DC.

That is not the same treatment for every State. In fact, we receive a lower rate of return than every other State. If we want to have any long-term success in maintaining our roads and bridges, we need to bring this funding formula up to speed as well.

Unfortunately, the administration's proposal fails to do that, and instead of making any repairs to the highway trust fund, it leans on damaging tax hikes to pay for this broad range of unrelated policies.

The President has, indeed, proposed the largest set of tax hikes in more than a half a century. Economics 101 would teach you that tax increases aren't a clear and easy way to boost revenue, especially when your economy is already on fragile footing.

I hope our friends on the other side of the aisle will be willing to work with us to pass a true infrastructure bill, one that will, first and foremost, improve roads, bridges, airports, and other critical projects all across the country.

Notably, we must find a responsible way to pay for this, but tax hikes are not the answer. We have always had this idea in the highway trust fund that user fees—the people that buy gasoline and use the roadways—were the ones to pay for them, not pay for them out of general revenue. And I think we need to continue down this user-fee model, as opposed to deficit spending and adding to our debt.

Again, in closing, let me just say, if our Democratic friends want to act in a bipartisan way, there are people on this side of the aisle, including me, that would be happy to sit down and start talking. But, first of all, our Democratic colleagues must agree to abandon their long wish list of unrelated partisan provisions. They can't work with us on an infrastructure bill and then follow it with a reconciliation bill that includes the kitchen sink.

A bipartisan bill to rebuild our crumbling roads and bridges is possible. We have done it before, and we can do it again.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

CLOTURE MOTION

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

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 nomination of Executive Calendar No. 34, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Jeff Merkley, Debbie Stabenow, Richard Blumenthal, Jacky Rosen, Michael F. Bennet, Tammy Duckworth, Amy Klobuchar, Jon Ossoff, Chris Van Hollen, Martin Heinrich, Mark R. Warner, Dianne Feinstein, Gary C. Peters, Kyrsten Sinema.

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 Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—54

Baldwin	Carper	Feinstein
Bennet	Casey	Gillibrand
Blumenthal	Collins	Grassley
Booker	Coons	Hassan
Brown	Cortez Masto	Heinrich
Cantwell	Duckworth	Hickenlooper
Cardin	Durbin	Hirono

Kaine	Murphy	Shaheen
Kelly	Murray	Sinema
King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Lummis	Rosen	Warner
Manchin	Rounds	Warnock
Markey	Sanders	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wyden

NAYS—44

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

ANSWERED "PRESENT"—1

Burr

NOT VOTING—1

Scott (SC)

The PRESIDING OFFICER. The yeas are 54, the nays are 44, and one Senator responded "present."

The motion is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 2:56 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOKER).

COVID-19 HATE CRIMES ACT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

REMEMBERING WALTER FREDERICK MONDALE

Ms. KLOBUCHAR. Mr. President, as we await a very important moment for justice in my State today. Our work goes on.

I am here today, first of all, to acknowledge the loss of my mentor, Vice President Walter Mondale. He caught the Nation's attention fighting for justice. So, it is such a moment. He worked on the forefront of the right to counsel in the landmark case Gideon v. Wainwright.

He followed in the footsteps of Hubert Humphrey to arrive in the Senate. He did great things passing civil rights legislation.

As Vice President, he defined the office of the modern-day Vice President.

He was "Fritz" to us. He was our attorney general, our Senator, and our Vice President, and I know he is up there right now rooting for justice.

I am going to speak more about Walter Mondale next week. Senator SMITH,

Senator GRASSLEY, and I have a resolution honoring him for his time in the Senate and for his time as Vice President, which we will be presenting next week.

NOMINATIONS OF VANITA GUPTA AND LISA O. MONACO

Mr. President, now, in the name of justice and the idea that justice must keep rolling along, I want to talk a little bit about some of the people we need in place as we look to the future, as we look to the future of police reform and the work that you have done as the lead on this bill, Mr. President, and the work we have to do.

To do that, we need a functioning Justice Department. We have an Attorney General who is excellent in Merrick Garland. We congratulate Lisa Monaco, who is expected to be confirmed later today with a strong bipartisan vote.

But we need more. We need the presence of true leaders in the Justice Department. We need to see Kristen Clarke and Vanita Gupta confirmed.

Walter Mondale was someone who always raised the bar. He was someone who was ahead of his time. When he introduced housing legislation and childcare legislation, a lot of people said: Oh, why are you doing that right now?

I think that is a little bit like the experience of these two women, ahead of their time, doing the right thing, speaking of raising the bar.

We know that when many of the women of the Senate come to the floor, something important is going on. And given the challenges our States face today, the stakes are high.

So today we make the case for Vanita Gupta and Kristen Clarke, and we address the unfair and unsubstantiated attacks we have heard from the other side of the aisle against these eminently qualified women. I have worked closely with Ms. Gupta and Ms. Clarke for many years, and I am confident they will lead the Department of Justice with honor and integrity.

Their nominations also represent the historic opportunity to make progress toward the goal of ensuring that the government looks more like the people it represents, especially at the Department of Justice. When we confirm Ms. Gupta, she will be the first civil rights lawyer and the first woman of color to serve as the Associate Attorney General. And when we confirm Ms. Clarke, she will be the first Senate-confirmed leader of the Civil Rights Division to be a woman of color.

They will bring years of experience to bear to take on the challenges we have right now, like hate crimes, on which we are taking action this week in the Senate; like voting rights, on which we just had a hearing today in the Judiciary Committee, and in just a few weeks we will be marking up the For the People Act in the Rules Committee, which I chair.

As my State and my country are reeling after the killing of Daunte

Wright, and as we await the verdict in the murder of George Floyd, we need Ms. Gupta and Ms. CLARKE at the Department of Justice to take on systemic police and criminal justice reform.

They are also the leaders that Attorney General Garland wants at the Department, which I asked him about at his nomination hearing. He said Vanita Gupta and Kristen Clarke “have skills that I do not have; they have experiences that I do not have.” And he said: “No human being can have all of the skills necessary to run the Justice Department and I need this leadership team if I’m going to be successful.”

Attorney General Garland, who was confirmed by a bipartisan vote of 76 to 23, needs his team to be successful. That is something all of us should want.

After what we saw during the previous administration, it is essential that the leaders of the Justice Department are committed to its independence in order to restore trust in our justice system. This is a priority for the Attorney General, and it is a priority for Vanita Gupta and Kristen Clarke.

Vanita Gupta has demonstrated her commitment to the pursuit of justice for her entire career. As an attorney for the NAACP Legal Defense and Educational Fund, she worked on the frontlines fighting in court to protect the civil rights of some of the most vulnerable people.

Later, at the American Civil Liberties Union, she brought cases on behalf of immigrant children and worked to end mass incarceration while keeping communities safe.

While serving as our country’s chief civil rights prosecutor at the Department of Justice during the Obama administration, Ms. Gupta led critical work on criminal justice reform, prosecuting hate crimes and human trafficking, defending the right to vote, and protecting the rights of the LGBTQ community and those with disabilities.

As president of the Leadership Conference on Civil and Human Rights, the Nation’s oldest, largest, and most diverse civil and human rights coalition, Ms. Gupta has a record of fighting for all Americans with dedication and a willingness to work across ideological lines to achieve results.

Ms. Gupta’s depth of experience at the Department of Justice and her years as a civil rights attorney make her eminently qualified to serve as Associate Attorney General.

And I have seen—as I know you have, Mr. President—her work firsthand. I was one of the cosponsors of the FIRST STEP Act, which made much needed reforms, a bill that you spent so much leadership on. And Ms. Gupta worked with us, as she brought a broad range of organizations and experts in support of the bill, including both law enforcement and civil liberties groups.

Grover Norquist, a Republican and president of Americans for Tax Reform,

who supported the FIRST STEP Act, described Ms. Gupta as “an honest broker; someone with an ability not only to understand, but also appreciate, different perspectives. She was someone who sought consensus.”

As I look at what my State has been through for the last year and as we await this verdict at this moment, that is exactly the kind of person we need at the Department right now. And, if you have any lingering questions, I say to my colleagues, just take a look at the number of law enforcement groups that have come out in support of her nomination. Just look at them. She is the right person for the job at the right time.

Then there is Kristen Clarke, nominated to be Assistant Attorney General to lead the Civil Rights Division at the Department of Justice. Ms. Clarke has spent her entire 20-year career fighting for civil rights and equal justice under the law.

Early in her career, she worked as an attorney in the Criminal Section of the Civil Rights Division at the Justice Department, for the Bush Administration. She investigated and prosecuted hate crimes and human trafficking. She also worked in the Division’s voting section.

Since 2016, she has been the president and executive director of the Lawyers’ Committee for Civil Rights Under Law, one of the country’s largest and most important civil rights organizations, dedicated to the pursuit of equal justice for all. It is important to note the history of the Lawyers’ Committee, which was created at the request of President John F. Kennedy in the summer of 1963, perhaps the defining year of the civil rights movement. This is an organization of attorneys founded to organize their peers to use their training to advance civil rights for all Americans. Isn’t that just who we want leading the Civil Rights Division at the Department of Justice?

I have worked with Ms. Clarke for many years on election issues. She testified before the Rules Committee and impressed everyone on both sides of the aisle.

At that time, she said that following the direction of many, she is going to work to ensure “that the Civil Rights Division . . . is using the tools in its arsenal”—and she said that now as she has been nominated for this position—“the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Absentee Citizens Voting Act—to ensure that eligible Americans have access to the ballot in our country.”

She also mentioned that she was here in the Senate Chamber in 2006, when this body passed the reauthorization of the Voting Rights Act—on what vote?—98 to 0. That is why she has support from Republicans and Democrats who work on these issues.

Trevor Potter, who previously chaired the FEC as a Republican Commissioner, called Ms. Clarke “one of

the foremost legal experts in the country on voting rights" and described her as "smart, honest, and deeply committed to equal justice under law."

Tray Grayson, former Secretary of State from Kentucky, who is a Republican and served as chairperson of the Republican Association of Secretaries of State, sent a letter expressing his strong support of Ms. Clarke.

And we have also heard from former Assistant Attorneys General of the Civil Rights Division who served in both Republican and Democratic administrations, who wrote:

We found Ms. Clarke to be an excellent candidate from the standpoint of experience, temperament and commitment to the rule of law. She has the experience, the commitment and the passion to do this job.

I am joined by a number of our colleagues today. Senator STABENOW was here earlier. Senator HIRONO is with us on the floor to stand up for Ms. Gupta and Ms. Clarke and to reject the falsehoods we have heard from our colleagues on the other side. But we are also here to make the case for why we must seize this historic opportunity to send two women of color to lead the Justice Department.

So at this pivotal moment we live in, at this very moment, my message to my friends, Vanita and Kristen, today, is this: We have your backs, just as you have the backs of the people of this country.

Those jurors in Minnesota, they are not talking to each other about if they are Democrats or Republicans. They have a job to do. The witnesses that came forward in that case, people who just happened to be there—a store clerk doing his job, a man who just happened to walk by, the police officers who testified—they didn't ask people what political party they were in. They just came forward. That is why I ask my colleagues to step back and think about what justice really means today and what it will mean tomorrow, and ask them to support Ms. Gupta and Ms. Clarke to serve with Merrick Garland and Lisa Monaco to run the Department of Justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I echo the sentiments expressed by my colleague from Minnesota, and I rise today in support of the nomination of Vanita Gupta to be Associate Attorney General of the United States. Today, I am focusing my remarks on Ms. Gupta, but I will have some words of support for Kristen Clarke later.

For 4 years, Donald Trump treated the Justice Department like his personal law firm. He ordered that the Department's attorneys drop charges or reduce sentencing recommendations against his friends and cronies. He ordered investigations and prosecutions against his political enemies. He even had the Department step in to defend him against the defamation claim relating to an allegation of rape.

By the end of the Trump administration, the Justice Department's reputation was tarnished and the morale of its employees was lower than at any point since Watergate.

Thankfully, President Biden has named a professional, highly qualified team to lead the Justice Department and to restore its place of prominence and moral authority in following the rule of law.

It is significant that the Senate confirmed Merrick Garland as Attorney General and will shortly confirm Lisa Monaco as Deputy Attorney General with strong bipartisan support.

I am disappointed that Vanita Gupta, a similarly well-qualified nominee, is not receiving the same bipartisan support.

A few weeks ago, I sat in the Judiciary Committee for nearly 2 hours, listening to my Republican colleagues smear Ms. Gupta with lies about her record—lies like that she wants to decriminalize all drugs, that she wants to defund the police, that she is somehow responsible for the production of crystal meth in Mexico.

When Chair DURBIN finally called for a vote, not a single Republican supported Ms. Gupta's nomination. As I sat there listening to these lies and smears, I asked myself a question, and I am still pondering that question today: What exactly are Republicans afraid of?

Unlike many of President Trump's nominees, Vanita Gupta is actually qualified to help lead the Justice Department. Throughout her career, Ms. Gupta has shown the strategic acumen, dogged determination, and coalition-building skills necessary to navigate the challenges facing our country.

As a young attorney with the ACLU, she worked to exonerate 38 wrongfully convicted men and women in Tulia, TX. Mostly people of color, these individuals had been convicted of drug crimes based on the testimony of a single undercover police officer and sentenced to prison for periods of up to 434 years.

Ms. Gupta was able to show that the officer was racially biased and had a reputation for dishonesty. She demonstrated that he falsified reports and misidentified defendants. In light of this evidence, the court found that the officer "may be the most devious, non-responsive law enforcement witness this Court has witnessed in 25 years on the bench in Texas."

The case was so compelling that then-Texas Governor Rick Perry pardoned 35 of the defendants. It was such a miscarriage of justice that those pardoned individuals ultimately received a \$6 million settlement.

Ms. Gupta later went on to lead the Justice Department Civil Rights Division. In this role, she stood up to the rights of transgender students and prisoners, fought discrimination against servicemembers, and defended the right to vote.

From there, Ms. Gupta served as President and CEO of the Leadership

Conference on Civil and Human Rights where, among other things, she played a key role in passing the most significant criminal justice reform package in years.

Ms. Gupta's qualifications are borne out in this experience and in the widespread support that she has received. Conservative leaders and longtime Republicans like Michael Chertoff, Grover Norquist, and Michael Steele have praised Ms. Gupta as a consensus builder on critical issues like voting rights and criminal justice reform.

Every major law enforcement organization, including the Fraternal Order of Police and National Sheriffs' Association, has endorsed Ms. Gupta's nomination.

In light of this widespread support, it is tough to take the criticisms I hear from my colleagues on the other side seriously. If Ms. Gupta supported defunding the police or decriminalizing all drugs, how did she manage to get universal support from the law enforcement community? If she is such a radical progressive, why are people like Grover Norquist and the former general counsel and senior vice president of Koch Industries endorsing her nomination?

Republican criticism of Ms. Gupta is also hard to take seriously after they spent the past 4 years—4 years, and I was there—pushing through some DOJ and judicial nominees who were either wholly unqualified, openly supported disenfranchisement of Black Americans, or were even credibly accused of sexual assault.

After 4 years of permissive deference to Donald Trump, it is rich to hear my Republican colleagues attacking and demeaning a strong, smart, and highly qualified woman of color like Vanita Gupta to serve in the Justice Department. Their attacks aren't an exercise of the Senate's constitutional duty to provide advice and consent. It is pure partisan politics at its worst.

President Biden nominated Vanita Gupta to serve as Associate Attorney General because she is the best person for the job, and the Senate should confirm her without further delay.

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.

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

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

Ms. DUCKWORTH. Mr. President, from police reform to anti-Asian hate crimes, Americans across the Nation are pushing, pulling, and tugging with all their might to make sure that the United States lives up to our founding ideals of equality and justice for all. At the same time, the Biden administration is charged with the immense responsibility of restoring confidence and integrity to the U.S. Department of Justice.

Donald Trump's political appointees undermined the Department's mission and demoralized its dedicated career civil servants through years of gross mismanagement and improper politicization. We desperately need leaders with integrity, honor, and just basic competence to restore morale at the Department of Justice and empower the Agency to meet the moment.

Fortunately, I am confident that both Vanita Gupta and Kristen Clarke are among the most qualified and prepared public servants to take on the daunting challenges that lie ahead.

For far too many people in this country, equal protection under the law is not a reality. All across this country, there are communities that believe—and for good reason—that the law is not on their side. Individuals fear coming forward to report that they have been a victim of a hate crime, or, even worse, law enforcement fails to identify and report racist violence and discrimination.

And the senseless killing of unarmed Black and Brown Americans at the hands of law enforcement has become an all-too-common occurrence. Just a few days ago, the country was shocked by video footage documenting local law enforcement officers brazenly threatening and assaulting an Army second lieutenant who was in his military uniform and simply asking to know why he had been pulled over.

If this is how the Windsor Police Department, while knowing it is being videotaped, treats an Army officer in uniform—a man who swore an oath to support and defend the Constitution of the United States with his own life, if necessary—one wonders if such misconduct represents a systemic pattern or practice of abuse. This incident simply reinforces why our Nation must have a strong and proactive DOJ Civil Rights Division.

Additionally, the promise of the ADA is still not a reality for far too many Americans with disabilities. After years of disability rights being neglected or, at worst, undermined by partisan efforts, it is time for the DOJ to step up and ensure that the rights of Americans with disabilities are fully recognized, enforced, and protected.

I look forward to working with Kristen Clarke and Vanita Gupta to fulfill the promise that America made to people with disabilities, including myself, over 30 years ago.

We need Ms. Gupta and Ms. Clarke's leadership at DOJ to energize and inspire the Department as it refocuses on its mission of ensuring the fair and impartial administration of justice for all Americans.

As a former head of the U.S. Department of Justice Civil Rights Division and leader of the Leadership Conference on Civil and Human Rights, which is one of the largest civil rights organizations in the Nation, Ms. Gupta's record shows that she is committed to advancing the rights of all Americans.

Her decades of effective leadership and advocacy are why her nomination has garnered widespread support not only from civil rights groups but also from prominent law enforcement organizations like the Fraternal Order of Police.

Likewise, Ms. Clarke is widely respected and admired as one of our country's leading legal experts on civil rights. She has proven her effectiveness in defending the civil rights of all Americans as a Federal and State official, as well as a leader of the NAACP, and, most recently, as the president of the national Lawyers' Committee for Civil Rights Under Law.

Representation matters. Confirming these barrier-breaking women, who would both be the first women of color to formally occupy the positions to which they have been nominated, sends a clear message we are committed to having our Federal Government's leadership look like the country that it serves.

There should be no doubts about these nominees' qualifications for these critical DOJ leadership positions, and I urge my Senate colleagues in joining me to confirm Vanita Gupta and Kristen Clarke.

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.

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

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

Ms. STABENOW. Mr. President, I rise today alongside my colleagues to urge the Senate to quickly confirm Vanita Gupta as Associate Attorney General. Ms. Gupta is eminently qualified, with an impressive background in public service and broad support from civil rights organizations and law enforcement organizations. It is pretty impressive when you look at everyone who is supporting her because of her competency and her work.

She will be effective on day one, and we don't have a good day to lose right now. Right now, Americans are at risk of losing their fundamental rights—our right to vote, our right to be treated fairly in a court of law, and even our right to safely walk down the street and not be targeted based on what we look like, who we are. It is the job of the Department of Justice to protect these rights and so much more.

Take voting rights. Across our Nation, this right, called "sacred" by our beloved late Congressman John Lewis, is under attack. It is under attack in Michigan, as well as other States, as well as the entire country. Republicans in the Michigan Legislature are trying to push through a package of bills that would take away people's freedom to vote. Our secretary of state has said that in some ways, it is worse than what they passed in Georgia.

Let me remind everyone that last November, in the middle of a pan-

demic, more people in Michigan voted than ever voted in the history of our State. When audits were done, time after time after time, it was clear there was no fraud—no fraud that they found in this election.

Mr. President, 5.5 million people in Michigan voted. Michigan counties verified it. Our State certified it. That should be something we should all celebrate. But because they didn't like who folks voted for, they didn't like the results, Michigan Republicans are coming after Michigan voters to take away their freedom to vote.

Michigan voters need Vanita Gupta in their corner because it is a corner that she has been in before. During her time at the Department of Justice, she oversaw a number of high-profile voting rights cases, including challenges to voter suppression laws in North Carolina and Texas.

She has also been a leader in fighting discrimination. Across the country, we have seen increasing instances of hate crimes, particularly those targeting Asian Americans. According to the group Stop AAPI Hate, there have been about 3,800 incidents of Asian Americans being targeted in the past year. Twenty-five of those incidents happened in Michigan. I know that Asian Americans across our country are living in fear right now, wondering if it is safe to go to the grocery store or if they need to tell their elderly mom or dad not to walk alone outside.

We have an important hate crimes bill on the floor of the U.S. Senate right now. It has bipartisan support. It is terrific, and we need to get that passed. But in order to make sure we fully implement that and have the leadership in the Department to do that, we need to make sure Vanita Gupta is confirmed. Under Ms. Gupta, hate crimes and discrimination will be taken seriously at the Department of Justice. We know this because it is what she has done her entire career.

Vanita Gupta would be the first civil rights lawyer and the first woman of color to serve as Associate Attorney General. That is important because when agencies' leaders have diverse experiences and backgrounds, agencies are better able to make more informed decisions. They make sense. And when our Nation's leaders look like the diverse communities they serve, our communities are more likely to have confidence in their leadership.

Vanita Gupta is the right person at the right time for the Department of Justice. I urge my colleagues to support her nomination and to confirm her together on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I understand a couple of my colleagues are on the way. I will defer to them when they arrive. But I want to thank, first, Senator STABENOW for her statement about Vanita Gupta.

This is an extraordinary person. The Presiding Officer, as a member of the Senate Judiciary Committee, was there for her testimony and knows her personally, and I have come to know her. When you read and learn of her personal story, it is amazing, nothing short of amazing.

She was 6 months graduated from law school when she was sent down to Texas, a town called Tulia, TX, to tackle an assignment that a veteran civil rights lawyer would have thought twice about tackling. There was a group of over 30 African Americans who had been falsely accused of drug dealing and convicted and were imprisoned when she was sent down there to try to do something after their conviction. It is an incredible story, the courage she showed 6 months out of law school, and she ultimately was successful. Those African Americans and others were pardoned by the Republican Governor of Texas, Governor Perry. They were given a cash award for damages they had suffered as a result of it.

Her commitment to civil rights is more than just a cerebral commitment; it is a commitment where she has risked many times her personal safety to show how much she cared for the rights of others.

Thank you for saying those kind words about her. I am hoping that the Senate will give her a chance to continue to serve our Nation.

NOMINATION OF LISA O. MONACO

Mr. President, I would like to speak now, if I can, to a vote that is coming up momentarily, and that is the vote for Lisa Monaco to be the next Deputy Attorney General.

The Deputy Attorney General—commonly known as the DAG—is the second highest ranking official in the Justice Department. The DAG is effectively the DOJ's chief operating officer, overseeing the Department's day-to-day operations.

Lisa Monaco may be the most qualified individual ever nominated to be Deputy Attorney General. That is saying something, but I think we can back it up. Her credentials include a wealth of experience, her commitment to restoring independence and integrity at the Justice Department, and the broad, broad range of support she has garnered.

Let me begin with her experience. She has served at nearly every level of the Justice Department. She knows that Agency, and she knows what it can do. She was an assistant U.S. attorney, counselor and chief of staff to the Director of the FBI, Associate Deputy Attorney General, Principal Associate Deputy Attorney General, and the Assistant Attorney General for the National Security Division.

She is also one of the Nation's foremost national security experts. That is when I first met her, working in the Obama White House. As President Obama's Deputy National Security Advisor, Ms. Monaco coordinated the Federal Government's response to major

security threats, including pandemics, terrorism, mass shootings, and cyber attacks.

Our Nation is facing serious challenges today: the COVID-19 pandemic; a gun violence pandemic; a surge in hate crimes; domestic violence extremism, which culminated in an assault on the U.S. Capitol and this very Chamber just a few short weeks ago; and global threats and challenges from Russia, China, and elsewhere. Ms. Monaco's experience responding to security threats has prepared her to oversee DOJ's operations at this critical moment in history.

But it is not only Ms. Monaco's national security expertise that makes her the right person for this role. After President Trump used the Justice Department to serve his own personal and political agenda, we need to restore a well-functioning, independent Department, committed to the principle of equal justice under the law. It is just that basic.

Ms. Monaco understands the importance of protecting DOJ's independence. She has praised two of her mentors, Attorney General Janet Reno and FBI Director Bob Mueller, for their "reverence for the institution, for upholding the norms and traditions of independence and of doing justice without fear or fervor, and never, ever letting politics or partisanship influence an investigation or prosecution decision."

She committed to me that she would have the same reverence. That is precisely the attitude we need to restore the Justice Department's integrity.

It is no surprise, then, that individuals from across the political spectrum support Ms. Monaco's nomination. The Judiciary Committee received scores of letters from a broad range of advocacy groups: the Alliance for Justice, gun safety organizations, law enforcement groups, environmental organizations, victims and survivors of crime, and so many more.

We also received a letter supporting Ms. Monaco's nomination from 29 former senior DOJ officials who have served under Presidents of both parties, including Attorneys General Loretta Lynch and Eric Holder, who served in the Obama administration, and Attorneys General Michael Mukasey and Alberto Gonzales, who served in the George W. Bush administration. She has that kind of bipartisan support.

Those DOJ officials wrote of Ms. Monaco: "She has the values, temperament and strength to perform at the highest level of the Department."

They went on to say: "Each of us knows how demanding this job is, with its extraordinary span of control and the need for strong principled leadership. We believe that Ms. Monaco is highly qualified for this role. She knows the Department from every angle. She understands the job. And she has prepared well for it. We urge her confirmation."

Attorney General Garland has praised Ms. Monaco's selection as the next Deputy Attorney General. He told us in the Judiciary Committee that he needed her on his leadership team at the Department, and so does the Nation. I look forward to voting for Ms. Monaco and urge all of my colleagues to do the same.

ANNIVERSARY OF OKLAHOMA CITY BOMBING

Mr. President, it was an idyllic spring morning in Oklahoma City 26 years ago. Downtown, the Alfred P. Murrah Building was bustling with activity as people went about their morning routines. Parents dropped off their children at the daycare center on the second floor, office workers sat at their desks, with fresh mugs of coffee in hand—and parked under the building was a truck containing nearly 7,000 pounds of explosive materials.

At 9:02, the truck exploded, killing more than 165 people and injuring hundreds more. Oklahoma City and America would be forever scarred by the bombing. It was the deadliest act of homegrown terrorism in modern American history. For most people, that day—April 19, 1995—is a somber day in our history, but for some, it was an opening salvo in a war against America.

More than a quarter century after the Oklahoma City bombing, the threat of violent extremism looms larger than ever before. Recently, the Department of Homeland Security warned that violent, White supremacy is now the "most persistent and lethal threat in the homeland."

Among the hundreds of Americans arrested for suspected ties to violent White supremacy in recent years, a common theme has emerged: The FBI has uncovered references to Timothy McVeigh and his attack on Oklahoma City in "several" of these investigations. In the eyes of far-right extremists, McVeigh's attack on Oklahoma City is a lodestar, and like McVeigh, many of the violent extremists active today are motivated by baseless, anti-government conspiracy theories, conspiracy theories like the "Big Lie," which inspired a mob of extremists to storm the Capitol on January 6.

More than 400 people are facing Federal charges for their involvement in the January 6 insurrection. Last week, we received word of the first guilty plea in that case. The defendant, who has agreed to fully cooperate with the Federal Government, is a founding member of the Oath Keepers, a far-right extremist group that helped plot the insurrection.

The defendant's affiliation with the Oath Keepers highlights an important distinction between the extremists of yesterday, like Timothy McVeigh, and the extremists of today. Today, violent White supremacists are not only peddling debunked conspiracy theories or disproven race science; they are organizing online, on radical platforms like 8chan and Parler, and coordinating attacks under the cover of anonymity.

Worse yet, these radicals have easy access to high-grade military weapons designed for one purpose: human slaughter.

The extremists of today are galvanized. They are organized. And they are deadly. We must equip our law enforcement officials and intelligence agencies with new, modernized resources to combat the growing threat of violent White supremacy.

There are a number of steps we can take to weed out the threat of domestic terrorism. This week, the Senate is considering one such step: the COVID-19 Hate Crimes Act. It would direct Federal resources toward addressing the rise in hate crimes against members of the Asian-American and Pacific Islander, AAPI, community. This legislation must be passed immediately. Nearly 3,800 hate incidents against members of the AAPI community have been reported between March of last year and February of this year.

We also will consider Senator BLUMENTHAL and Senator MORAN's NO HATE Act, which has been added as an amendment to the bill to improve hate crimes reporting. In addition to that legislation, there are more comprehensive steps we can take to address the broader threat of domestic terrorism. In March, I reintroduced the Domestic Terrorism Prevention Act. It will enhance the Federal Government's ability to prevent acts of extremist violence. By establishing dedicated offices to combat domestic terrorism at the Department of Justice, the FBI, and the Department of Homeland Security, the Domestic Terrorism Prevention Act will bring the Federal Government's efforts to weed out violent White supremacy into the 21st century.

Congress must also take steps to limit access to the weapons of war favored by violent extremists. This is a no-brainer. The House recently passed a bipartisan bill to close existing gaps in the background checks system. I certainly hope we can find 10 Republican votes to overcome a filibuster and get that signed into law. Let me be clear: Background checks are table stakes for combatting the public health crisis that is gun violence in America. We are just 4 months into 2021, and already there have been more than 150 mass shootings in our country. It is time to put politics aside and save American lives.

As chair of the Senate Judiciary Committee, I was honored to gavel in the confirmation hearing for the man who led the government's investigation into the Oklahoma City bombing: Attorney General Merrick Garland. Yesterday, with a slightly greyer head of hair and the full authority of the Justice Department behind him, Attorney General Garland returned to the site of the bombing. He promised the residents of Oklahoma City that "the Department of Justice is pouring its resources into stopping domestic violent extremists before they can attack . . . prosecuting those who do . . . and battling

the spread of the kind of hate that leads to tragedies like the one we mark here today."

The question for us here in the Senate is, Will we help Attorney General Garland lead the charge against the largest threat we face today? Will we work together to save future lives against attacks like the Oklahoma City bombing?

In Attorney General Garland, we have a leader who is committed to weeding out the threat of domestic terrorism. Are there enough leaders in the Senate who are willing to do the same? I sure hope so. I hope they will join me in taking immediate, meaningful action to combat the crisis of violent extremism.

I yield the floor.

Mr. DURBIN. 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.

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

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

NOMINATIONS OF VANITA GUPTA AND KRISTEN CLARKE

Ms. CANTWELL. Mr. President, I come to the floor this afternoon to support the nominations of Vanita Gupta and Kristen Clarke to serve in the leadership of the U.S. Department of Justice, and I am here, Mr. President, to say that just because you are pro-civil rights does not mean that you are somehow anti-police. To be for a Department of Justice that will help us make the right decisions in enforcing civil rights laws around the United States is what is at stake with these nominations. I personally am tired of the challenges that we have faced at home when we do not have people being held accountable and we have incident after incident. And the last administration said, instead of playing our role on consent decrees and making sure federal civil rights laws are enforced, instead they said, "We're going to stop playing that role."

So it is so important that we get a Department of Justice that will fight for the civil rights and civil liberties of all Americans. Both these women are highly qualified. They have defended our constitution. They have defended the civil rights of all Americans, and they will ensure that everyone, including the police, are held accountable. We have probably heard this afternoon my colleagues praising Vanita Gupta and supporting her to serve as Associate Attorney General, the third highest position in the U.S. Department of Justice. She is very qualified for the position. She will be the first civil rights lawyer and woman of color to serve in this role. She led the Civil Rights Division during the Obama administration and previously served as an attorney with the American Civil Liberties Union. When it came to en-

forcing consent decrees, she made sure the Obama administration did the job.

Now, why is this so important? I can tell you, in Seattle, we had a Native-American carver who happened to stop carving on one corner to walk to another corner and was shot and killed by a police officer because he didn't respond immediately to "Drop your knife." I am so glad the Federal Government was there to say what is going on in Seattle with the police department and overseeing on a consent decree. We had a tragic situation in Spokane where a disabled man just went in to buy a soft drink and snacks, but because somebody thought he was fooling around with the ATM machine, they called the police. And when the police arrived and he didn't respond immediately, he was brutally beaten in the head with a baton, tasered, improperly hogtied to the ground, and stopped breathing shortly after first responders improperly strapping a non-rebreather mask to his face. That was Otto Zehm's afternoon activity, to just go to the store. As he lay there dying, he said, "All I wanted was a Snickers."

And thank God we had a Civil Rights Division at the U.S. Department of Justice that said, yes, we are going to intervene and make sure that there is oversight of the Seattle Police Department and an investigation, and we are going to make sure that the civil liberties of all Americans—all Americans, whether you are White, Black, or disabled, or Native American—your civil rights are going to be upheld. But instead of discussing what is the proper role of the Federal Government in making sure that civil liberties and civil rights of all Americans are upheld when their rights are violated—instead, people have said, Well, Ms. Gupta supports decriminalization of all drugs.

Well, from a State that has actually passed legislation legalizing the recreational use of marijuana, I guarantee you, my State views some of these issues very differently. But I can say, emphatically, Ms. Gupta has stated consistently she does not support the decriminalization of all drugs—nor do the people of Washington, just because they voted to legal marijuana.

Ms. Gupta does not claim that all drugs should be legal, and she does not adhere to the statements that some people have tried to paint her with. You have to ask yourself, What are they afraid of? What are they afraid that she is going to do at the Department of Justice besides uphold our civil liberties? Some of my colleagues have argued that she supports defunding the police. There is zero proof that she supports defunding the police. I don't know why we keep having this debate, but she has worked and understands the police officers' perspective. She has worked to ensure that they were provided with adequate resources. She has worked on building relationships. She has a comprehensive approach to law enforcement and support from their organizations. And I

believe she deserves the support of our colleagues.

In a letter to the Senate Judiciary Committee, the Fraternal Order of Police described Ms. Gupta as one who “always worked with us to find common ground, even when that seemed impossible.” So it is clear that she has the support of police. So we need someone like her who is going to bring back this important role of oversight to these important issues.

Ms. Clarke is the same. She is nominated to head the Civil Rights Division where she once worked as a trial lawyer. She previously codirected the voting rights work of the NAACP Legal Defense and Education Fund, led the Civil Rights Bureau in the New York State Attorney General's office, and has served as the president of the Lawyers Committee on Civil Rights Under the Law. I have called her; I have interviewed her. Why? Because I am tired of the violence and hate crimes in the State of Washington. I am tired of hearing, time and time again, about these issues. And it can be the synagogue in Spokane, where literally somebody spray-painted it. And you would think, Well, how are we going to find who spray-painted a swastika on a synagogue in Spokane? You think, How are we going to find that person? Okay. Not a lot of trouble because people actually said, We did it purposely because we are an organization who believes in this, and we wanted to get our message out. That is what we're facing.

And several years ago, we found a bomb planted in the Martin Luther King Day Parade in Spokane, just a few years ago. So these aren't issues that we are sending somebody over to the Department of Justice to analyze and write a report on. We are asking people to help us with the situation in the United States of America to fight hate crimes and to bring about justice on the civil rights and civil liberties of all Americans. And so we have to have people that we have confidence that they are going to uphold our laws and enforce them.

We need to have consent decrees to hold police departments accountable for systematic violations of constitutional rights. We need to defend voting rights and to make sure that hate crimes against Asian-American and Pacific Islanders are prosecuted. And so this is why the nomination of Ms. Clarke is so important. I ask my colleagues on the other side of the aisle, if you are facing any of this in your State, please get Kristen Clarke to be there to help us address these issues.

Advocating for increased investment in mental health and social work and school resources for minority communities is something that law enforcement agrees with. They agree that we should do these things. So that is not defunding the police; yet people accuse Kristen Clarke of the same thing. She must be for defunding the police. I have talked to prosecutors throughout the State of Washington, and they will tell

me that these programs that help families and communities identify these problems early are actually the best things to keep them from having to really have problems later. I certainly hope that some of the false claims that people have made about Ms. Clarke being anti-police are also continued to be struck down as untrue.

Ms. Clarke understands law enforcement must collaborate with the State, local, and Federal level. She has a solid record of working cooperatively with law enforcement for decades. She is supported by the Major Cities Chief Association, the National Association of Black Law Executives, a bipartisan group of over 70 former State attorneys general, and more than 40 police chiefs and sheriffs throughout the United States. That can't be somebody who sounds anti-law enforcement. They have the support of law enforcement.

What we need is the support of our colleagues to say that these are serious issues and the Federal Government does play a role. That is why it is called the Department of Justice, and that is why they oversee and make sure that the civil liberties of all Americans are upheld. As attorney general and at the Lawyers Committee, Ms. Clarke played a key role in launching a Religious Rights Initiative to address faith-based discrimination to fight anti-Semitic activities. When Ms. Clarke led the Lawyers Committee, she led the charge in shutting down abhorrent anti-Semitic websites that made racist comments, and some were in connection with stormfront.org, which was a central site used to organize the 2017 Unite the Right rally in Charlottesville.

She recognized that online hate is an emerging threat and that Congress must address that threat. After seeing what happened on January 6 and the plethora of anti-Semitic paraphernalia presented here even in the Capitol as we saw riots, Ms. Clarke's expertise and dedication to fighting online hate would be extremely beneficial to the Department and to all Americans.

So I implore my colleagues, these are strong women, great qualifications, have been in the mix on these policy issues for a long time. They know what we are up against. We have to ask ourselves, Are we going to enforce the law? These women will enforce the law, and they have the support of law enforcement. We should proceed and confirm both of them.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. MARKEY). Under the previous order, the Senate will resume executive session in consideration of the Gensler nomination.

All time has expired.

The question is, Will the Senate advise and consent to the Gensler nomination?

Ms. CANTWELL. 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 54, nays 45, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—54

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

NAYS—45

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

ANSWERED “PRESENT”—1

Burr

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lisa O. Monaco, of the District of Columbia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Monaco nomination?

Mr. MENENDEZ. 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 98, nays 2, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—98

Baldwin	Bennet	Blumenthal
Barrasso	Blackburn	Blunt

Booker	Hickenlooper	Risch
Boozman	Hirono	Romney
Braun	Hoeven	Rosen
Brown	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Cantwell	Johnson	Sanders
Capito	Kaine	Sasse
Cardin	Kelly	Schatz
Carper	Kennedy	Schumer
Casey	King	Scott (FL)
Cassidy	Klobuchar	Scott (SC)
Collins	Lankford	Shaheen
Coons	Leahy	Shelby
Cornyn	Lee	Sinema
Cortez Masto	Lujan	Smith
Cotton	Lummis	Stabenow
Cramer	Manchin	Sullivan
Crapo	Markey	Tester
Daines	Marshall	Thune
Duckworth	McConnell	Tillis
Durbin	Menendez	Toomey
Ernst	Merkley	Tuberville
Feinstein	Moran	Van Hollen
Fischer	Murkowski	Warner
Gillibrand	Murphy	Warnock
Graham	Murray	Warren
Grassley	Ossoff	Whitehouse
Hagerty	Padilla	Wicker
Hassan	Peters	Wyden
Hawley	Portman	Young
Heinrich	Reed	

NAYS—2

Cruz

Paul

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

COVID-19 HATE CRIMES ACT—
Continued

The PRESIDING OFFICER. The Senate will resume legislative session. The Senator from Oklahoma.

DEFENSE BUDGET

Mr. INHOFE. Mr. President, last week—no, it wasn't last week; it was about 3 weeks ago, I guess, now, President Biden released his "skinny budget," which gave us a top-line for defense of \$715 billion. This is a reduction, and I want to make sure everyone understands this because the cut is actually below inflation, and that is not where we are supposed to be.

You know, we have this document here that everyone agrees with. I don't know one person—and this was written by six Democrats, six Republicans, and this was in 2018. This has been used as our blueprint ever since that time, and it is just remarkable the way it has come out. The recommendations on this, as I said, were made by six Republicans, six Democrats. All of them were experts in the field of defense, and they came out with recommendations. In this year, the amount in the budget for our military is supposed to be between 3 and 5 percent. This is in the document in front of us here. Of course, this is actually a reduction. So it is way below what has been prescribed.

When it comes to China, there are two big reasons we need to make sure our budget matches our strategy. First of all, China is spending more on their military than ever before. As a result,

they are getting more technologically advanced and starting to sway the military balance of power in their favor. There is no question about it, and I will document that in a minute.

The threat the Chinese military poses is not a distant threat. It is not something that might happen in 2030, 2035, or sometime in the future. It is a problem we face today, right now, and it only gets worse over time.

Admiral Davidson told the Armed Services Committee that he expects the threat to manifest "this decade, in fact, in the next six years." That is the sense of urgency. That is when they become greater than we are in many areas of defense and aggression.

So today I would like to spend some time dealing with the Chinese military and what they are doing. This is what we are up against. This is why it is so important that we get our defense budget right.

Let's start with China's military budget. Since 2000, Beijing's spending on the People's Liberation Army has gone up 450 percent—450 percent. Now, we knew that back during the Obama administration, that actually went up. Our reduction—it was a reduction in the last 5 years—was 25 percent. At the same time, China went up by 83 percent. So this is what is going on in the world today. Beijing's budget for the military went up 450 percent.

Now, you compare Beijing's buildup with the rest of East Asia. At the same time, our core allies and partners in the region—that is, Japan, Australia, South Korea, and Taiwan—have had basically flat defense budgets since 2000. Compare it with our own military spending. As I mentioned on the floor a couple of weeks ago, at the same time China was adding \$200 billion to their defense budget, ours shrunk by \$400 billion.

We are certainly not provoking them with defense investment, and we have barely touched our force posture in the Western Pacific over the past two decades. So, if anything, our lack of action, our lack of investment, is what is provoking China into thinking they can push around and threaten our friends in the region.

The Biden administration says they want to take our allies and partners seriously. So we should listen when they say they are concerned about Chinese aggression. And they are, and the administration knows this. I have had visits with the President. He is fully aware of that.

Another progressive talking point is that the United States spends more on defense than the next 10 or 12 countries combined. Now, that is not true. The reality is that any honest comparison of numbers shows that, combined, the Chinese and Russians almost certainly spend more than us in real terms.

China's purchasing power is significantly greater than ours because they pay their workers next to nothing and have much lower material costs. They also focus their defense spending on

hard power. I am talking about air-planes, tanks, ships, missiles, and the like. Why? Because they don't take care of their people.

People don't understand this. At least 40 percent of our military budget goes to supporting our people. That is not true with any of the Communist countries that are out there. All they do, they give them the guns and say go out and kill people. We don't do that. And 40 percent is a conservative figure.

You remember the housing issue that was such a big issue; that you were concerned with; I was concerned with; we were all concerned with. That is something that other countries don't have to worry about. China doesn't worry about that. Russia doesn't worry about that. These are things that—and yet that is almost half of our total budget goes to those things for our troops.

We take care of our troops. The rest of them don't. That is the right thing to do. But that is just another reason you can't do a dollar-for-dollar comparison between the Chinese and the defense spending. We need a better accounting.

And incidentally, Senator ROMNEY introduced an amendment to our last year's NDAA, military defense act, to get us a real comparison in spending. And the Pentagon owes us that report by October.

Now, in October—we are going to talk about this. We are going to talk about this in our military because this is what the real spending is, not what a lot of people think that it is. All of this is to say, we don't have a good sense of China's true defense spending, but we do know it is going up.

General McMaster called it "the largest peacetime military buildup in history." That is what General McMaster said just the other day at one of our hearings. It is not just expanding their military; they are modernizing and professionalizing at the same time.

Secretary Austin, our Secretary of Defense, rightfully, calls China our "pacing threat." But here are a few of the ways that they have been outpacing us because they are investing where we are not investing. The American people think we are, but we are not.

China has a 355-ship Navy. You know, we have been talking about that for a long period of time here—how we are going to grow to a 350-ship Navy, and we haven't done it. Well, China has done it. They have achieved that last year. And while we were just talking about it, they were on the attack to get 460 ships by 2030.

By comparison, our Navy is around 300 ships, and it is likely to stay there if our defense budget doesn't grow.

In the air, the combatant commanders assess that China will have more fifth-generation aircraft than we do in the Pacific by 2025, again, the fifth-generation aircraft. We are down right now to the F-35. There are not

any others. We had the F-22. The F-22 was our first fifth-generation fighter, and it was one that we were all very excited about. They started out wanting 700 of them, and we ended up with 187, just for fiscal reasons. Again, that is where China is right now. That gets worse if we have a flat or declining budget here.

China is expanding its arsenal too. The Pentagon's missile experts tell us that China is now over 350 launchers for medium-range ballistic missiles, which are capable of hitting Guam and striking the U.S. warships in the Pacific.

They have produced exact copies of our bases, our ships, and our aircraft to serve as targets. And they are out there right now shooting those targets. That is us. That is America, and they are shooting on the replicas of our equipment to show that they can down them. By the way, they hit those targets successfully, I might add. And that is going on today.

They also have thousands of short-range missiles. Many of those are going right at Taiwan. China is also dubbing its nuclear stockpile and completing their own nuclear triad. That is something that we have criticism in this country, that we have a triad; that is, three ways of deflecting nuclear attacks on America.

So that is what is going on right now. China's military is charging ahead in just about every area. But a lot of the people who don't think China is a problem—they say that none of the Chinese weapons are as good as ours. Well, that was true in 1990. That was true in the year 2000. That is not true anymore.

The Office of Naval Intelligence said in 2015 that China's latest surface warships were comparable in many ways to the most modern Western ships. China has deployed thousands of ground-based missiles. We are still developing ours. They have fielded hypersonic strike weapons. We are still in the research and development.

You might remember, because we saw that, the parade that was taking place in Beijing. They were demonstrating that they have these weapons that we don't have. And that was invested a year ago.

Just last month, the National Security Commission on Artificial Intelligence assessed that the China rate of investment—they will soon dominate us in artificial intelligence unless we do something different than we are currently doing.

And while the Chinese will spend almost \$50 billion on tech infrastructure over the next few years, national security infrastructure is apparently the only thing that President Biden doesn't consider infrastructure.

Not only is China spending more on its military, but it has the tools to beat us. Don't take my word for it. The bipartisan NDS—again, this is the document that we have been using, and it has been remarkably accurate, since 2018. That NDS Commission said, right

in this book, the U.S. military might struggle to win or perhaps lose a war against China or Russia. That is what they said in 2018. And China has been going up ever since.

Admiral Davidson told us the other week—only 2 weeks ago—that “there is no guarantee that the United States would win a future conflict with China.”

China's military buildup isn't just investment for the sake of it; they are already flexing their new muscle to challenge America and American allies and American interests. And the PLA has deployed missiles, radars, stealth jet fighters, and bombers to islands in the South China Sea, claiming and militarizing islands in violation of international law.

Just last year, the PLA fired anti-ship ballistic missiles into the South China Sea, clearly practicing to target U.S. Navy ships in the area. And that is what they are doing today. Those are Chinese troops walking on Woody Island in the South China Sea. And the PLA has been expanding its network of strategic ports and bases around the world from Djibouti to Pakistan and Cambodia and Sri Lanka and elsewhere.

Last year, China started going after the territory of India, which has resulted in dozens of dead Indian soldiers. They have continually harassed Japan and Taiwan in the air and on the sea. Their fishing fleets have terrorized small Pacific island nations. Over 200 Chinese boats are staking out a reef in the South China Sea claimed by the Philippines.

China has just completed a new satellite constellation over Taiwan that allows for almost constant coverage of the island, the highest known frequency of satellite coverage in the world.

A few weeks ago, Taiwan reported the largest ever Chinese incursion when 25 combat aircraft flew into its airspace. And as the cochair of the Taiwan Caucus, this is of specific concern to me. Some people have forgotten that aggression by nation states is not a thing of the past. People have forgotten how costly it is when deterrence fails.

That is why I am arguing for sustained real growth in the defense budget. We know it is necessary. We know that it is attainable because the burden of defense spending on the economy today is half what it was at the height of the Cold War.

The Biden administration is trying to tell us that we can invest in economic and technological competition or the military competition. That is a false choice. We have to do the military.

The reality is, the Chinese are engaged in every dimension of this competition, especially the military dimension, and they are not going to stop anytime soon.

I would have to say, do we really want to be there for our allies or part-

ners? Do we want our children and grandchildren to live in a world where our status of leader of the free world is in name only?

You know, my wife and I have been married for 61 years. We have 20 kids and grandkids so I have a stake in this thing. I have a real concern. Do we want them, these kids, to grow up in a world where China—the same country that is committing genocide against the Uighurs, silencing free speech, and jailing activists in Hong Kong—gets to set the rules of international engagement?

This isn't a hypothetical question. That is a question that we are answering each year when we set our military budget, and, frankly, I am disappointed in how the current administration is answering that call.

We have to be prepared to take on China from all angles of national power. And this begins with adequate resourcing of our U.S. military with real growth in the defense budget.

It is kind of a myth floating around. I know every time I give a speech someplace in the State of Oklahoma or elsewhere, there is a kind of an assumption that we in the United States have the best of everything. And following World War II, that was true, but that isn't true today. And if America chooses to sit on the sidelines in this competition, and we ask our allies and partners to face China alone, the failure of military deterrence becomes more likely. And that is an outcome that nobody there or here wants.

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

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

ELECTION INTEGRITY

Mr. DAINES. Mr. President, it wasn't enough for Democrats like Stacey Abrams and President Biden to lie about the new Georgia voting law. Now, today, CHUCK SCHUMER is sending his lawyers to swarm Montana courtrooms and has taken to the Senate floor with more distortion.

This time, it is about Montana's new voting laws.

I have a message for Leader SCHUMER and the Democrats who are trying to distort the facts and the will of Montana voters: Please get your facts straight. In Montana we are putting in place some commonsense reforms that enjoy the strong support of Montanans. Why is the leader so determined to strike down commonsense efforts to provide integrity and transparency to our elections?

Let's talk about voter ID. A majority of Americans support needing a photo ID to cast a ballot. According to the Honest Elections Project, 77 percent of Americans support needing a photo ID

to vote—77 percent. Why? Because it is common sense and because you need a photo ID to do many tasks, some quite mundane. You need a photo ID to get a hunting or fishing license. You need a photo ID to rent a hotel room, to drive a car, to rent a car, to get on an airplane, to pick up tickets at will call. If these simple tasks require a valid ID, shouldn't protecting the integrity of America's election process require at least the same?

This isn't the first time Leader SCHUMER and the Democrats have tried to stick their nose into Montana's business and tried to overturn the will of Montana voters. In fact, this past election, dark money groups backed by CHUCK SCHUMER pushed to loosen election standards, such as ballot harvesting, in Montana, and they won. This is despite the fact that nearly two-thirds of Montana voters passed a law to prohibit ballot harvesting.

How is this listening to Montanans? It is not.

Montanans want election integrity. They want to trust their elections. Yet Leader SCHUMER continues to undermine their direct appeal to put commonsense practices in place.

In Montana we want everyone legally allowed to vote to be able to, and we want there to be zero doubt that those votes should count. All Montanans—Republicans, Democrats, Independents, Libertarians—should have faith in our elections.

Montana's legislature, Montana Secretary of State Christi Jacobsen, and Montana Governor Greg Gianforte wanted to strengthen this trust, and that is what they did with these commonsense bills.

The distortion by Democrats in this country is eroding this trust. This must stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF VANITA GUPTA

Mr. BENNET. Mr. President, I wanted to come to the floor today to just say a brief word and maybe set the record straight a little bit about President Biden's nominee for Associate Attorney General of the United States, Vanita Gupta.

Let's start with some facts about Ms. Gupta. She is the daughter of immigrants who worked hard to receive some of the best legal education this country has to offer. She spent 2 decades as a civil rights lawyer, where she has fought to defend Americans' individual rights and freedoms, often against abuses by the government, something you would think some of my colleagues on the other side would appreciate.

When a small town in Texas wrongfully convicted 40 Americans of drug charges, based solely on the false testimony from an undercover police officer, she fought to have them exonerated, and she won them a \$6 million settlement for that miscarriage of justice.

She defended 25 children who had been separated from their parents and thrown into prison-like conditions at a private detention center in Texas. Her success in that case forced the center to improve its conditions and prevented more kids from being held there.

President Obama recognized her leadership by making her the top civil rights official at the Department of Justice, where she protected service-members from eviction, cracked down on human smugglers and sex traffickers, defended religious freedom, and protected Americans' fundamental right to vote.

Over the past 4 years, Ms. Gupta has led the largest civil rights organization in America, where she has been at the forefront of efforts to reform our criminal justice system, strengthen our democracy, and make sure COVID relief reaches those who need it most.

That is her record. It is an outstanding record. I think my colleagues on the other side of the aisle know that it is an outstanding record because they don't want to contend with her record. They don't want to contest her record. They can't defeat her nomination with the truth. So they are just using talking points that aren't true.

I heard the junior Senator from Texas say Ms. Gupta's record "is that of an extreme partisan ideologue." He called her "an extreme political activist," a "radical," and a "zealot," when all she has done her entire career is uphold the rule of law and defend our democracy, just like the 60 judges, many of them confirmed by Republican colleagues, who rejected President Trump's utterly unsubstantiated claims of fraud in the 2020 election; just like the election officials who stood up to conspiracy theories about the election at great risk to themselves and to their careers, who were all undermined by radical Members of Congress who sought to overturn the will of the voters for their own power.

I also heard the junior Senator from Texas say Ms. Gupta's beliefs "don't align with the majority of the American people." I am willing to bet every single dollar in my pocket that most Americans are quite aligned with Ms. Gupta's views.

Most Americans are very interested in having a Department of Justice that protects their right to vote, that keeps families together and kids out of prison-like conditions, to make sure that LGBT sons and daughters and neighbors can live free from discrimination.

I will tell you one other thing. Unlike some people around this place, Ms. Gupta actually has a record of reaching across the aisle to get things done. She worked with Grover Norquist and the top lawyer for the Koch brothers to pass criminal justice reform. It is why they both endorsed her, along with President Bush's former Secretary of Homeland Security, and virtually every major law enforcement organization in America, including the Fra-

ternal Order of Police, the National Sheriffs' Association, the Major County Sheriffs of America, and the Major Cities Chiefs Association.

So it is hard to take seriously all this talk on the other side about how Ms. Gupta wants to "defund the police." She has never supported that. When someone asked the head of the Fraternal Order of Police what he thought about these attacks, he called it "partisan demagoguery." And that is exactly what it is, and he is right.

There isn't a serious debate about her record. It is a political campaign to defeat her nomination. The American people see through it, and I hope my colleagues will see through it as well.

We would be lucky to have someone with Ms. Gupta's experience and leadership at the Department of Justice.

Many years ago, I had the privilege to work at the Department, and I know how seriously the men and women there take their jobs, and I know how grateful they would be to serve alongside someone as talented and committed to the mission as Ms. Gupta. It is why I believe tomorrow we should come to this floor and give her a resounding bipartisan vote to confirm her as the next Associate Attorney General of the United States.

I urge all of my colleagues to put aside the rhetoric and the false claims. Look at the record for what it is. The police organizations have supported her. And vote yes for her nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HASSAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. SCHUMER. Madam President, 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 amendment No. 1445 to S. 937, a bill to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

Charles E. Schumer, Richard J. Durbin, Mazie Hirono, Tammy Baldwin, Tammy Duckworth, Alex Padilla, Maria Cantwell, Sheldon Whitehouse, Cory A. Booker, Debbie Stabenow, Brian Schatz, Tim Kaine, Kirsten E. Gillibrand, Benjamin L. Cardin, Gary C. Peters, Patrick J. Leahy, Christopher Murphy.

CLOTURE MOTION

Mr. SCHUMER. Madam President, 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 Calendar No. 13, S. 937, a bill to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

Charles E. Schumer, Richard J. Durbin, Mazie Hirono, Jeff Merkley, Debbie Stabenow, Richard Blumenthal, Tammy Baldwin, Tammy Duckworth, Alex Padilla, Maria Cantwell, Sheldon Whitehouse, Cory A. Booker, Brian Schatz, Tim Kaine, Kirsten E. Gillibrand, Benjamin L. Cardin, Gary C. Peters.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, Tuesday, April 20, be waived.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the appointment of the following individual to serve as a member of the United States-China Economic and Security Review Commission: Kimberly T. Glas of Virginia for a term beginning January 1, 2021 and expiring December 31, 2022.

The Chair, on behalf of the Majority Leader, pursuant to provisions of Public Law 99-93, as amended by Public Law 99-151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: The Honorable SHELDON WHITEHOUSE of Rhode Island (Chairman); The Honorable RICHARD BLUMENTHAL of Connecticut; The Honorable MARGARET WOOD HASSAN of New Hampshire; and The Honorable BEN RAY LUJÁN of New Mexico.

MORNING BUSINESS

HONORING STATE PATROL SERGEANT JIM SMITH

Mr. GRASSLEY. Madam President, on April 13, I delivered remarks on the Senate Floor to share my condolences for Iowa State Patrol Sergeant Jim Smith, who lost his life in the line of duty. I was honored to attend Sergeant Smith's funeral on April 16 in Independence. Jim Smith was revered as a man of strong convictions, love of family, and deep-rooted faith. Iowa State Patrol Colonel Nathan Fulk gave the following eulogy in honor of Sergeant Smith. I ask unanimous consent that the eulogy be printed in the RECORD.

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

COL. NATHAN FULK REMARKS AT THE FUNERAL FOR SGT. JAMES SMITH

I'm going to ask all of you here today to do something for Jim Smith. I'm going to ask you to do something for Jim Smith's wife, Kathy, his son, Zander, and his daughter, Jazlyn. And what we're asking you to do today is to open your minds and your hearts to the Lord Jesus Christ. His presence is here today. Jim Smith is here with us today.

Our faith teaches us that in our suffering God is with us. Jim's priorities were faith, family, and his commitment to public service and his community. During a time in history when we wonder—with conflict, adversity, and challenge, we can doubt the support we have in society. However, the outpouring of support for the City of Independence has been truly amazing. You've reminded us why we love working, serving, and living in the state of Iowa. You've reminded us why we have a strong passion to serve and protect those in the community. And you've shown us that love, compassion, and respect are true Iowa values.

This senseless and tragic loss is difficult for everyone here today. Our Department of Public Safety family, our Iowa State Patrol Family, you know we're hurting but we're not broken. We are struggling but we're not lost. And we're deeply saddened but we will work to find peace in the days ahead. Commissioner Stephan Bayens and I are extremely proud of the work you do each and every day. His expectation for our leaders is we take the absolute best care of our personnel. Rest assured that we are here for you and we will keep you in our thoughts and prayers.

We will remain committed to serving Iowans with integrity, fairness, respect, honesty, courage, and compassion. This will be vital to our healing process and into the future. We are here for our troopers, our special agents, our communication specialists, our local law enforcement partners, and our first responders. We must navigate through this together, day by day, and week by week. We're going to continue to do our job and we're going to do it well. We're going to do it with confidence, professionalism, and integrity. We will work together to establish a pathway to heal while we honor Sgt. Jim Smith's sacrifice and his legacy.

Jim's faith and family was the foundation of his life. He loved being an Iowa State Trooper, but his job did not define who he was. What defined him was his family, his faith, and his true love for others. Sergeant Jim Smith worked for the State Patrol for twenty-seven and a half years, and twenty-five years on our tactical unit. During that time, he served as a team leader. And he was a humble man with a tremendous work ethic. Jim loved his job and he set an excellent example for others to follow. He mentioned how his parents provided him important qualities of hard work and determination that led to his success. He provided strong leadership in District Ten, alongside Lt. Senne, Sgt. O'Rear, and Sgt. Trimble. They all speak highly of his character, his integrity, and his commitment to do the right thing for the right reason. I learned this week that Jim's biggest vice was chocolate milk. Chocolate milk was a treat for him when he accomplished something special. I'm sure most of us in this room today wish chocolate milk was our biggest vice. This just speaks of Jim's character and who he was.

On the Area C Tactical Team for the Iowa State Patrol, he was extremely experienced in handling high-risk calls. He had quiet con-

fidence that provided reassurance to the Area C Tactical Unit. This quiet confidence exhibited as 'we got this.' Jim was a sheepdog, that protected sheep. He always wanted to be the number one man in the door. This was his struggle with becoming a team leader on the tactical team, was he would have to give up that number one position. Jim's wife, Kathy, recently mentioned to the State Patrol staff why he wanted to be the first to the door, and she now understands it. His priority was to protect his people.

Captain Olmstead and several other leaders in the organization challenged Jim to put in for a supervisory position. He struggled with this. Jim would politely decline and say, "I love taking bad guys to jail and working the road." And he did it well. He felt that if he was promoted to become a supervisor he couldn't do his road enforcement responsibilities, to protect and serve. One day Jim called Captain Olmstead and said he thought it was time to take on the leadership and supervisory position. He knew he needed to mentor young troopers, to show them what a work ethic and a commitment to the organization and to the State of Iowa meant to him. He went on to be promoted to sergeant and continue to do what he loved while mentoring, leading by examples, and encouraging troopers to work hard each and every day.

Jim was an extremely humble person that strove for excellence in his work, was strong in his faith, and he walked in Jesus' footsteps. He recently provided a sermon at church entitled Act Your Age. He brought in a Superman lunchbox and began to share the food that his wife, Kathy, had prepared for him. Jim pulled out an apple and he said that he asked his wife, Kathy, to pack him a Twinkie. He said Kathy reminded him that "we're not on a diet, we're just making healthy life choices." But during that sermon he had a powerful message, a message he wants you to hear today. Jim said, "I want my kids to know what's good and true." He spoke of sacrificial love and that children are adorable little creatures of God. He said that "my kids fill my life with love." His correlation with that sermon was that God sees us as the children he created. You are a child of God, act your age. He closed with, "Cherish God, know that God loves you, God still sees you as a child he created. So go to him as a child, depend on him, love him, and seek to be loved by him." It was a very captivating message he shared.

Family was extremely important to Jim. He often spoke of his wife, Kathy, and he loved you deeply. He spoke of his son, Zander, and his daughter, Jazlyn. He loved you two very much. He loved spending time with both of you and telling stories to all the troopers about the trips you took and the quality time you spent together. And that meant the world to him. He often spoke to the troopers—he was trying to be a good role model and a good father, and spoke of the dreams he had for both of you two. He wanted to be a good example for you. He wanted to lead you down a path of faith and to set you up for success in life. You both made him an extremely proud father.

I've been struggling to find the right words to comfort us all today. As we walk through this together, seeking to find a sense of purpose and a sense of peace, I don't have to look for those words because Jim left them for us. These handwritten words are from Jim. They were in his Bible, and Kathy provided them to us this week. The words were, "Don't just know, do. Live in service. Know the goal, finish strong. Teach with application. Don't just tell, show. Don't just learn, do. Live out God's word. Live out faith. Teach, take care of our family, but also change the world."

1 Peter 2:21 says, "For God called you to do good, even if it means suffering, just as Christ suffered for you. He is your example and you must follow in his footsteps." You know, reflecting on Jim's life has impacted us all this week. It has impacted me and challenged me to think about being the best person I can be. So I've asked myself some tough questions. Am I following in Jesus Christ's footsteps? Am I following in Jim Smith's footsteps? Can I be a man that cares for my community like Jim Smith cared for this community? Can I be a man that loves my children like Jim Smith loved Zander and Jazlyn? Can I be a man that loves my wife like Jim loved his wife, Kathy? And can I be a man that loves the Lord Jesus Christ, like Jim Smith loved the Lord, his God? We love you Jim, we will see you again.

TRIBUTE TO JOHN SHEPLER

Mrs. CAPITO. Madam President, I rise today to honor John Shepler, an outstanding public servant who has served both my office and the citizens of West Virginia well in his 21-year career with the Internal Revenue Service. John is retiring from his position as taxpayer advocate in order to spend more time with his family and enjoy the next stage of his life.

During his 10 years as taxpayer advocate, John was a valuable resource to my office and West Virginia's citizens. He was well informed, quick to respond, and straightforward in his dealings as he advocated on behalf of his clients. He was a dedicated employee, fully committed to his many responsibilities. He was a pleasure to work with, and my staff were always confident that John was providing top-level service, regardless of the issue.

John also served his country through his military service with the U.S. Air Force, serving 6 years as a missile facilities specialist. A dedicated public servant, John has served his country and his community continually throughout his adult life.

John is the proud parent of daughter and a son, living in Little Hocking, OH, and Houston, TX, respectively. I am sure he is looking forward to spending more time with his five grandchildren, as well as with his favorite pastimes: hunting deer and turkey, fishing, and camping.

I would like to thank John for his service and wish him well in his next phase of life. My staff will miss working with him at the IRS, but we are all happy that we had him as long as we did to provide excellent service to the citizens of West Virginia. Good Luck, John. Thank you again for your commitment to our State.

ADDITIONAL STATEMENTS

REMEMBERING AUSTIN SORENSEN KLEIN

• Mr. MORAN. Madam President, I rise today to honor the life and memory of Austin Sorensen Klein, a son, younger brother, and friend gone too soon. Austin's loved ones remember him as a

young man full of energy, talent, and passion for trying and conquering new things.

Austin loved to sing. He was known throughout the Overland Park community as a vocal talent. After winning the 2015 KC Superstar competition, he went on to pursue music through the men's glee club at the University of Notre Dame and then the a cappella group at the University of Texas-Austin. Anyone who knew Austin and heard him sing will remember his sonorous voice and how his joy for music was contagious.

Austin was a kind, intelligent, patient young man who loved to learn and loved even more to make people laugh. He was a reader and, in many ways, a budding philosopher. Austin enjoyed traveling with his close family; they hiked the Black Hills and Yellowstone, toured Disney World and Washington, DC, and explored Europe, Australia, and New Zealand together. I know his parents Greg and Sue, who are dear friends to me and Senator THUNE, and his brothers Kevin and Keith will treasure these memories forever. Our community hurts with them as they navigate life without their beloved son and brother.

After a brief but remarkable life, Austin passed away on March 3, 2021. I want to extend my sincerest condolences to the Klein family and Austin's friends who mourn as they miss and remember Austin's voice, his laugh, and the joy he brought to everyone he knew. May we all learn from Austin's example to live every day to the fullest, hold close those who are dear to us, and do the things we love most.●

MESSAGE FROM THE HOUSE

At 10:55 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 241. An act to reauthorize the Tropical Forest and Coral Reef Conservation Act of 1998.

H.R. 473. An act to require a review of Department of Homeland Security trusted traveler programs, and for other purposes.

H.R. 1083. An act to require a strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations (ASEAN).

H.R. 1996. An act to create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 473. An act to require a review of Department of Homeland Security trusted traveler programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1083. An act to require a strategy for engagement with Southeast Asia and the As-

sociation of Southeast Asian Nations (ASEAN); to the Committee on Foreign Relations.

H.R. 1996. An act to create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1216. A bill to extend the temporary scheduling order for fentanyl-related substances.

H.R. 7. An act to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 241. An act to reauthorize the Tropical Forest and Coral Reef Conservation Act of 1998.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 20, 2021, she had presented to the President of the United States the following enrolled bills:

S. 164. An act to educate health care providers and the public on biosimilar biological products, and for other purposes.

S. 415. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the scope of new chemical exclusivity.

S. 578. An act to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes.

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-707. A communication from the Director of the Regulations Management Division, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revolving Fund Program - Water and Environmental Provisions of the Agricultural Improvement Act of 2018" (RIN0572-AC52) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-708. A communication from the Assistant Secretary of the Army, Department of the Army, Department of Defense, transmitting, pursuant to law, a report entitled "Annual Status Report on the Destruction of the United States Stockpile of Lethal Chemical Agents and Munitions for Fiscal Year 2020"; to the Committee on Armed Services.

EC-709. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled "Department of Defense Annual Report on

Audit for Fiscal Year 2020” ; to the Committee on Armed Services.

EC-710. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, a report on the mobilizations of selected reserve units, received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Armed Services.

EC-711. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Administrative Requirements Terms and Conditions for Cost-Type Grants and Cooperative Agreements to Nonprofit and Government Entities” (RIN0790-AJ49) received in the Office of the President of the Senate on April 12, 2021; to the Committee on Armed Services.

EC-712. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council’s 2020 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-713. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13536 of April 12, 2010, with respect to Somalia; to the Committee on Banking, Housing, and Urban Affairs.

EC-714. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13664 of April 3, 2014, with respect to South Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC-715. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Waiver of the Water Quality Certification Requirements of Section 401 (a) (1) of the Clean Water Act” (Docket No. RM20-18-000) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Energy and Natural Resources.

EC-716. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Idaho; 2010 Sulfur Dioxide NAAQS Interstate Transport Requirements” (FRL No. 10021-86-Region 10) received in the Office of the President of the Senate on April 12, 2021; to the Committee on Environment and Public Works.

EC-717. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program (NSEP) for fiscal year 2020; to the Select Committee on Intelligence.

EC-718. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “New Evidence” (RIN2900-AR12) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-719. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Billing and Collection by VA for Medical Care and Services” (RIN2900-AQ69) received during adjournment of the Senate in the Office of the President of the Senate on April

1, 2021; to the Committee on Veterans’ Affairs.

EC-720. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Prosthetic and Rehabilitative Items and Services” (RIN2900-AP46) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-721. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Schedule for Rating Disabilities (VASRD): Musculoskeletal System and Muscle Injuries” (RIN2900-AP88) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-722. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Federal Civil Penalties Inflation Adjustment Act Amendments” (RIN2900-AR08) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-723. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Servicemembers’ Group Life Insurance - Family Servicemembers’ Group Life Insurance: Member Married to Member” (RIN2900-AQ37) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-724. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “VA Acquisition Regulation: Foreign Acquisition” (RIN2900-AQ79) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Veterans’ Affairs.

EC-725. A communication from the Yeoman Petty Officer First Class, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Arkansas River, Mile Marker 126.6, Little Rock, Arkansas” ((RIN1625-AA00) (Docket No. USCG-2021-0123)) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Commerce, Science, and Transportation.

EC-726. A communication from the Yeoman Petty Officer First Class, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Red River, Mile Marker 59, Moncla, Louisiana” ((RIN1625-AA00) (Docket No. USCG-2021-0021)) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Commerce, Science, and Transportation.

EC-727. A communication from the Yeoman Petty Officer First Class, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Red River, Mile Marker 59, Moncla, Louisiana” ((RIN1625-AA00) (Docket No. USCG-2021-0125)) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2021; to the Committee on Commerce, Science, and Transportation.

EC-728. A communication from the Yeoman Petty Officer First Class, U.S. Coast

Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lower Mississippi River, Mile Marker 368 through 370, Natchez, Mississippi” ((RIN1625-AA00) (Docket No. USCG-2021-0071)) received in the Office of the President of the Senate on March 25, 2021; to the Committee on Commerce, Science, and Transportation.

EC-729. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Television Broadcasting Services; Columbia, Missouri” (MB Docket No. 20-248) received in the Office of the President of the Senate on March 25, 2021; to the Committee on Commerce, Science, and Transportation.

EC-730. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Facilitating Shared Use in the 3100-3550 MHz Band” (WT Docket No. 19-348) received in the Office of the President of the Senate on March 25, 2021; to the Committee on Commerce, Science, and Transportation.

EC-731. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 59th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2020; to the Committee on Commerce, Science, and Transportation.

EC-732. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “MCPA; Pesticide Tolerances” (FRL No. 10020-79-OCSP) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-733. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Inflation Adjustment of Civil Monetary Penalties” (31 CFR Parts 501, 510, 535, 536, 539, 541, 542, 544, 546, 547, 548, 549, 552, 560, 561, 566, 576, 583, 584, 588, 592, 594, 597, and 598) received in the Office of the President of the Senate on April 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-734. A communication from the Chief Human Capital Officer, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Consumer Financial Protection Bureau, received in the Office of the President of the Senate on April 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-735. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Guidance for Resolution Plan Submissions of Certain Foreign-Based Covered Companies” (RIN3064-ZA15) received in the Office of the President of the Senate on April 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-736. A communication from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Role of Supervisory Guidance” (RIN7100-AF48) received in the Office of the President of the Senate on April 15, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-737. A communication from the Assistant General Counsel for Legislation, Loan Programs Office, Department of Energy, transmitting, pursuant to law, the report of

a rule entitled “Policies and Procedures for Loan Guarantees for Projects that Employ Innovative Technologies and for Direct Loans Under the Advanced Technology Vehicles Manufacturing Program” (RIN1910-AA54) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-738. A communication from the Assistant General Counsel for Legislation, Office of Electricity, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Materials Allocation and Priority Performance Under Contracts or Orders to Maximize Domestic Energy Supplies and Energy Priorities and Allocations System; Administrative Updates to Personnel References” ((RIN1901-AB52) (10 CFR Parts 216 and 217)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-739. A communication from the Acting Assistant General Counsel for Legislation, Office Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers” ((RIN1904-AE35) (10 CFR Part 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-740. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedures for Cooking Products” ((RIN1904-AE36) (10 CFR Part 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-741. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Test Procedure Interim Waiver Process” ((RIN1904-AE24) (10 CFR Parts 430 and 431)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-742. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces” ((RIN1904-AE39) (10 CFR Parts 430 and 431)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-743. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program for Appliance Standards: Procedures for Evaluating Statutory Factors for Use in New or Revised Energy Conservation Standards” ((RIN1904-AE84) (10 CFR Part 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-744. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Definition of Showerhead” ((RIN1904-AE85) (10 CFR Parts 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-745. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers” ((RIN1904-AE86) (10 CFR Parts 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-746. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedures for Walk-In Coolers and Walk-In Freezers” ((RIN1904-AF02) (10 CFR Parts 431)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-747. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts” ((RIN1904-AD51) (10 CFR Part 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-748. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedures for Small Electric Motors and Electric Motors” ((RIN1904-AE18) (10 CFR Part 431)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-749. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedure for Fluorescent Lamp Ballasts” ((RIN1904-AD67) (10 CFR Parts 429 and 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-750. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedure for Room Air Conditioners” ((RIN1904-AD47) (10 CFR Parts 429 and 430)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-751. A communication from the Acting Assistant General Counsel for Legislation, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Energy Conservation Standards for Small Electric Motors” ((RIN1904-AD29) (10 CFR Part 431)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-752. A communication from the Assistant General Counsel for Legislation, Office of General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “National Environmental Policy Act Implementing Procedures” (RIN1990-AA49) received in the Office of the President of the Senate on April 14, 2021; to

the Committee on Energy and Natural Resources.

EC-753. A communication from the Assistant General Counsel for Legislation, Office of General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Procedures for the Issuance of Guidance Documents” (RIN1990-AA50) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-754. A communication from the Acting Assistant General Counsel for Legislation, Office of Acquisition, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Financial Assistance Regulations - Deviation Authority” ((RIN1991-AC15) (2 CFR Part 910)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-755. A communication from the Acting Assistant General Counsel for Legislation, Office of Acquisition, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Financial Assistance Regulations - Deviation Authority” ((RIN1991-AC15) (2 CFR Part 910)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Energy and Natural Resources.

EC-756. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard - Round 4 - Supplemental Amendment” (FRL No. 10022-22-OAR) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Environment and Public Works.

EC-757. A communication from the Acting Assistant General Counsel for Legislation, Office of Environment, Health, Safety and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Nuclear Safety Management” ((RIN1992-AA57) (10 CFR Part 830)) received in the Office of the President of the Senate on April 14, 2021; to the Committee on Environment and Public Works.

EC-758. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; West Virginia; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the West Virginia Portion of the Wheeling, West Virginia-Ohio Area Comprising Marshall and Ohio Counties” (FRL No. 10022-11-Region 3) received in the Office of the President of the Senate on April 15, 2021; to the Committee on Environment and Public Works.

EC-759. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Rhode Island; Control of Volatile Organic Compound Emissions” (FRL No. 10022-16-Region 1) received in the Office of the President of the Senate on April 15, 2021; to the Committee on Environment and Public Works.

EC-760. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County, New Mexico; Control of Emissions from Existing Other Solid Waste Incineration Units” (FRL No. 10021-41-Region 6) received in the Office of the President of the Senate on April 15, 2021;

to the Committee on Environment and Public Works.

EC-761. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 For Calendar Year 2020"; to the Committee on Finance.

EC-762. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2020 Annual Report to Congress on the Open Payments Program"; to the Committee on Finance.

EC-763. A communication from the Assistant Legal Advisor for Treaty Affairs, Department to State, transmitting, pursuant to law, the report of International Agreements other than Treaties entered into with Taiwan by the American Institute in Taiwan; to the Committee on Foreign Relations.

EC-764. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-765. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-6. A joint resolution adopted by the Legislature of the State of Maine urging the Department of Agriculture, Food and Nutrition Service to include certain nonfood essentials in the supplemental nutrition assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE PAPER 312

Whereas, the Supplemental Nutrition Assistance Program, or SNAP, is a federally governed and funded program under the United States Department of Agriculture, Food and Nutrition Service with shared state administration; and

Whereas, SNAP currently provides nutrition benefits to supplement the food budget of qualifying recipients so they can purchase healthy food but fails to account for nonfood essentials, including toilet paper, soap, deodorant, toothpaste and menstrual products; and

Whereas, toilet paper, soap, deodorant, toothpaste and menstrual products are essential products needed for human dignity and health; and

Whereas, if a person struggles with access to food, that person likely also struggles with access to nonfood essentials; and

Whereas, a person who does not have access to nonfood essentials, especially menstrual products and toilet paper, may be forced to use inappropriate and unsafe alternatives, thereby putting that person's health and the health of the person's reproductive system at risk; and

Whereas, a person without access to nonfood essentials cannot equitably participate in work, the search for employment or many other activities due to the risk of embarrassment such as from odors or bleeding through clothing; and

Whereas, a person who lives in an abusive situation has an increased likelihood of hav-

ing difficulty accessing menstrual products and other nonfood essentials; and

Whereas, it is a matter of human justice and dignity for recipients of SNAP benefits to be granted the authority to determine what essentials they most need; and

Whereas, the residents of this State who qualify for SNAP benefits have essential needs beyond food and should therefore be granted the dignity to select how to expend their SNAP benefits based upon their essential needs; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Department of Agriculture, Food and Nutrition Service enter into rulemaking to amend the stated goal of SNAP to "raising the level of nutrition and essential-need stability among low-income households and maintaining adequate levels of nutrition and nonfood-essentials supplies by increasing the food and nonfood-essentials purchasing power of low-income families"; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the United States Department of Agriculture, Food and Nutrition Service enter into rulemaking to expand the scope of SNAP benefits to include the following nonfood essentials for recipient purchase: toilet paper, soap, deodorant, toothpaste and menstrual products, including but not limited to tampons, pads, liners and reusable cups, underwear and shields; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, President of the United States, for consideration in the federal budgeting process; to the Secretary of the United States Department of Agriculture, Food and Nutrition Service; to the Nutrition Service Administrator, United States Department of Agriculture, Food and Nutrition Service; to the Food and Nutrition Service Associate Administrator of the Supplemental Nutrition Assistance Program, United States Department of Agriculture, Food and Nutrition Service; to the Northeast Regional Office of the United States Department of Agriculture, Food and Nutrition Service; to the President of the United States Senate; to the Speaker of the House of Representatives of the United States; to each Member of the Maine Congressional Delegation; and to the Maine Department of Health and Human Services.

POM-7. A joint resolution adopted by the Legislature of the State of Maine urging the United States Congress and the President of the United States to eliminate the Windfall Elimination Provision that penalizes Maine state retirees; to the Committee on Finance.

SENATE PAPER 332

Whereas, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

Whereas, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

Whereas, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are

particularly burdensome on the finances of low-income and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating and prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States work together to support reform proposals that include the following protections for low-income and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;

2. Protections permanently ensuring that level of benefit by indexing it to inflation; and

3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, Jr., President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

POM-8. A joint resolution adopted by the Legislature of the State of Maine urging the United States Congress and the President of the United States to establish a national infrastructure bank; to the Committee on Banking, Housing, and Urban Affairs.

SENATE PAPER 297

Whereas, the American Society of Civil Engineers states in its 2017 Report Card that the United States received a grade of D+ regarding the current state of infrastructure and that more than \$4.5 trillion would be needed to restore the nation's infrastructure to a state of good repair, over \$2 trillion in new infrastructure projects is currently not funded by the Federal Government and the remainder of infrastructure projects is inadequately funded; and

Whereas, the Maine Section of the American Society of Civil Engineers gave the State a grade of C- in 2020, including dams, D+; hazardous waste, D+; roads, D; transit, D+; and wastewater, D+; and

Whereas, the state highway system projects a drastic funding shortfall due to

the pandemic related to coronavirus disease 2019 and preexisting financial deficits; drivers in the State spend over \$1 billion per year in vehicle operating costs, congestion and crashes, and the State has the highest highway fatality rate in New England; and the State has 1,073 dams with an average age of over 100 years, and a minimum of \$269 million is needed to maintain dam infrastructure; and

Whereas, a new National Infrastructure Bank could directly help finance all of these projects, and the United States Congress introduced H.R. 6422, "National Infrastructure Bank Act of 2020," which would create a \$4 trillion bank that could help finance the infrastructure needs and hire millions who have lost their jobs during the pandemic, putting them into higher-paying infrastructure and related jobs; and

Whereas, the new National Infrastructure Bank is modeled on previous successful, similar institutions that built much of the nation's infrastructure, and under United States Presidents George Washington, James Madison, Abraham Lincoln and Franklin D. Roosevelt similar institutions financed the infrastructure projects that made us the envy of the world and helped bring us out of the Great Depression and win World War II; and

Whereas, the new National Infrastructure Bank will be capitalized by using secure, existing United States Treasury debt, such as treasury bills typically held in large quantities by major investment institutions, requiring no new federal spending and no new taxes, and will be authorized to spend \$4 trillion in urgently needed infrastructure projects; and

Whereas, the new National Infrastructure Bank will create approximately 25 million new jobs, ensure the payment of fair wages, mandate project labor agreements, ensure "buy American" policies, direct spending into disadvantaged business enterprises and ensure minority hiring opportunities, and it is expected to increase the size of the economy by 4% to 5% each year; and

Whereas, the new National Infrastructure Bank is supported by many organizations: Seventeen state legislatures have introduced or passed resolutions, city and county councils have introduced or passed resolutions and the National Congress of Black Women, National Association of Counties, the United States High Speed Rail Association, the National Federation of Federal Employees, the American Sustainable Business Council, the National Association of Minority Contractors, the National Latino Farmers and Ranchers Trade Association and many other government, labor and civic bodies have endorsed the National Infrastructure Bank legislation; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States pass, and the President of the United States sign, H.R. 6422 to create a National Infrastructure Bank to finance urgently needed infrastructure projects; and he it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, Jr., President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

POM-9. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to change the formula for distributing coronavirus emergency relief funds for schools to allow states to distribute funds on a more equitable basis; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 24

Whereas, The COVID-19 pandemic has had a dramatic impact on schools, students, and teachers across the country. Schools have needed to make significant investments to first ensure all students had equal access to remote learning and then to ensure schools could provide a safe learning environment for students returning to in-person learning; and

Whereas, Congress has approved emergency relief funding to assist schools in addressing impacts from the COVID-19 pandemic. Under the recent Coronavirus Response and Relief Supplemental Appropriations Act, 2021, the state of Michigan will receive more than \$1.65 billion. The state must distribute at least \$1.49 billion of these funds to local schools, while Congress continues to debate providing even more emergency funding for schools; and

Whereas, The current federal formula for distributing emergency relief funding has led to large discrepancies in how much schools receive per pupil. The Elementary and Secondary School Emergency Relief Fund (ESSER II Fund), and the earlier ESSER I funding, must be allocated to schools based on the formula under Title I, Part A of the Elementary and Secondary Education Act of 1965. Under this complicated formula based on the number of disadvantaged and low-income students and other factors, it is estimated that some school districts in Michigan could receive as little \$51 per pupil while other districts could receive more than \$16,481 per pupil in addition to their foundation allowance; and

Whereas, The COVID-19 pandemic has impacted school systems across the state with unexpected and impossible to plan for expenses. All school systems have needed to invest in technology and equipment to ensure Michigan's children could continue to learn remotely and allow schools to provide a safe environment for students and teachers in the classroom. Schools with more disadvantaged and low-income students have had additional challenges in creating remote and safe in-person learning environments. However, the Title I, Part A formula is an imperfect and inadequate solution that has led to an absurd inequity in the distribution of emergency relief funds; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to change the formula for distributing coronavirus emergency relief funds for schools to allow states to distribute funds on a more equitable basis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Michigan congressional delegation.

POM-10. A concurrent resolution adopted by the Legislature of the State of North Dakota clarifying the 1975 ratification by the 44th Legislative Assembly of the proposed 1972 Equal Rights Amendment to the Constitution of the United States only was valid through March 22, 1979; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4101

Whereas, the 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two-thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, in offering the proposed federal constitutional amendment to America's

state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three-fourths of the country's state legislatures; and

Whereas, in Senate Concurrent Resolution No. 4007, the regular session of the 44th Legislative Assembly in 1975, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein:

That the 67th Legislative Assembly deems that the vitality of Senate Concurrent Resolution No. 4007 of the 44th Legislative Assembly by which North Dakota lawmakers ratified the 1972 Equal Rights Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and be it further

Resolved, That, after March 22, 1979, the Legislative Assembly, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights Amendment to the Constitution of the United States as was offered by House Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and be it further

Resolved, That the 67th Legislative Assembly respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and be it further

Resolved, That the 67th Legislative Assembly respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the secretary and parliamentarian of the United States Senate; the Speaker, clerk, and parliamentarian of the United States House of Representatives; each member of the North Dakota Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.

POM-11. A concurrent resolution adopted by the General Assembly of the State of Ohio urging the federal government to increase the Pandemic Unemployment Assistance program's security against fraudulent actors, both internationally and domestically; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION 21

Whereas, The rate of unemployment fraud is skyrocketing in Ohio and around the country, and we can no longer afford to freely hand out taxpayer dollars without some kind of security measures against fraud; and

Whereas, The unemployment compensation system is a federal-state partnership; and

Whereas, Part of the partnership between the federal government and the State of Ohio is that Ohio will ensure prompt payment of both state unemployment benefits and benefits under the Pandemic Unemployment Assistance program; and

Whereas, While we are in an unprecedented pandemic, and there is great need for expediency when processing unemployment claims, there must be some form of security check to prevent claims from being made in our constituents' names without their knowledge or consent; and

Whereas, The federal attitude of "pay and chase," meaning the overemphasis on expediting benefit payments without traditional safeguards, must be re-evaluated and changed; and

Whereas, Across the country, regardless of whether these fraudulent claims are through states' traditional unemployment systems or the Pandemic Unemployment Assistance program, taxpayer dollars are being siphoned off by domestic criminals and international thieves; and

Whereas, This fraud deprives our state and federal governments of necessary resources during a pandemic and costs our constituents money; and

Whereas, This fraud slows down the process by which unemployment benefits are distributed to those who are truly in need within our communities; and

Whereas, Instituting a system that stamps out fraud and theft will clear the way for resources to flow where they are needed more quickly and efficiently; and

Whereas, Ohioans who receive 1099-G tax forms for unemployment benefits that they did not receive must navigate a cumbersome, frustrating, and unresponsive system to clear the fraud status from their account; now therefore be it

Resolved, That we, the members of the 134th General Assembly of the State of Ohio, urge the federal government to reinstitute the traditional safeguards as well as new identification verification to ensure that the individuals requesting and receiving benefits under the Pandemic Unemployment Assistance program are those who truly need it, and not fraudulent actors; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, each member of the Ohio Congressional delegation, the U.S. Secretary of Labor, and the news media of Ohio.

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. DAINES (for himself and Mrs. FEINSTEIN):

S. 1221. A bill to require the Director of the Office of Personnel Management to create a classification that more accurately reflects the vital role of wildland firefighters; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROMNEY (for himself and Mr. LEE):

S. 1222. A bill to designate and adjust certain lands in the State of Utah as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. KAINE, and Mr. WARNER):

S. 1223. A bill to revise the treatment of urbanized areas experiencing population changes following a major disaster; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. ERNST (for herself and Mr. GRASSLEY):

S. 1224. A bill to reauthorize, and increase the total funding cap for, the America's Agricultural Heritage Partnership, to redesignate the America's Agricultural Heritage Partnership as the "Silos & Smokestacks National Heritage Area", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURPHY:

S. 1225. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to report revenue generated by each sports team, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. 1226. A bill to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the "Sylvia H. Rambo United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. BARRASSO, and Mr. TILLIS):

S. 1227. A bill to amend the Consumer Financial Protection Act of 2010 to set the rate of pay for employees of the Bureau of Consumer Financial Protection in accordance with the General Schedule; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Ms. WARREN, and Mr. MARKEY):

S. 1228. A bill to provide for equitable treatment for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa; to the Committee on Finance.

By Mr. HEINRICH (for himself, Mrs. CAPITO, Mr. DAINES, Mr. RISCH, Ms. CORTEZ MASTO, Mr. CRAPO, Mr. KING, Ms. COLLINS, Mr. WYDEN, Mrs. MURRAY, Ms. SINEMA, Mr. BENNET, Mr. TESTER, Mr. ROUNDS, and Mr. BURR):

S. 1229. A bill to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAMER (for himself, Ms. WARREN, Ms. LUMMIS, Ms. HIRONO, Mrs. FEINSTEIN, Mr. ROUNDS, and Mr. BOOZMAN):

S. 1230. A bill to amend the Bank Service Company Act to provide improvements with respect to State banking agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PORTMAN (for himself and Ms. HIRONO):

S. 1231. A bill to amend the Construction Consensus Procurement Improvement Act of 2020 to correct a provision on the prohibition on the use of a reverse auction, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN:

S. 1232. A bill to modify the maximum paycheck protection program loan amount for farmers and ranchers, sole proprietors, independent contractors, and self-employed individuals; to the Committee on Small Business and Entrepreneurship.

By Mr. CARDIN (for himself and Mr. PORTMAN):

S. 1233. A bill to amend the Internal Revenue Code of 1986 to simplify reporting requirements, promote tax compliance, and reduce tip reporting compliance burdens in the beauty service industry; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1234. A bill to support States in their work to end preventable morbidity and mortality in maternity care by using evidence-

based quality improvement to protect the health of mothers during pregnancy, childbirth, and in the postpartum period and to reduce neonatal and infant mortality, to eliminate racial disparities in maternal health outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mrs. SHAHEEN):

S. 1235. A bill to establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself and Mr. BRAUN):

S. 1236. A bill to require the Secretary of Transportation to develop best practices for incorporating resilience into emergency relief projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. 1237. A bill to prevent the purchase of ammunition by prohibited purchasers; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Ms.

COLLINS, Mr. KING, Ms. HASSAN, Ms. SINEMA, Mr. MURPHY, Mr. MENENDEZ, Ms. STABENOW, Mr. BROWN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. KAINE, Mrs. MURRAY, Mr. LEAHY, Mr. CARDIN, Mr. WYDEN, Ms. SMITH, Ms. WARREN, Mr. SANDERS, Mr. TESTER, Ms. DUCKWORTH, Ms. HIRONO, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. BENNET, Ms. ROSEN, Mr. BOOKER, Mr. CARPER, Ms. KLOBUCHAR, Mr. VAN HOLLEN, and Ms. CORTEZ MASTO):

S. 1238. A bill to amend title 10, United States Code, to ensure that members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 1239. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for certain waste water management subsidies; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. BLUNT):

S. 1240. A bill to expand and enhance the Manufacturing USA Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN (for himself, Mr. KING, Mr. COONS, Mr. BRAUN, and Ms. HASSAN):

S. 1241. A bill to provide for the discharge of parent borrower liability if a student on whose behalf a parent has received certain student loans becomes disabled; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself and Ms. ERNST):

S. 1242. A bill to establish the Office of Intelligence in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. ERNST (for herself and Ms. HASSAN):

S. 1243. A bill to amend title 38, United States Code, to improve the equal employment opportunity functions of Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself, Mr. SANDERS, Mr. PADILLA, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. BOOKER):

S. 1244. A bill to amend the National and Community Service Act of 1990 to establish a Civilian Climate Corps to help communities respond to climate change and transition to a clean economy, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 1245. A bill to combat the theft of trade secrets by China, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 1246. A bill to amend the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Bureau of Reclamation reservoirs; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. CORNYN, Mr. CRUZ, Mr. RUBIO, Mrs. BLACKBURN, Mr. HAWLEY, and Mr. TILLIS):

S. 1247. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself and Mr. WYDEN):

S. 1248. A bill to establish an Outdoor Restoration Fund for restoration and resilience projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN (for himself, Mr. LANKFORD, Ms. BALDWIN, Ms. COLLINS, Mr. KING, Mr. PORTMAN, and Mr. MARSHALL):

S. 1249. A bill to amend the Small Business Act to modify the maximum paycheck protection program loan amount for farmers and ranchers, sole proprietors, independent contractors, and self-employed individuals, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SULLIVAN:

S. 1250. A bill to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself, Ms. STABENOW, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. BOOZMAN, Ms. KLOBUCHAR, Mrs. FISCHER, Mr. BENNET, Mr. GRASSLEY, Ms. SMITH, Ms. ERNST, Mr. COONS, Mr. THUNE, Mr. KING, Ms. COLLINS, Ms. ROSEN, Mr. YOUNG, Mr. BROWN, Mr. HOEVEN, Mrs. SHAHEEN, Mr. RUBIO, Mr. HEINRICH, Mr. CASIDY, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mr. CARPER, Mr. ROMNEY, Mr. WYDEN, Mr. CRAPO, Mr. LUJÁN, Mrs. HYDE-SMITH, Ms. BALDWIN, Ms. LUMMIS, Mr. WARNOCK, Mr. TUBERVILLE, Mr. MARSHALL, Mr. CORNYN, and Mr. CRAMER):

S. 1251. A bill to authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SULLIVAN:

S. 1252. A bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN:

S. 1253. A bill to cap noninterest Federal spending as a percentage of potential GDP to right-size the Government, grow the economy, and balance the budget; to the Committee on the Budget.

By Mr. SULLIVAN:

S. 1254. A bill to improve the processes by which environmental documents are pre-

pared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. CANTWELL, Mr. PADILLA, Ms. ROSEN, Ms. SINEMA, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mr. WARNOCK, Mrs. FEINSTEIN, Mr. WYDEN, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. LUJÁN, Mr. DURBIN, and Ms. SMITH):

S. 1255. A bill to require the Minority Business Development Agency of the Department of Commerce to promote and administer programs in the public and private sectors to assist the development of minority business enterprises, to ensure that such Agency has the necessary supporting resources, particularly during economic downturns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Ms. HASSAN, Mr. CARDIN, and Ms. CORTEZ MASTO):

S. 1256. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investors in start-up businesses, to provide a credit for wages paid by start-up businesses to their first employees, and for other purposes; to the Committee on Finance.

By Mr. PETERS (for himself and Mr. THUNE):

S. 1257. A bill to establish a Federal artificial intelligence scholarship-for-service program; to the Committee on Commerce, Science, and Transportation.

By Mr. MANCHIN (for himself and Mrs. CAPITO):

S. 1258. A bill to extend the authorization of each of the National Coal Heritage Area and the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. DUCKWORTH (for herself, Mr. PORTMAN, and Mr. BLUMENTHAL):

S. 1259. A bill to provide that crib bumpers shall be considered banned hazardous products under section 8 of the Consumer Product Safety Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. YOUNG, Ms. HASSAN, Ms. COLLINS, Mr. COONS, Mr. PORTMAN, Ms. BALDWIN, Mr. GRAHAM, Mr. PETERS, Mr. BLUNT, Mr. DAINES, Mr. VAN HOLLEN, Mr. ROMNEY, and Mr. KELLY):

S. 1260. A bill to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PETERS (for himself and Ms. STABENOW):

S. Res. 165. A resolution calling on the Government of the Russian Federation to provide evidence or to release United States citizen Paul Whelan; to the Committee on Foreign Relations.

By Mr. MARKEY (for himself, Mr. WYDEN, Ms. WARREN, Mr. SANDERS,

Mr. PADILLA, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. MURPHY, Ms. HIRONO, Ms. KLOBUCHAR, and Mr. BOOKER):

S. Res. 166. A resolution recognizing the duty of the Federal Government to create a Green New Deal; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 40

At the request of Ms. SMITH, her name was added as a cosponsor of S. 40, a bill to address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

S. 65

At the request of Mr. RUBIO, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 65, a bill to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

S. 99

At the request of Mr. PAUL, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 99, a bill to implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S. 101

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 101, a bill to establish the Environmental Justice Mapping Committee, and for other purposes.

S. 127

At the request of Mr. REED, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 127, a bill to support library infrastructure.

S. 134

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 134, a bill to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

S. 152

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 152, a bill to allow States to approve the use of diagnostic tests during a public health emergency.

S. 154

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 154, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes.

S. 212

At the request of Mr. CARDIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 212, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 275

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 275, a bill to allow individuals to choose to opt out of the Medicare part A benefit.

S. 289

At the request of Mr. MARKEY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 289, a bill to authorize appropriations for offsetting the costs related to reductions in research productivity resulting from the coronavirus pandemic.

S. 321

At the request of Mr. MORAN, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from Delaware (Mr. CARPER), the Senator from Texas (Mr. CORNYN), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Kansas (Mr. MARSHALL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Rhode Island (Mr. REED), the Senator from Utah (Mr. ROMNEY), the Senator from Hawaii (Mr. SCHATZ), the Senator from South Carolina (Mr. SCOTT) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 321, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the "Six Triple Eight".

S. 322

At the request of Mr. TILLIS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 322, a bill to amend the Health Insurance Portability and Accountability Act.

S. 401

At the request of Mr. LANKFORD, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 401, a bill to amend the Public Health Service Act to prohibit governmental discrimination against health care providers that do not participate in abortion.

S. 425

At the request of Mr. MARKEY, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 425, a bill to require States to establish complete streets programs, and for other purposes.

S. 437

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 437, a bill to amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

S. 456

At the request of Mr. CARDIN, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 456, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 479

At the request of Mr. WICKER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

S. 611

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 611, a bill to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

S. 769

At the request of Ms. CORTEZ MASTO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 769, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 774

At the request of Mr. TILLIS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 774, a bill to amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, and for other purposes.

S. 832

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 832, a bill to amend the Energy Independence and Security Act of 2007 to fund job-creating improvements in energy and resiliency for Federal buildings managed by the General Services Administration, to enable a portfolio of clean buildings by 2030, and for other purposes.

S. 896

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr.

BRAUN) was added as a cosponsor of S. 896, a bill to amend the Employee Retirement Income Security Act of 1974 to establish additional criteria for determining when employers may join together in a group or association of employers that will be treated as an employer under section 3(5) of such Act for purposes of sponsoring a group health plan, and for other purposes.

S. 951

At the request of Mrs. FISCHER, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 951, a bill to direct the Secretary of Veterans Affairs to make grants to eligible organizations to provide service dogs to veterans with severe post-traumatic stress disorder, and for other purposes.

S. 961

At the request of Mr. DURBIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 961, a bill to prioritize funding for an expanded and sustained national investment in basic science research.

S. 986

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide for a 5-year extension of the carbon oxide sequestration credit, and for other purposes.

S. 1006

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1006, a bill to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

S. 1080

At the request of Mr. COONS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1080, a bill to designate residents of the Xinjiang Uyghur Autonomous Region as Priority 2 refugees of special humanitarian concern, and for other purposes.

S. 1149

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1149, a bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation.

S. 1166

At the request of Mr. TOOMEY, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 1166, a bill to amend the Internal Revenue Code of 1986 to permanently allow a tax deduction at the time an investment in qualified property is made.

S. 1168

At the request of Mr. BENNET, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Montana

(Mr. TESTER) were added as cosponsors of S. 1168, a bill to provide clarification regarding the common or usual name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

S. 1170

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1170, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 1210

At the request of Mr. BLUMENTHAL, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1210, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 1216

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1216, a bill to extend the temporary scheduling order for fentanyl-related substances.

S.J. RES. 14

At the request of Mr. HEINRICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review".

S. RES. 35

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. Res. 35, a resolution condemning the military coup that took place on February 1, 2021, in Burma and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

S. RES. 97

At the request of Mr. RISCH, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. Res. 97, a resolution calling on the Government of Ethiopia, the Tigray People's Liberation Front, and other belligerents to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations pertaining to the conflict in the Tigray Region of Ethiopia.

S. RES. 126

At the request of Mr. RUBIO, the name of the Senator from Tennessee

(Mr. HAGERTY) was added as a cosponsor of S. Res. 126, a resolution condemning the crackdown by the Government of the People's Republic of China and the Chinese Communist Party in Hong Kong, including the arrests of pro-democracy activists and repeated violations of the obligations of that Government undertaken in the Sino-British Joint Declaration of 1984 and the Hong Kong Basic Law.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. SCHUMER (for himself, Mr. YOUNG, Ms. HASSAN, Ms. COLLINS, Mr. COONS, Mr. PORTMAN, Ms. BALDWIN, Mr. GRAHAM, Mr. PETERS, Mr. BLUNT, Mr. DAINES, Mr. VAN HOLLEN, Mr. ROMNEY, and Mr. KELLY):

S. 1260. A bill to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCHUMER. 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. 1260

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 "Endless Frontier Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) For over 70 years, the United States has been the unequivocal global leader in scientific and technological innovation, and as a result the people of the United States have benefitted through good-paying jobs, economic prosperity, and a higher quality of life.

(A) Today, however, this leadership position is being eroded and challenged by foreign competitors, some of which are stealing intellectual property and trade secrets of the United States and aggressively investing in research and commercialization to dominate the key existing and future technology fields.

(B) While the United States once led the world in the share of our economy invested in research, our Nation now ranks 9th globally in total research and development and 12th in publicly financed research and development.

(C) While wages for American workers rose in parallel with growth in national productivity from the end of World War II through most of the 1970s, since then wage growth has been uneven and labor's share in national income has declined.

(2) Without a significant increase in investment in research, education, technology transfer, intellectual property, manufacturing, and other core strengths of the

United States innovation ecosystem, it is only a matter of time before the global competitors of the United States overtake the United States in terms of technological primacy. The country that wins the race in key technologies—such as artificial intelligence, quantum computing, advanced communications, and advanced manufacturing—and uses technological innovation to support high-quality jobs and incomes will be the superpower of the future.

(3) The Federal Government must catalyze United States innovation by boosting research investments focused on discovering, creating, commercializing, and demonstrating new technologies and manufacturing those technologies domestically throughout the country to ensure the leadership of the United States in the industries of the future.

(4) The distribution of innovation jobs and investment in the United States has become largely concentrated in just a few locations, while much of the Nation has been left out of growth in the innovation sector. More than 90 percent of the Nation's innovation sector employment growth in the last 15 years was generated in just 5 major metropolitan areas. The Federal Government must address this imbalance in opportunity by—

(A) dramatically increasing funding for science and engineering research and expanding partnerships with the private sector to build new technology hubs across the country;

(B) spreading high-quality innovation sector jobs more broadly;

(C) increasing the participation of underrepresented populations, engaging workers, and collaborating with labor organizations in innovation efforts to tap the talent and potential of the entire Nation to ensure the United States leads the industries of the future; and

(D) building regional capacity in such critical areas as entrepreneurship, access to capital and other investment, and supply chain development.

(5) As President Franklin D. Roosevelt stated, "[N]ew frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life."

(6) As Vannevar Bush stated in his 1945 report entitled *Science, The Endless Frontier*, "New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purposes. Similarly, our defense against aggression demands new knowledge so that we can develop new and improved weapons. This essential, new knowledge can be obtained only through basic scientific research."

(7) Since their inception, the National Science Foundation and other key Federal agencies, like the Department of Energy, have carried out vital work supporting basic and applied research to create knowledge that is a key driver of the economy of the United States and enhances the Nation's security.

SEC. 3. IMPROVING TECHNOLOGY AND INNOVATION RESEARCH AT THE NATIONAL SCIENCE FOUNDATION.

(a) PROVIDING AUTHORITY TO DISSEMINATE INFORMATION.—Section 11 of the National Science Foundation Act of 1950 (42 U.S.C. 1870) is amended—

(1) in subsection (j), by striking "and" after the semicolon;

(2) in subsection (k), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(l) provide for the widest practicable and appropriate dissemination of information

within the United States concerning the Foundation's activities and the results thereof."

(b) ESTABLISHMENT OF DIRECTORATE FOR TECHNOLOGY AND INNOVATION.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 8 (42 U.S.C. 1866), by inserting at the end the following: "Such divisions shall include the Directorate for Technology and Innovation established under section 8A."; and

(2) by inserting after section 8 the following:

"SEC. 8A. IMPROVING RESEARCH AND ESTABLISHING DIRECTORATE FOR TECHNOLOGY AND INNOVATION.

"(a) DEFINITIONS.—In this section:

"(1) COMMUNITY COLLEGE.—The term 'community college' has the meaning given the term 'junior or community college' in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

"(2) DESIGNATED COUNTRY.—The term 'designated country' means a country that has been approved and designated in writing by the President for purposes of this section, after providing—

"(A) not less than 30 days of advance notification and explanation to the relevant congressional committees before the designation; and

"(B) in-person briefings to such committees, if requested during the 30-day advance notification period described in subparagraph (A).

"(3) DIRECTORATE.—The term 'Directorate' means the Directorate for Technology and Innovation established under subsection (b).

"(4) EMERGING RESEARCH INSTITUTION.—The term 'emerging research institution' means an institution of higher education with an established undergraduate student program that has, on average for the 3 years prior to an application for an award under this section, received less than \$35,000,000 in Federal research funding.

"(5) FEDERAL RESEARCH FACILITY.—The term 'Federal research facility' includes a research laboratory of the Department of Agriculture and any other Federally funded research and development center.

"(6) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(8) KEY TECHNOLOGY FOCUS AREAS.—The term 'key technology focus areas' means the areas included on the most recent list under subsection (d)(2).

"(9) LABOR ORGANIZATION.—The term 'labor organization' has the meaning given the term in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)), except that such term shall also include—

"(A) any organization composed of labor organizations, such as a labor union federation or a State or municipal labor body; and

"(B) any organization which would be included in the definition for such term under such section 2(5) but for the fact that the organization represents—

"(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State or political subdivision thereof;

"(ii) individuals employed by persons subject to the Railway Labor Act (45 U.S.C. 151 et seq.); or

"(iii) individuals employed as agricultural laborers.

"(10) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

"(11) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(12) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means—

"(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Select Committee on Intelligence of the Senate; and

"(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(13) STEM.—The term 'STEM' has the meaning given such term in section 2 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358; 42 U.S.C. 6621 note).

"(14) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

"(15) UNDERREPRESENTED POPULATIONS.—The term 'underrepresented populations' means women, minorities, veterans, tribal populations, persons with disabilities, and other populations that are underrepresented in STEM.

"(b) ESTABLISHMENT OF DIRECTORATE FOR TECHNOLOGY AND INNOVATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Endless Frontier Act, the Director shall establish in the Foundation a Directorate for Technology and Innovation. The Directorate shall carry out the duties and responsibilities described in this section, in order to further the following goals:

"(A) Strengthening the leadership of the United States in critical technologies, as described as a critical national need in section 7018 of the America COMPETES Act (42 U.S.C. 1862o-5), through basic research in the key technology focus areas and the commercialization of those technologies to businesses in the United States.

"(B) Addressing and mitigating technology challenges integral to the geostrategic position of the United States through the activities authorized by this section.

"(C) Enhancing the competitiveness of the United States in the key technology focus areas by improving education in the key technology focus areas and attracting more students to such areas at all levels of education.

"(D) Consistent with the mission and operations of the Foundation, fostering the economic and societal impact of Federally funded research and development through an accelerated translation of basic advances in the key technology focus areas into processes and products, known as technology transfer, that can help achieve national goals related to economic competitiveness, domestic manufacturing, national security, shared prosperity, energy and the environment, health, education and workforce development, and transportation.

"(E) Utilizing the full potential of the United States workforce by encouraging broader participation in key technology focus areas by underrepresented populations.

"(F) Ensuring the programmatic work of the Directorate and Foundation incorporates a workforce perspective from labor organizations and workforce training organizations.

"(2) ORGANIZATION AND ADMINISTRATIVE MATTERS.—

"(A) PROGRAM MANAGERS.—The employees of the Directorate may include program managers for the key technology focus areas, who may perform a role similar to program managers employed by the Defense Advanced Research Projects Agency for the oversight and selection of programs supported by the Directorate.

"(B) SELECTION OF RECIPIENTS.—Recipients of support under the programs and activities of the Directorate shall be selected by program managers or other employees of the Directorate and the selection criteria for financial assistance awards shall include intellectual merit and broader impacts, including economic impacts on the advanced technology production system of the United States. The Directorate may use a peer review process or the authorities provided under subsection (c), or some combination of such process and authorities, to inform the selection of award recipients.

"(C) REPORT.—Not later than 1 year after the date of enactment of the Endless Frontier Act, the Director shall prepare and submit a report to the relevant congressional committees regarding the use of alternative methods for the selection of recipients and the distribution of funding to recipients as compared to the traditional peer review process.

"(D) ASSISTANT DIRECTORS.—The Director shall appoint an Assistant Director for the Directorate, in the same manner as other Assistant Directors of the Foundation are appointed.

"(3) REPORT.—Not later than 120 days after the date of enactment of the Endless Frontier Act, the Director shall prepare and submit a report to the relevant congressional committees regarding the establishment of the Directorate.

"(c) PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.—In addition to the authorities and requirements of section 15, the Director shall have the following authorities:

"(1) EXPERTS IN SCIENCE AND ENGINEERING.—The Director shall have the authority to carry out a program of personnel management authority in the same manner, and subject to the same requirements, as the program of personnel management authority authorized for the Director of the Defense Advanced Research Projects Agency under section 1599h of title 10, United States Code, for the Defense Advanced Research Projects Agency.

"(2) HIGHLY QUALIFIED EXPERTS IN NEEDED OCCUPATIONS.—In addition to the authority provided under paragraph (1), the Director shall have the authority to carry out a program of personnel management authority in the same manner, and subject to the same requirements, as the program to attract highly qualified experts carried out by the Secretary of Defense under section 9903 of title 5, United States Code. Individuals hired by the Director through such authority shall include individuals with expertise in business creativity, innovation management, design thinking, entrepreneurship, venture capital, and related fields.

"(3) ADDITIONAL HIRING AUTHORITY.—To the extent needed to carry out the duties in paragraph (1), the Director is authorized to utilize hiring authorities under section 3372 of title 5, United States Code, to staff the Directorate with employees from other Federal

agencies, State and local governments, Indian Tribes and Tribal organizations, institutions of higher education, and other organizations, as described in that section, in the same manner and subject to the same conditions, that apply to such individuals utilized to accomplish other missions of the Foundation.

“(d) DUTIES AND FUNCTIONS OF THE DIRECTORATE.—

“(1) DEVELOPMENT OF TECHNOLOGY FOCUS OF THE DIRECTORATE.—The Director shall—

“(A) through the Directorate, advance innovation in the key technology focus areas through basic and translational research and other activities described in this section;

“(B) develop and implement strategies to ensure that the activities of the Directorate are directed toward the key technology focus areas in order to accomplish the goals described in subsection (b)(1) consistent with the most recent report conducted under section 5(b) of the Endless Frontier Act; and

“(C) develop and focus on innovation methods, processes, and promising practices that can affect the speed and effectiveness of innovation processes at scale.

“(2) KEY TECHNOLOGY FOCUS AREAS.—

“(A) INITIAL LIST.—The initial key technology focus areas are—

“(i) artificial intelligence, machine learning, and other software advances;

“(ii) high performance computing, semiconductors, and advanced computer hardware;

“(iii) quantum computing and information systems;

“(iv) robotics, automation, and advanced manufacturing;

“(v) natural and anthropogenic disaster prevention or mitigation;

“(vi) advanced communications technology;

“(vii) biotechnology, medical technology, genomics, and synthetic biology;

“(viii) cybersecurity, data storage, and data management technologies;

“(ix) advanced energy, batteries, and industrial efficiency; and

“(x) advanced materials science, engineering, and exploration relevant to the other key technology focus areas described in this subparagraph.

“(B) REVIEW OF KEY TECHNOLOGY FOCUS AREAS AND SUBSEQUENT LISTS.—

“(i) ADDING OR DELETING KEY TECHNOLOGY FOCUS AREAS.—Beginning on the date that is 3 years after the date of enactment of the Endless Frontier Act, and every 3 years thereafter, the Director, in coordination with the Director of the Office of Science and Technology Policy, the Director of National Institute of Standards and Technology, the Secretary of Energy, the Secretary of Defense, the Director of the National Institutes of Health, and, as appropriate, the heads of other departments and agencies—

“(I) shall review the list of key technology focus areas;

“(II) may consider the challenges and recommendations identified in the report required by section 11 of the Endless Frontier Act; and

“(III) as part of that review, may add or delete key technology focus areas if societal challenges or the competitive threats to the United States have shifted (whether because the United States or other nations have advanced or fallen behind in a technological area), subject to clause (ii).

“(ii) LIMIT ON KEY TECHNOLOGY FOCUS AREAS.—Not more than 10 key technology focus areas shall be included on the list of key technology focus areas at any time.

“(iii) UPDATING FOCUS AREAS AND DISTRIBUTION.—Prior to completion of each review under this subparagraph, the Director shall make the list of key technology focus areas

readily available to the public and available for public comment, including, at a minimum, by publishing the list in the Federal Register even if no changes are expected to be made to the prior list.

“(iv) EXTRAORDINARY CIRCUMSTANCE WAIVER.—In extraordinary circumstances, the Director of the Office of Science and Technology Policy may grant the Director the ability to add or delete key technology focus areas without acting in coordination as described in clause (i). If such an ability is determined to be necessary by the Director of the Office of Science and Technology Policy, the Director and the Director of the Office of Science and Technology Policy shall not later than 15 days ahead of such a waiver being granted submit a detailed description and justification to the relevant congressional committees.

“(3) ACTIVITIES.—

“(A) IN GENERAL.—In carrying out the duties and functions of the Directorate, the Director—

“(i) may make awards in a technologically-neutral manner for key technology focus areas to—

“(I) individual institutions of higher education for work at centers or by individual researchers or teams of researchers;

“(II) not-for-profit entities; and

“(III) consortia that—

“(aa) shall include and be led by an institution of higher education, or by a not-for-profit entity designed to support technology development, and may include 1 or more additional institutions of higher education;

“(bb) shall include at least one of the following:

“(AA) a historically Black college or university;

“(BB) a Tribal College or University;

“(CC) another minority-serving institution;

“(DD) an institution that participates in the Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(EE) an emerging research institution that is not classified as a very high research activity by the Carnegie Classification of Institutions of Higher Education and that has an undergraduate enrollment with a majority of students who are from underrepresented populations; or

“(FF) a community college; and

“(cc) may include 1 or more—

“(AA) entities described in subclause (I) or (II) and industries, including startups, small businesses, and public-private partnerships;

“(BB) economic development organizations or venture development organizations, as such term is defined in section 28(a) of the Stevenson-Wylder Technology Innovation Act of 1980;

“(CC) National Laboratories;

“(DD) Federal laboratories, as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703);

“(EE) Federal research facilities;

“(FF) labor organizations;

“(GG) entities described in subclause (I) or (II) from allied or partner countries;

“(HH) other entities if determined by the Director to be vital to the success of the program; and

“(II) binational research and development foundations and funds, excluding foreign entities of concern;

“(ii) may partner with other directorates of the Foundation for projects or research, including—

“(I) to pursue basic questions about natural, human, and physical phenomena that could enable advances in the key technology focus areas;

“(II) to study questions that could affect the design (including human interfaces), operation, deployment, or the social and ethical consequences of technologies in the key technology focus areas, including the development of technologies that complement or enhance the abilities of workers and impact of specific innovations on domestic jobs and equitable opportunity; and

“(III) to further the creation of a domestic workforce capable of advancing, using, and adapting to key technology focus areas and understanding and improving the impact of key technology focus areas on STEM teaching and learning advancing the key technology focus areas, including engaging relevant partners in research and innovation programs;

“(iii) may provide funds to any other Federal agencies for intramural or extramural work in the key technology focus areas through research, manufacturing, or other means;

“(iv) may make awards under the SBIR and STTR programs (as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

“(v) may enter into and perform such contracts, other transactions, or other arrangements, or modifications thereof, as may be necessary in the conduct of the work of the Directorate and on such terms as the Director considers appropriate, in furtherance of the purposes of this Act.

“(B) REPORTS.—Not later than 180 days after the date of enactment of the Endless Frontier Act, the Director, in coordination with the Secretary of State and the Director of the Office of Science and Technology Policy, shall prepare and submit to the relevant congressional committees—

“(i) a plan to seek out additional investments from—

“(I) certain designated countries; and

“(II) entities other than institutions of higher education; and

“(ii) the planned activities of the Directorate to secure federally funded science and technology pursuant to section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) and section 223 of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

“(C) ANNUAL BRIEFING.—Each year, the Director shall formally request a briefing from the Secretary of Defense, the Secretary of Commerce, the Director of the Federal Bureau of Investigation, the Director of National Intelligence, and as appropriate other department or agency heads regarding their efforts to preserve the United States' advantages generated by the activity of the Directorate.

“(4) INTERAGENCY COOPERATION.—

“(A) IN GENERAL.—In carrying out this section, the Director and other Federal research agencies, in consultation with the United States Patent and Trademark Office where appropriate, shall work cooperatively with each other to further the goals of this section in the key technology focus areas.

“(B) COORDINATION WITH NIST AND DEPARTMENT OF ENERGY.—In making research awards under this section, the Director shall, as appropriate, work in coordination with the Director of the National Institute of Standards and Technology and the Secretary of Energy.

“(C) COMPTROLLER GENERAL REPORT.—Each year, the Comptroller General of the United States shall prepare and submit a report to Congress, and shall simultaneously submit the report to the Director and the Director of the Office of Science and Technology Policy, describing the interagency cooperation that occurred during the preceding year pursuant to this paragraph, including a list of—

“(i) any funds provided under paragraph (3)(A)(ii) to other divisions of the Foundation; and

“(ii) any funds provided under paragraph (3)(A)(iii) to other Federal research agencies.

“(5) PROVIDING SCHOLARSHIPS, FELLOWSHIPS, AND OTHER STUDENT SUPPORT.—

“(A) IN GENERAL.—The Director, acting through the Directorate, shall fund undergraduate scholarships (including at community colleges), graduate fellowships and traineeships, and postdoctoral awards in the key technology focus areas.

“(B) IMPLEMENTATION.—The Director may carry out subparagraph (A) by providing funds—

“(i) for making awards—

“(I) directly to students; and

“(II) to institutions of higher education or consortia of institutions of higher education, including those institutions or consortia involved in operating university technology centers established under paragraph (6); and

“(ii) to programs in Federal research agencies that have experience awarding such scholarships, fellowships, traineeships, or postdoctoral awards.

“(C) BROADENING PARTICIPATION.—In carrying out this paragraph, the Director should work to increase the participation of underrepresented populations in fields related to the key technology focus areas. For that purpose, the Director may take such steps as establishing or augmenting programs targeted at underrepresented populations, and supporting traineeships or other relevant programs at institutions of higher education with high enrollments of underrepresented populations.

“(D) INNOVATION.—In carrying out this paragraph, the Director shall encourage innovation in graduate education, including through encouraging institutions of higher education to offer graduate students opportunities to gain experience in industry or government as part of their graduate training, and through support for students in professional masters programs related to the key technology focus areas.

“(E) SUPPLEMENT, NOT SUPPLANT.—The Director shall ensure that funds made available under this paragraph shall be used to create additional support for postsecondary students and shall not displace funding for any other available support.

“(6) UNIVERSITY TECHNOLOGY CENTERS.—

“(A) IN GENERAL.—From amounts made available to the Directorate, the Director shall, through a competitive application and selection process, make awards to institutions of higher education or consortia described in paragraph (3)(A)(i)(III) to establish university technology centers.

“(B) USES OF FUNDS.—

“(i) IN GENERAL.—A center established under an award under subparagraph (A)—

“(I) shall use support provided under such subparagraph—

“(aa) to carry out basic and translational research to advance innovation in the key technology focus areas; and

“(bb) to further the development and commercialization of innovations, including inventions, in the key technology focus areas, including—

“(AA) innovations derived from research carried out under item (aa), through such activities as translational research, proof-of-concept development, and prototyping, in order to reduce the cost, time, and risk of commercializing new technologies;

“(BB) to promote patenting and commercialization of inventions derived from research carried out under item (aa); and

“(CC) through the use of public-private partnerships; and

“(II) may use support provided under such subparagraph—

“(aa) for the costs of equipment;

“(bb) for the costs associated with technology transfer and commercialization, including patenting and licensing; or

“(cc) for other activities or costs necessary to accomplish the purposes of this section, including for operations and staff.

“(ii) SUPPORT OF REGIONAL TECHNOLOGY HUBS.—Each center established under subparagraph (A) may support and participate in, as appropriate, the activities of any regional technology hub designated under section 28(b)(1)(A) of the Stevenson-Wydler Technology Innovation Act of 1980.

“(C) SELECTION PROCESS.—In selecting recipients under this paragraph, the Director shall consider—

“(i) the capacity of the applicant to pursue and advance basic and translational research;

“(ii) the extent to which the applicant's proposed research would be likely to advance American competitiveness in 1 or more key technology focus areas;

“(iii) the extent to which the applicant's proposal would broaden participation by underrepresented populations in those areas;

“(iv) the capacity of the applicant to engage industry, labor, and other appropriate organizations on any advances;

“(v) whether the applicant's proposed research will, where applicable, contribute to growth in domestic manufacturing capacity and job creation;

“(vi) the quality of plans for dissemination of research and technology results, in accordance with relevant export control laws;

“(vii) how the applicant will, where applicable, encourage the training and participation of entrepreneurs and the translation of research results to practice, including the development of new businesses;

“(viii) how the applicant will encourage the participation of inventors and entrepreneurs and the development of new businesses, where applicable;

“(ix) regional and geographic diversity;

“(x) in the case of a consortium, the extent to which the proposal includes institutions listed in paragraph (3)(A)(i)(III)(bb); and

“(xi) the amount of funds from industry organizations described in subparagraph (D)(ii) the applicant would use towards establishing the center under subparagraph (A).

“(D) REQUIREMENTS.—The Director shall ensure that any institution of higher education or consortium receiving an award under subparagraph (A) has—

“(i) the capacity or the ability to acquire the capacity to advance the goals described in subsection (b)(1); and

“(ii) secured contributions for establishing the center under subparagraph (A) from industry organizations in an amount not less than 10 percent of the total amount of the award the institution or consortium would receive under subparagraph (A).

“(7) MOVING TECHNOLOGY FROM LABORATORY TO MARKET.—

“(A) PROGRAM AUTHORIZED.—

“(i) IN GENERAL.—The Director, in coordination with the Director of the National Institute of Standards and Technology, shall establish a program in the Directorate to make awards, on a competitive basis, to institutions of higher education or consortia described in paragraph (3)(A)(i)(III)—

“(I) to build capacity at an institution of higher education or within the consortium and facilitate collaboration with firms in the key technology focus areas to increase the likelihood that new technologies in the key technology focus areas will succeed in the commercial market; and

“(II) with the goal of promoting experiments with a range of models that institutions of higher education or consortia could use to—

“(aa) enable new technologies and inventions to mature to the point where the technologies are more likely to succeed in the commercial market and promote the creation of high-quality jobs in the United States; and

“(bb) reduce the risks to commercial success for new technologies and inventions earlier in their development.

“(ii) USE FOR TRAINING.—An award under this subparagraph for a purpose described in subclause (I) or (II) of clause (i) may also enable the institution of higher education or consortium to provide training and support to scientists, engineers, and inventors who are interested in research, technology transfer, and commercialization, including patenting and licensing, if the use is included in the proposal submitted under subparagraph (B).

“(B) PROPOSALS.—An institution of higher education or consortium desiring an award under this paragraph shall submit a proposal to the Director at such time, in such manner, and containing such information as the Director may require. The proposal shall include a description of—

“(i) the broader impact of the proposal;

“(ii) the steps the applicant is studying or will take to enable technology transfer to reduce the risks for commercialization for new technologies, including how the applicant will collaborate with firms in the key technology focus areas;

“(iii) why such steps are likely to be effective;

“(iv) how such steps differ from previous efforts to reduce the risks for commercialization for new technologies;

“(v) whether the commercial viability of any new technologies will promote the creation of high-quality jobs in the United States;

“(vi) how the applicant will, where applicable, encourage the participation of inventors and entrepreneurs and the development of new businesses; and

“(vii) how the applicant will, where applicable, encourage the training and participation of entrepreneurs and the translation of research results to practice, including the development of new businesses.

“(C) USE OF FUNDS.—A recipient of an award under this paragraph shall use award funds to reduce the risks for commercialization for new technologies, which may include—

“(i) creating and funding competitions to allow entrepreneurial ideas from institutions of higher education or consortia described in paragraph (3)(A)(i)(III) to illustrate their commercialization potential;

“(ii) facilitating relationships among local and national business leaders, including investors, and potential entrepreneurs to encourage successful commercialization;

“(iii) creating or supporting entities that could enable researchers to further develop new technology, through patient capital investment, advice, staff support, or other means;

“(iv) providing facilities for start-up companies where technology maturation could occur;

“(v) covering legal and other fees associated with technology transfer and commercialization, including patenting and licensing; and

“(vi) revising institution policies, including policies related to intellectual property and faculty entrepreneurship, to accomplish the goals of this paragraph.

“(D) REPORTING ON COMMERCIALIZATION BASED ON METRICS.—The Director shall establish—

“(i) metrics related to commercialization for an award under this paragraph; and

“(ii) a reporting schedule for recipients of such awards that takes into account both short- and long-term goals of the program under this paragraph.

“(8) TEST BEDS.—

“(A) PROGRAM AUTHORIZED.—

“(i) IN GENERAL.—The Director, in coordination with the Director of the National Institute of Standards and Technology, shall establish a program in the Directorate to make awards, on a competitive basis, to institutions of higher education or consortia described in paragraph (3)(A)(i)(III) to establish and operate test beds and fabrication facilities to advance the operation, integration, deployment, and, as appropriate, manufacturing of new, innovative technologies in the key technology focus areas, which may include hardware or software. The goal of such test beds and facilities shall be to accelerate the movement of innovative technologies into the commercial market through the private sector.

“(ii) COORDINATION.—In establishing the program under clause (i), the Director shall ensure coordination in establishing new test beds under this paragraph with other test beds supported by the Foundation or established under Manufacturing USA to avoid duplication and maximize the use of Federal resources.

“(B) PROPOSALS.—A proposal submitted under this paragraph shall, at a minimum, describe—

“(i)(I) the technology or technologies that will be the focus of the test bed or fabrication facility;

“(II) the goals of the work to be done at the test bed or facility; and

“(III) the expected schedule for completing that work;

“(ii) how the applicant will assemble a workforce with the skills needed to operate the test bed or facility;

“(iii) how the applicant will ensure broad access to the facility;

“(iv) how the applicant will collaborate with firms in the key technology focus areas, including through coordinated research and development and funding, to ensure that work in the test bed or facility will contribute to the commercial viability of any technologies and will include collaboration from industry and labor organizations;

“(v) how the applicant will encourage the participation of inventors and entrepreneurs and the development of new businesses;

“(vi) how the applicant will increase participation by underrepresented populations;

“(vii) how the applicant will demonstrate that the commercial viability of any new technologies will support the creation of high-quality domestic jobs;

“(viii) how the test bed or facility will operate after Federal funding has ended; and

“(ix) how the test bed will disseminate lessons and other technical information to United States firms or allied or partner country firms in the United States.

“(C) AWARDS.—Awards made under this paragraph shall be for 7 years, with the possibility of 5-year extensions.

“(D) AUTHORIZED USE OF FUNDS.—An awardee under this paragraph may, in order to achieve the purposes described in subparagraph (A)(i), use the award for the purchase of equipment, the support of graduate students and postdoctoral researchers, and the salaries of staff.

“(E) RESULTS.—An awardee under this paragraph may publish and share with the public the results of the work conducted under this paragraph.

“(F) INTERAGENCY SEMI-ANNUAL MEETINGS.—The Director, the Director of the National Institute of Standards and Technology, and the heads of other departments and agencies, or their designees, with test

bed related equities shall hold an annual meeting to coordinate their respective test bed related investments, future years plan, and other appropriate matters, to avoid conflicts and duplication of efforts. Upon request by Congress, Congress shall be briefed on the results of the meetings.

“(9) INAPPLICABILITY.—Section 5(e)(1) shall not apply to grants, contracts, awards, or other arrangements made under this section.

“(e) AREAS OF FUNDING SUPPORT.—Subject to the availability of funds to carry out this section, the Director shall endeavor, for each fiscal year, to use—

“(1) not less than 35 percent of funds provided to the Directorate for such year to carry out subsection (d)(6);

“(2) not less than 15 percent of such funds to carry out the purpose of subsection (d)(5)—

“(A) with the goal of awarding, across the key technology focus areas—

“(i) not fewer than 1,000 postdoctoral awards;

“(ii) not fewer than 2,000 graduate fellowships and traineeships; and

“(iii) not fewer than 1,000 undergraduate scholarships, including scholarships to attend community colleges;

“(B) of which not less than 10 percent of the funds designated under this paragraph shall be used to support additional awards to focus on community college training, education, and teaching programs that increase the participation of underrepresented populations in science, technology, engineering, and mathematics, including technical programs through programs such as the Advanced Technological Education program;

“(C) of which not less than 20 percent of the funds designated under this paragraph shall be used to support awards for postdoctorate fellowships, graduate fellowships and traineeships, and undergraduate scholarships through institutions of higher education, and other institutions, located in jurisdictions that participate in the Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g); and

“(D) if funds remain after carrying out subparagraphs (A), (B), and (C), awards to institutions of higher education to enable the institutions to fund the development and establishment of new or specialized courses of education for graduate, undergraduate, or technical college students;

“(3) not less than 5 percent of such funds to carry out subsection (d)(7);

“(4) not less than 10 percent of such funds to carry out subsection (d)(8);

“(5) not less than 15 percent of such funds to carry out research and related activities pursuant to subclauses (I) and (II) of subsection (d)(3)(A)(ii); and

“(6) not less than 20 percent of such funds to support research in the key technology focus areas through the Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g).

“(f) TECHNICAL ASSISTANCE FOR AWARD RECIPIENTS AND APPLICANTS.—The Director may—

“(1) coordinate with other Federal agencies to establish interagency and multidisciplinary teams to provide technical assistance to recipients of, and prospective applicants for, awards under this section;

“(2) by Federal interagency agreement and notwithstanding any other provision of law, transfer funds available to carry out this section to the head of another Federal agency to facilitate and support the provision of such technical assistance; and

“(3) enter into contracts with third parties to provide such technical assistance.

“(g) AUTHORIZATION OF APPROPRIATIONS AND LIMITATIONS.—

“(1) AUTHORIZATION FOR THE OFFICE OF INSPECTOR GENERAL.—From any amounts appropriated for the Foundation for a fiscal year, there is authorized to be appropriated for necessary expenses of the Office of Inspector General of the Foundation an amount of not less than \$10,000,000 in any fiscal year appropriation for the Foundation, for oversight of the programs and activities established under this section in accordance with the Inspector General Act of 1978.

“(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated to carry out this section shall supplement, and not supplant, any other amounts already appropriated to the Foundation or Office of Inspector General of the Foundation, except with respect to transfers described in paragraph (3).

“(3) TRANSFER OF FUNDS AUTHORITY.—For fiscal years 2022 through 2024, the Director shall transfer any funds appropriated to the Directorate to any other directorate or office of the Foundation for activities directly related to the key technology focus areas.

“(4) NO NEW AWARDS.—The Director shall not make any new awards for the activities described in this section for any fiscal year in which the total amount appropriated to the Foundation (not including amounts appropriated for the Directorate) is less than the total amount appropriated to the Foundation (not including such amounts), adjusted by the rate of inflation, for the previous fiscal year.

“(5) NO FUNDS FOR CONSTRUCTION.—No funds provided under this section shall be used for construction.

“(h) RULES OF CONSTRUCTION.—Nothing in this section or any other amendments made to this Act by the Endless Frontier Act shall be construed to alter the mission of any directorate of the Foundation existing prior to the date of enactment of such Act, or to alter the award selection methods or criteria used by such directorates.”

(c) CHIEF DIVERSITY OFFICER.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), as amended by subsection (b), is further amended by inserting after section 8A the following:

“SEC. 8B. CHIEF DIVERSITY OFFICER.

“(a) CHIEF DIVERSITY OFFICER.—

“(1) APPOINTMENT.—The Director shall appoint a Chief Diversity Officer of the National Science Foundation.

“(2) QUALIFICATIONS.—The Chief Diversity Officer should have significant experience with diversity and inclusion, in particular within the Federal Government and science community.

“(3) OVERSIGHT.—The Chief Diversity Officer shall report directly to the Director in the performance of the duties of the Chief Diversity Officer under this section.

“(b) DUTIES.—The Chief Diversity Officer is responsible for providing advice on policy, oversight, guidance, and coordination with respect to matters of the National Science Foundation related to diversity and inclusion. Other duties may include—

“(1) establishing and maintaining a strategic plan that publicly states a diversity definition, vision, and goals for the National Science Foundation;

“(2) defining a set of strategic metrics that are—

“(A) directly linked to key organizational priorities and goals;

“(B) actionable; and

“(C) actively used to implement the strategic plan under paragraph (1);

“(3) advising in the establishment of a strategic plan for diverse participation by

institutions of higher education, including community colleges, historically Black colleges and universities, Tribal colleges or universities, and other minority-serving institutions (as such terms are defined in section 8A(a)), and individuals;

“(4) advising in the establishment of a strategic plan for outreach to, and recruiting from, untapped locations and underrepresented populations; and

“(5) performing such additional duties and exercise such powers as the Director may prescribe.”.

(d) ANNUAL REPORT ON UNFUNDED PRIORITIES.—

(1) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the National Science Board shall submit to the President and to Congress a report on the unfunded priorities of the National Science Foundation.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall provide—

(A) for each directorate of the National Science Foundation for the most recent, fully completed fiscal year—

(i) the proposal success rate;

(ii) the percentage and total funding of proposals that were not funded and that met the criteria for funding; and

(iii) the most promising research areas covered by proposals described in clause (ii); and

(B) a list, in order of priority, of the next activities approved by the National Science Board to be undertaken in the Major Research Equipment and Facilities Construction account.

(e) PILOT PROGRAM.—

(1) IN GENERAL.—The Director, acting through the Directorate, shall establish a 5-year pilot program for awarding grants to eligible partnerships to build research and education capacity at emerging research institutions to enable such institutions to contribute to programs run by the Directorate.

(2) APPLICATIONS.—An eligible partnership seeking a grant under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the partnership will use the funds awarded through the grant to achieve a lasting increase in the research and education capacity of each emerging research institution included in the eligible partnership.

(3) ACTIVITIES.—An eligible partnership receiving a grant under this subsection may use the funds awarded through such grant for—

(A) faculty salaries and training;

(B) research experiences for undergraduate and graduate students;

(C) maintenance and repair of research equipment and instrumentation; and

(D) any other activities the Director determines appropriate.

(4) DEFINITIONS.—In this subsection:

(A) DIRECTOR.—The term “Director” means the Director of the National Science Foundation.

(B) DIRECTORATE; EMERGING RESEARCH INSTITUTION.—The terms “Directorate” and “emerging research institution” have the meanings given such terms in section 8A(a) of the National Science Foundation Act of 1950, except that, with respect to the term “emerging research institution”, the reference in paragraph (4) of such section to an award under section 8A of that Act shall be deemed a reference to a grant under this subsection.

(C) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means a partnership of—

(i) at least 1 emerging research institution; and

(ii) at least 1 institution classified as a very high research activity by the Carnegie Classification of Institutions of Higher Education.

SEC. 4. ENDLESS FRONTIER FUND.

(a) IN GENERAL.—There is authorized to be appropriated a total of \$112,410,000,000 for fiscal years 2022 through 2026 for the implementation of this Act and the amendments made by this Act. Such funds shall be available for the implementation of this Act and the amendments made by this Act, and shall be administered by the Director of the Office of Science and Technology Policy (referred to in this section as the “Director”).

(b) USE OF FUNDS.—

(1) SUBMISSION OF ANNUAL ALLOCATION.—Until the date on which all of the amounts in the Fund described in subsection (a) are expended, the Director shall annually submit to Congress, together with the annual budget of the United States, a list of allocations to agencies and departments to implement this Act and the amendments made by this Act that includes a detailed description of each program proposed to be funded, including the estimated expenditures from the Fund for the program for the applicable fiscal year.

(2) ALTERNATE ALLOCATION.—

(A) IN GENERAL.—The Commerce, Justice, Science, and Related Agencies Appropriations Act for the relevant fiscal year may provide for alternate allocation of amounts made available under this section.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations as described in subparagraph (A) by the date on which the Act making full-year appropriations for Commerce, Justice, Science, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under this section shall be allocated by the Director.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under this section that are less than the full amount authorized to be appropriated to the Fund for that fiscal year under subsection (a), the difference between the amount authorized to be appropriated and the alternate allocation shall be allocated by the Director.

(c) LIMITATION.—No funds provided under this section shall be used for construction, except in the case of infrastructure projects described in section 28(b)(1)(B) of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by section 7(a) of this Act.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, during the period of fiscal years 2022 through 2026, the Director shall make available, from amounts made available under subsection (a)—

(1) \$9,425,000,000 to the regional technology hub program under section 28 of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by section 7 of this Act;

(2) \$575,000,000 to the comprehensive regional technology strategy grant program under section 29 of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by section 8 of this Act, of which \$100,000,000 shall be made available for each of fiscal years 2022 and 2023 and \$125,000,000 shall be made available for each of fiscal years 2024 through 2026;

(3) \$100,000,000 to the Directorate for Technology and Innovation of the National Science Foundation, of which \$5,000,000,000 shall be made available for fiscal year 2022,

\$10,000,000,000 shall be made available for fiscal year 2023, \$20,000,000,000 shall be made available for fiscal year 2024, \$30,000,000,000 shall be made available for fiscal year 2025, and \$35,000,000,000 shall be made available for fiscal year 2026; and

(4) \$2,410,000,000 for the period of fiscal years 2022 through 2026 to the Manufacturing USA Program for activities described under section 9 of this Act.

SEC. 5. STRATEGY AND REPORT ON ECONOMIC SECURITY, SCIENCE, RESEARCH, AND INNOVATION TO SUPPORT THE NATIONAL SECURITY STRATEGY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Finance, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Agriculture, the Committee on Appropriations, the Committee on Armed Services, the Committee on the Budget, the Committee on Education and Labor, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Oversight and Reform, the Committee on Science, Space, and Technology, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) KEY TECHNOLOGY FOCUS AREA.—The term “key technology focus area” means an area included on the most recent list under section 8A(d)(2) of the National Science Foundation Act of 1950.

(3) NATIONAL SECURITY STRATEGY.—The term “national security strategy” means the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

(b) STRATEGY AND REPORT.—

(1) IN GENERAL.—In 2021 and in each year thereafter before the applicable date set forth under paragraph (2), the Director of the Office of Science and Technology Policy, in coordination with the Director of the National Economic Council, the Director of the National Science Foundation, the Secretary of Commerce, the Secretary of Energy, the National Security Council, the United States Patent and Trademark Office, and the heads of other relevant Federal agencies and in consultation with relevant nongovernmental partners, shall—

(A) review such strategy, programs, and resources as the Director of the Office of Science and Technology Policy determines pertain to United States national competitiveness in science, research, innovation, and technology transfer, including patenting and licensing, to support the national security strategy;

(B) develop or revise a strategy for the Federal Government to improve the national competitiveness of the United States in science, research, and innovation to support the national security strategy; and

(C) submit to the appropriate committees of Congress—

(i) a report on the findings of the Director with respect to the review conducted under subparagraph (A); and

(ii) the strategy developed or revised under subparagraph (B).

(2) **APPLICABLE DATES.**—In each year, the applicable date set forth under this paragraph is as follows:

(A) In 2021, December 31, 2021.

(B) In 2022 and every year thereafter—

(i) in any year in which a new President is inaugurated, October 1 of that year; and

(ii) in any other year, the date that is 90 days after the date of the transmission to Congress in that year of the national security strategy.

(c) **ELEMENTS.**—

(1) **REPORT.**—Each report submitted under subsection (b)(1)(C)(i) shall include the following:

(A) An assessment of public and private investment in civilian and military science and technology and its implications for the geostrategic position and national security of the United States.

(B) A description of the prioritized economic security interests and objectives, including domestic job creation, of the United States relating to science, research, and innovation and an assessment of how investment in civilian and military science and technology can advance those objectives.

(C) An assessment of how regional efforts are contributing and could contribute to the innovation capacity of the United States, including—

(i) programs run by State and local governments; and

(ii) regional factors that are contributing or could contribute positively to innovation.

(D) An assessment of—

(i) workforce needs for competitiveness and national security in key technology areas; and

(ii) Federal support needed—

(I) to expand domestic and international student pathways into key technology areas; and

(II) to improve workforce development and employment systems, as well as programs and practices to upskill incumbent workers.

(E) An assessment of barriers to competitiveness in key technology focus areas and barriers to the development and evolution of start-ups, small and mid-sized business entities, and industries in key technology focus areas.

(F) An assessment of the effectiveness of the Federal Government, federally funded research and development centers, and national labs in supporting and promoting technology commercialization and technology transfer, including an assessment of the adequacy of Federal research and development funding in promoting competitiveness and the development of new technologies.

(G) An assessment of manufacturing capacity, logistics, and supply chain dynamics of major export sectors, including access to a skilled workforce, physical infrastructure, and broadband network infrastructure.

(H) An assessment of how the Federal Government is increasing the participation of underrepresented populations in science, research, innovation, and manufacturing.

(I) An assessment of the effectiveness of the Federal Government, Federally funded research and development centers, and national laboratories in transitioning technologies and processes that emerge from Federally funded research to new domestic manufacturing growth and job creation across sectors in the United States.

(2) **STRATEGY.**—Each strategy submitted under subsection (b)(1)(C)(ii) shall include the following:

(A) A plan to utilize available tools to address or minimize the leading threats and challenges and to take advantage of the leading opportunities, particularly in regards to technology areas central to competition between the United States and China, including the following:

(i) Specific objectives, tasks, metrics, and milestones for each relevant Federal agency.

(ii) Specific plans to support public and private sector investment in research, technology development, education and workforce development, and domestic manufacturing in key technology focus areas supportive of the national economic competitiveness of the United States and to foster the prudent use of public-private partnerships.

(iii) Specific plans to promote environmental stewardship and fair competition for United States workers.

(iv) A description of—

(I) how the strategy submitted under subsection (b)(1)(C)(ii) supports the national security strategy; and

(II) how the strategy submitted under such subsection is integrated and coordinated with the most recent national defense strategy under section 113(g) of title 10, United States Code.

(v) A plan to encourage the governments of countries that are allies or partners of the United States to cooperate with the execution of the strategy submitted under subsection (b)(1)(C)(ii), where appropriate.

(vi) A plan to encourage certain international and multilateral organizations to support the implementation of such strategy.

(vii) A plan for how the United States should develop local and regional capacity for building innovation ecosystems across the Nation by providing Federal support.

(viii) A plan for strengthening the industrial base of the United States.

(B) An identification of additional resources, administrative action, or legislative action recommended to assist with the implementation of such strategy.

(d) **FORM OF REPORTS AND STRATEGIES.**—Each report and strategy submitted under subsection (b)(1)(C) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6. SUPPLY CHAIN RESILIENCY PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **CRITICAL INDUSTRY.**—The term “critical industry” means—

(A) key technology focus areas, as defined in section 8A(a) of the National Science Foundation Act of 1950, as added by section 3(b) of this Act; and

(B) areas identified by the report in subsection (f).

(2) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given the term in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) **FOREIGN ENTITY.**—The term “foreign entity”—

(A) means—

(i) the government of a foreign country;

(ii) a foreign political party;

(iii) an individual who is not a protected individual (as defined in section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3))); or

(iv) a partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country; and

(B) includes—

(i) any person owned by, controlled by, or subject to the jurisdiction or direction of, a person described in subparagraph (A);

(ii) any person, wherever located, that acts as an agent, representative, or employee of a person described in subparagraph (A);

(iii) any person that acts in any other capacity at the order or request, or under the direction or control, of—

(I) a person described in subparagraph (A); or

(II) a person, the activities of which are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a person described in subparagraph (A);

(iv) any person that directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise owns not less than 25 percent of the equity interests of a person described in subparagraph (A);

(v) any person with significant responsibility to control, manage, or direct a person described in subparagraph (A);

(vi) any individual, wherever located, who is a citizen or resident of a country controlled by a person described in subparagraph (A); and

(vii) any corporation, partnership, association, or other organization organized under the laws of a country controlled by a person described in subparagraph (A).

(4) **FOREIGN ENTITY OF CONCERN.**—The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the “SDN list”);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the “Espionage Act”);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the “Economic Espionage Act of 1996”);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(5) **LABOR ORGANIZATION.**—The term “labor organization” has the meaning given such term in section 8A(a) of the National Science Foundation Act of 1950.

(6) **PROGRAM.**—The term “program” means the supply chain resiliency and crisis response program established under subsection (b).

(7) **RELEVANT COMMITTEES OF CONGRESS.**—The term “relevant committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Armed Services of the Senate;

(F) the Select Committee on Intelligence of the Senate;

(G) the Committee on Science, Space, and Technology of the House of Representatives;

(H) the Committee on Energy and Commerce of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives;

(J) the Committee on Ways and Means of the House of Representatives;

(K) the Committee on Homeland Security of the House of Representatives;

(L) the Committee on Armed Services of the House of Representatives; and

(M) the Permanent Select Committee on Intelligence of the House of Representatives.

(8) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(b) ESTABLISHMENT.—The Secretary shall establish in the Department of Commerce a supply chain resiliency and crisis response program to carry out the activities described in subsection (d).

(c) MISSION AND PRIORITIES.—

(1) MISSION.—The mission of the program is to—

(A) ensure the leadership of the United States with respect to industries that are essential to mid-term and long-term national security and economic competitiveness;

(B) promote, in partnership with the private sector and other relevant stakeholders, the resiliency of supply chains of the United States and allied or partner countries; and

(C) encourage partnerships between the Federal Government and industry, labor organizations, and State, local, territorial, and Tribal governments in order to better respond to supply chain crises.

(2) PRIORITIES.—The program shall—

(A) in partnership with the private sector, build resilient and secure supply chains (including through the mid-term and long-term diversification of key supply chains, which shall include the support of small- and medium-sized businesses) that can ensure the access of the United States to critical goods and services in the face of shocks, including pandemic and biological threats, cyberattacks, extreme weather events, terrorist and geopolitical attacks, great power conflict, and other threats to national security, with key parts of such resilience being—

(i) the diversification of key supply chains with allies or key partners; and

(ii) working with allies or key partners through agreements and other commitments; and

(B) support collaboration with allies or key partners to collectively build and strengthen resilient global supply chains, including through identifying supply chain vulnerabilities, expanding productive capacity, and stockpiling essential goods.

(d) ACTIVITIES.—Under the program, the Secretary, acting through 1 or more bureaus or other divisions of the Department of Commerce as appropriate, shall carry out activities—

(1) to map and monitor key supply chains and to identify current and future key supply chain gaps and vulnerabilities in critical industries;

(2) to develop or identify opportunities to build domestic capacity, and cooperate with allies or key partners, to address supply chain gaps and vulnerabilities in critical industries;

(3) to consult and collaborate with the Director of the Office of Management and Budget, the Secretary of Defense, the Sec-

retary of Homeland Security, the Secretary of the Treasury, the Secretary of Energy, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of State, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, and, as appropriate, the heads of other Federal departments and agencies to invest in urgent supply chain gaps;

(4) to encourage partnerships between the Federal Government and industry, labor organizations, and State, local, territorial, and Tribal governments to better respond to crises;

(5) to support the distribution of critical resources to areas that have the greatest needs during crises;

(6) to develop contingency plans to ensure a resilient supply chain response for potential crises;

(7) to ensure that allies and key partners have supply chains that are capable of supporting critical industries; and

(8) to enter into agreements and partnerships with allied or partner governments to promote diversified and resilient supply chains that ensure supply of critical goods to both the United States and allied companies.

(e) AUTHORITIES.—The Secretary may—

(1) establish a unified coordination group to serve as the primary method for coordinating between and among Federal departments and agencies in response to known supply chain risks as well as for integrating private sector partners into efforts, as appropriate, to—

(A) study technical, engineering, and operational data acquired on a voluntary basis from the private sector, in a manner that ensures any data provided by the private sector is kept confidential and as required under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”);

(B) directly receive whistleblower complaints with appropriate protection; and

(C) identify key competitiveness challenges in critical industries;

(2) enter into agreements with allied or partner governments regarding supply chain security assurances;

(3) coordinate with other divisions of the Department of Commerce and other Federal departments and agencies to leverage existing authorities, as of the date of enactment of this Act, to strengthen supply chain resilience; and

(4) with the approval of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, transfer funds to, or receive funds from, other departments and agencies to implement the program.

(f) REPORT ON SUPPLY CHAIN RESILIENCY AND DOMESTIC MANUFACTURING.—Not later than 180 days after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary shall submit to the relevant committees of Congress a review, in coordination with other relevant Federal departments and agencies—

(1) identifying—

(A) technologies critical to economic competitiveness and national security; and

(B) supplies critical to the crisis preparedness of the United States, such as medical supplies, personal protective equipment, disaster response necessities, electrical generation technology, materials essential to critical infrastructure operation or repair and renovation, and other supplies identified by the Secretary;

(2) describing—

(A) the current domestic manufacturing base and supply chains for those technologies and supplies, including raw materials, production equipment, and other goods

essential to the production of those technologies and supplies; and

(B) the ability of the United States to maintain readiness and to surge produce those technologies and supplies in response to an emergency;

(3) identifying defense, intelligence, homeland, economic, domestic labor supply, natural, geopolitical, or other contingencies that may disrupt, strain, compromise, or eliminate the supply chain for those technologies and supplies;

(4) assessing the resiliency and capacity of the domestic, allied, and partner manufacturing base, supply chains, and workforce to support the need for those technologies and supplies, including any single points of failure in those supply chains;

(5) assessing flexible manufacturing capacity available in the United States in cases of emergency;

(6) making specific recommendations to improve the security and resiliency of manufacturing capacity and supply chains by—

(A) developing long-term strategies;

(B) increasing visibility throughout multiple supplier tiers;

(C) identifying and mitigating risks, including the financial and operational risks of a supply chain, vulnerabilities to extreme weather events, cyberattacks, pandemic and biological threats, terrorist and geopolitical attacks, and other emergencies, and exposure to gaps in domestic sourcing and import exposure;

(D) identifying enterprise resource planning systems that are compatible across supply chain tiers and are affordable for small and medium-sized businesses;

(E) understanding the total cost of ownership, total value contribution, and other best practices that encourage strategic partnerships throughout the supply chain;

(F) understanding Federal procurement opportunities to increase resiliency of supply chains for goods and services and fill gaps in domestic purchasing;

(G) identifying policies to maximize domestic job retention and creation, including workforce development programs;

(H) identifying and mitigating risks associated with allied or key partner countries in building more resilient supply chains; and

(I) identifying such other services as the Secretary considers necessary;

(7) providing guidance on technologies and supplies to be prioritized for assistance and other activities under the Department of Commerce, the National Science Foundation, and other relevant Federal agencies;

(8) reviewing and, if appropriate, expanding the sourcing of goods associated with critical technology areas from allies or key partners, including recommendations for coordination with allies or key partners on sourcing critical products; and

(9) monitoring and strengthening the financial and operational health of small and medium enterprises in domestic, allied, and partner supply chains to mitigate risks and ensure diverse, competitive supplier markets that are less vulnerable to single points of failure.

(g) ADDITIONAL HIRING AUTHORITY.—

(1) IN GENERAL.—To the extent needed to carry out the program, the Secretary may—

(A) utilize hiring authorities under section 3372 of title 5, United States Code, to staff the program with employees from other Federal agencies, institutions of higher education, and other organizations as described in that section with relevant experience in supply chain management and investment in the same manner and subject to the same conditions that apply to such individuals utilized to accomplish other missions of the Department of Commerce;

(B) appoint and fix the compensation of such temporary personnel as may be necessary to implement the requirements of this section relating to the program, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(C) appoint an individual appointed under subparagraph (B), after serving continuously for not less than 2 years, to a position in the Department of Commerce in the same manner that an employee serving in a position in the competitive service may be transferred, reassigned, or promoted.

(2) NO REIMBURSEMENT.—Any assignment provided under paragraph (1)(A) shall be made without reimbursement.

(3) EFFECT OF APPOINTMENT.—An individual appointed as described in paragraph (1)(C) shall be considered to be appointed under a career-conditional appointment, unless the individual, as of the date on which the individual is appointed, has completed a sufficient amount of creditable service to attain a permanent career appointment.

(h) SEMICONDUCTOR INCENTIVES.—

(1) IN GENERAL.—The Secretary shall carry out the program established under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) as part of the program.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 9902(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by striking “in the Department of Commerce” and inserting “as part of the program established under section 6 of the Endless Frontier Act”.

(i) REPORT TO CONGRESS.—Concurrent with the annual submission by the President of a budget under section 1105 of title 31, United States Code, the Secretary shall submit to the relevant committees of Congress a report that contains a summary of all activities carried out under this section for the year covered by the report.

(j) COORDINATION.—The Secretary of Commerce shall, as appropriate, coordinate with the heads of other Federal departments and agencies, including the Secretary of State and the United States Trade Representative, in the implementation of this program.

(k) RULE OF CONSTRUCTION REGARDING PRIVATE ENTITIES.—Nothing in this section shall be construed to require any private entity—

(1) to request assistance from the Secretary; or

(2) that requested such assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

(l) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section, which shall remain available until expended.

(2) INSPECTOR GENERAL FUNDING.—Of the amounts made available in a fiscal year to carry out this section, not more than 2 percent of those amounts shall be available to the Inspector General of the Department of Commerce to conduct oversight activities with respect to the program.

(3) TRANSFERS.—Of the amounts made available in a fiscal year to carry out this section, the Secretary may transfer not more than 5 percent of those amounts to the account under the heading “Department of Commerce—Salaries and Expenses” to provide for administration and oversight activities relating to the program.

SEC. 7. REGIONAL TECHNOLOGY HUB PROGRAM.

(a) IN GENERAL.—The Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480; 15 U.S.C. 3701 et seq.) is amended—

(1) by redesignating section 28 as section 30; and

(2) by inserting after section 27 the following:

“SEC. 28. REGIONAL TECHNOLOGY HUB PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

“(2) COOPERATIVE EXTENSION.—The term ‘cooperative extension’ has the meaning given the term ‘extension’ in section 1404 of the Food and Agriculture Act of 1977 (7 U.S.C. 3103).

“(3) KEY TECHNOLOGY FOCUS AREAS.—The term ‘key technology focus areas’ means the areas included on the most recent list under section 8A(d)(2) of the National Science Foundation Act of 1950.

“(4) LABOR ORGANIZATION.—The term ‘labor organization’ has the meaning given such term in section 8A(a) of the National Science Foundation Act of 1950.

“(5) LARGE METROPOLITAN COMMUNITIES.—The term ‘large metropolitan community’ means a metropolitan statistical area with a population of more than 500,000.

“(6) MANUFACTURING EXTENSION CENTER.—The term ‘manufacturing extension center’ has the meaning given the term ‘Center’ in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

“(7) MANUFACTURING USA INSTITUTE.—The term ‘Manufacturing USA institute’ means an Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)).

“(8) MID-SIZED METROPOLITAN COMMUNITIES.—The term ‘mid-sized metropolitan community’ means a metropolitan statistical area with a population of more than 200,000 and not more than 500,000.

“(9) OTHER TECHNOLOGY AND INNOVATION SECTORS CRITICAL TO NATIONAL AND ECONOMIC SECURITY.—The term ‘other technology and innovation sectors critical to national and economic security’ means other technology and innovation sectors that the Secretary determines are critical to national and economic security.

“(10) SMALL AND RURAL COMMUNITIES.—The term ‘small and rural community’ means a noncore area, a micropolitan area, or a small metropolitan statistical area with a population of not more than 200,000.

“(11) VENTURE DEVELOPMENT ORGANIZATION.—The term ‘venture development organization’ means a State or nonprofit organization focused primarily toward strengthening regional economic development through innovation by—

“(A) accelerating the commercialization of research and technology;

“(B) strengthening the competitive position of startups and industry through the development, commercial adoption, or deployment of technology;

“(C) providing financial grants, loans, or direct investment to commercialize technology;

“(D) pairing direct financial assistance under subparagraph (C) with entrepreneurship, technological, or business assistance to maximize the likelihood of success for a ven-

ture and increased employment growth for the region or a sector; and

“(E) returning any proceeds gained from direct financial assistance made using organization funds to the organization for future reinvestment, entrepreneurial assistance, and support of operations.

“(b) REGIONAL TECHNOLOGY HUB PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program—

“(A) to designate eligible consortia as regional technology hubs that create the conditions, within a region, to facilitate activities that—

“(i) enable United States leadership in a key technology focus area, complementing the Federal research and development investments under section 8A of the National Science Foundation Act of 1950, or other technology and innovation sectors critical to national and economic security;

“(ii) support regional economic development that diffuses innovation around the United States, enabling better broad-based growth and competitiveness in key technology focus areas;

“(iii) support domestic job creation; and

“(iv) otherwise support the purposes set forth under paragraph (2);

“(B) to support regional technology hubs designated under subparagraph (A); and

“(C) to conduct ongoing research, evaluation, analysis, and dissemination of best practices for regional development and competitiveness in technology and innovation.

“(2) PURPOSES.—The purposes of the program carried out under paragraph (1) are as follows:

“(A) To designate eligible consortia as regional technology hubs throughout the United States that create the conditions within a region to facilitate activities that establish the global competitive edge of the United States in the 21st century across a range of technology and innovation sectors critical to national and economic security, including to encourage lower-cost but economically viable technology hubs in the United States to reduce technology offshoring.

“(B) To encourage new and constructive collaboration among local, State, and Federal government entities, academia, private industry, and labor organizations to mobilize investment, talent, entrepreneurship, and innovation for research, development, deployment, and manufacturing in a range of technology and innovation sectors critical to national and economic security.

“(C) To assist regions across the United States, including small cities and rural areas—

“(i) to develop and implement strategies through technology-based economic development practices, including infrastructure and workforce development, entrepreneurship and commercialization support, increasing access to capital, and building networks and systems to help bring ideas and businesses to market, and other relevant activities;

“(ii) to improve domestic supply chains in technology and innovation sectors; and

“(iii) to enable broad-based economic growth, job creation and competitiveness in the United States.

“(3) ADMINISTRATION.—The Secretary shall carry out this section through the Assistant Secretary of Commerce for Economic Development, in coordination with the Under Secretary of Commerce for Standards and Technology.

“(c) ELIGIBLE CONSORTIA.—For purposes of this section, an eligible consortium is a consortium that—

“(1) includes 1 or more—

“(A) institutions of higher education;

“(B) local or Tribal governments or other political subdivisions of a State;

“(C) State governments represented by an agency designated by the governor of the State or States that is representative of the geographic area served by the consortia;

“(D) economic development organizations or similar entities that are focused primarily on improving science, technology, innovation, or entrepreneurship;

“(E) industry or firms in relevant technology or innovation sectors;

“(F) labor organizations; and

“(G) workforce training organizations, including State and local workforce development boards as established under section 101 of the Workforce Investment and Opportunity Act (29 U.S.C. 3111); and

“(2) may include 1 or more—

“(A) nonprofit economic development entities with relevant expertise, including a district organization (as defined in section 300.3 of title 13, Code of Federal Regulations, or successor regulation);

“(B) for-profit entities with relevant expertise;

“(C) venture development organizations;

“(D) financial institutions and investment funds;

“(E) primary and secondary educational institutions, including career and technical education schools;

“(F) industry and industry associations;

“(G) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

“(H) Federal laboratories;

“(I) manufacturing extension centers;

“(J) Manufacturing USA institutes;

“(K) institutions receiving an award under paragraph (6) or (7) of section 8A(d) of the National Science Foundation Act of 1950; and

“(L) a cooperative extension.

“(d) DESIGNATION OF REGIONAL TECHNOLOGY HUBS.—

“(1) IN GENERAL.—The Secretary shall use a competitive process for the designation of regional technology hubs under subsection (b)(1)(A).

“(2) NUMBER OF REGIONAL TECHNOLOGY HUBS.—During the 5-year period beginning on the date of the enactment of the Endless Frontier Act, the Secretary shall designate not fewer than 10 and not more than 15 eligible consortia as regional technology hubs under subsection (b)(1)(A), if the Secretary has received a sufficient number of qualified applications and appropriations to carry out this section.

“(3) GEOGRAPHIC DISTRIBUTION.—In conducting the competitive process under paragraph (1), the Secretary shall ensure geographic distribution in the designation of regional technology hubs by—

“(A) aiming to designate regional technology hubs in as many regions of the United States as possible; and

“(B) focusing on localities that have clear potential and relevant assets for developing a self-sustaining competitive position in a technology or innovation sector but have not yet become leading technology centers.

“(4) ELIGIBLE CONSORTIA THAT SERVE SMALL AND RURAL COMMUNITIES.—Under subsection (b)(1)(A), the Secretary shall designate at least 3 eligible consortia that—

“(A) serve small and rural communities; and

“(B) have received a grant under section 29.

“(5) EPSCoR.—The Secretary shall ensure that, of the eligible consortia designated as regional technology hubs under subsection (b)(1)(A), not fewer than 5 of such consortia include at least 1 State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation.

“(6) RELATION TO CERTAIN GRANT AWARDS.—The Secretary may not require an eligible consortium to receive a grant under section 29 in order to be designated as a regional technology hub under subsection (b)(1)(A) of this section.

“(e) GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall carry out subparagraph (B) of subsection (b)(1) through the award of grants or cooperative agreements to eligible consortia designated under subparagraph (A) of such subsection.

“(2) TERM.—

“(A) IN GENERAL.—The term of a grant or cooperative agreement awarded under paragraph (1) shall be for such period as the Secretary considers appropriate.

“(B) RENEWAL.—The Secretary may renew a grant or cooperative agreement awarded to an eligible consortia under paragraph (1) as the Secretary considers appropriate if the Secretary determines pursuant to subsection (i) that the performance of the eligible consortia is satisfactory.

“(3) MATCHING REQUIRED.—

“(A) IN GENERAL.—Except in the case of an eligible consortium described in subparagraph (B), the total Federal financial assistance awarded in a given year to an eligible consortium in support of the eligible consortium's operation as a regional technology hub under this section shall not exceed amounts as follows:

“(i) In first year of the grant or cooperative agreement, 90 percent of the total operating and maintenance costs of the regional technology hub in that fiscal year.

“(ii) In second year of the grant or cooperative agreement, 85 percent of the total operating and maintenance costs of the regional technology hub in that fiscal year.

“(iii) In third year of the grant or cooperative agreement, 80 percent of the total operating and maintenance costs of the regional technology hub in that fiscal year.

“(iv) In fourth year of the grant or cooperative agreement and each year thereafter, 75 percent of the total operating and maintenance costs of the regional technology hub in that fiscal year.

“(B) SMALL AND RURAL COMMUNITIES AND INDIAN TRIBES.—

“(1) IN GENERAL.—The total Federal financial assistance awarded in a given year to an eligible consortium in support of the eligible consortium's operation as a regional technology hub under this section shall not exceed amounts as follows:

“(I) In the case of an eligible consortium that represents a small and rural community, in a fiscal year, 90 percent of the total funding of the regional technology hub in that fiscal year.

“(II) In the case of an eligible consortium that is led by a Tribal government, in a fiscal year, 100 percent of the total funding of the regional technology hub in that fiscal year.

“(ii) MINIMUM THRESHOLD OR RURAL REPRESENTATION.—The Secretary shall establish a minimum threshold of rural representation for purposes of clause (i)(I).

“(C) IN-KIND CONTRIBUTIONS.—For purposes of this paragraph, in-kind contributions may be used for part of the non-Federal share of the total funding of a regional technology hub in a fiscal year.

“(4) USE OF GRANT AND COOPERATIVE AGREEMENT FUNDS.—The recipient of a grant or cooperative agreement awarded under paragraph (1) shall use the grant or cooperative agreement for multiple activities determined appropriate by the Secretary, including—

“(A) the permissible activities set forth under section 27(c)(2); and

“(B) activities in support of key technology focus areas and other technology and innovation sectors critical to national and economic security—

“(i) to develop regional strategies for infrastructure and site development in support of the regional technology hub's plans and programs;

“(ii) to support business activity that makes domestic supply chain more resilient and encourages the growth of coordinated multiparty systems in the United States and creation and growth of business entities;

“(iii) to attract new private, public, and philanthropic investment in the region for developing innovation capacity, including establishing regional venture and loan funds, including through venture development organizations, for financing technology commercialization, new business formation, and business expansions;

“(iv) to further the development, deployment, and domestic manufacturing of technologies in the key technology focus areas and other technology and innovation sectors critical to national and economic security, including innovations derived from research conducted at institutions of higher education or other research entities, including research conducted by federally-funded research and development centers, National Laboratories, Federal laboratories, Manufacturing USA institutes, university technology centers established under paragraph (6) of section 8A(d) of the National Science Foundation Act of 1950, the program established under paragraph (7) of such section 8A(d), test beds established and operated under paragraph (8) of such section 8A(d), or other Federal research entities, through activities that may include—

“(I) proof-of-concept development and prototyping;

“(II) technology transfer and commercialization, including patenting and licensing;

“(III) public-private partnerships in order to reduce the cost, time, and risk of commercializing new technologies;

“(IV) creating and funding competitions to allow entrepreneurial ideas to illustrate their commercialization and domestic job creation potential;

“(V) facilitating relationships between local and national business leaders and potential entrepreneurs to encourage successful commercialization;

“(VI) creating and funding not-for-profit entities that could enable researchers at institutions of higher education and other research entities to further develop new technology, through patient funding, advice, staff support, or other means;

“(VII) providing facilities for start-up companies where technology maturation could occur; and

“(VIII) commercialization, deployment, and adoption of the technologies that lead to domestic manufacturing of such technologies;

“(v) to develop the region's skilled workforce through the training and retraining of workers, partnerships with labor organizations, and skills-based education, including the alignment of career technical training and educational programs in the region's elementary and secondary schools and institutions of higher education; and

“(vi) to carry out such other activities as the Secretary considers appropriate to improve United States competitiveness and regional economic development to support a key technology focus area and that would further the purposes of this section.

“(5) GRANTS FOR INFRASTRUCTURE.—Any grant or cooperative agreement awarded under paragraph (1) to support the construction of physical infrastructure shall be

awarded pursuant to section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) and subject to the provisions of such Act, except that subsection (b) of such section and sections 204 and 301 of such Act (42 U.S.C. 3144, 3161) shall not apply.

“(f) APPLICATIONS.—An eligible consortium seeking designation as a regional technology hub under subparagraph (A) of subsection (b)(1) and support under subparagraph (B) of such subsection shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may specify.

“(g) CONSIDERATIONS FOR DESIGNATION AND AWARD OF GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—In selecting an eligible consortium that submitted an application under subsection (f) for designation and support under subsection (b)(1), the Secretary shall consider, at a minimum, the following:

“(A) The potential of the eligible consortium to advance the research, development, deployment, and domestic manufacturing of technologies in a key technology focus area or other technology or innovation sector critical to national and economic security.

“(B) The likelihood of positive regional economic effect, including increasing the number of high wage domestic jobs, and creating new economic opportunities for economically disadvantaged and underrepresented populations.

“(C) How the eligible consortium plans to integrate with and leverage the resources of 1 or more federally-funded research and development centers, National Laboratories, Federal laboratories, Manufacturing USA institutes, Hollings Manufacturing Extension Partnership centers, university technology centers established under paragraph (6) of section 8A(d) of the National Science Foundation Act of 1950, the program established under paragraph (7) of such section 8A(d), test beds established and operated under paragraph (8) of such section 8A(d), or other Federal research entities.

“(D) How the eligible consortium will engage with the private sector, including small- and medium-sized businesses to commercialize new technologies and improve the resiliency of domestic supply chains in a key technology focus area or other technology or innovation sector critical to national and economic security.

“(E) How the eligible consortium will carry out workforce development and skills acquisition programming, including through partnerships with entities that include State and local workforce development boards, institutions of higher education, including community colleges, historically Black colleges and universities, Tribal colleges and universities, and minority serving institutions, labor organizations, and workforce development programs, and other related activities authorized by the Secretary, to support the development of a key technology focus area or other technology or innovation sector critical to national and economic security.

“(F) How the eligible consortium will improve science, technology, engineering, and mathematics education programs in the identified region in elementary and secondary school and higher education institutions located in the identified region to support the development of a key technology focus area or other technology or innovation sector critical to national and economic security.

“(G) How the eligible consortium plans to develop partnerships with venture development organizations and sources of private investment in support of private sector activity, including launching new or expanding existing companies, in a key technology

focus area or other technology or innovation sector critical to national and economic security.

“(H) How the eligible consortium plans to organize the activities of regional partners across sectors in support of the proposed regional technology hub, including the development of necessary infrastructure improvements and site preparation.

“(I) How the eligible consortium will ensure that growth in technology and innovation sectors produces broadly shared opportunity across the identified region, including for economic disadvantaged and underrepresented populations and rural areas.

“(J) The likelihood that the region served by the eligible consortium will be able to become a self-sustaining globally leading technology hub once Federal support ends.

“(2) FINDINGS BASED ON COMPREHENSIVE REGIONAL TECHNOLOGY STRATEGIES.—The Secretary may use a comprehensive regional technology strategy supported by a grant under section 29 as the basis for making findings under paragraph (1) of this subsection.

“(h) COORDINATION AND COLLABORATION.—

“(1) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.—

“(A) COORDINATION REQUIRED.—The Secretary shall coordinate the activities of regional technology hubs designated under this title, the Hollings Manufacturing Extension Partnership, and the Manufacturing USA Program with each other to the degree that doing so does not diminish the effectiveness of the ongoing activities of a manufacturing extension center or a Manufacturing USA institute.

“(B) ELEMENTS.—Coordination by the Secretary under subparagraph (A) may include the following:

“(i) The alignment of activities of the Hollings Manufacturing Extension Partnership with the activities of regional technology hubs designated under this subsection, if applicable.

“(ii) The alignment of activities of the Manufacturing USA Program and the Manufacturing USA institutes with the activities of regional technology hubs designated under this subsection, if applicable.

“(2) COORDINATION WITH DEPARTMENT OF ENERGY PROGRAMS.—The Secretary shall, in coordination with the Secretary of Energy, coordinate the activities and selection of regional technology hubs designated under subsection (b)(1)(A) with activities at the Department of Energy and the National Laboratories that were in effect on the day before the date of the enactment of the Endless Frontier Act, to the degree that doing so does not diminish the effectiveness of the ongoing activities or mission of the Department of Energy and the National Laboratories.

“(3) INTERAGENCY COLLABORATION.—

“(A) IN GENERAL.—In selecting and assisting regional technology hubs designated under subsection (b)(1)(A), the Secretary—

“(i) shall collaborate, to the extent possible, with the interagency advisory committee established under subparagraph (B);

“(ii) shall collaborate with Federal departments and agencies whose missions contribute to the goals of the regional technology hub; and

“(iii) may accept funds from other Federal agencies to support grants and activities under this title.

“(B) INTERAGENCY COORDINATING COUNCIL.—

“(i) ESTABLISHMENT.—The Secretary shall establish an interagency coordinating council to coordinate with the Secretary in the designation of regional technology hubs under subparagraph (A) of subsection (b)(1) and in the selection of eligible consortia to

receive support under subparagraph (B) of such subsection.

“(ii) COMPOSITION.—The interagency coordinating council established under clause (i) shall be composed of the following (or their designees):

“(I) The Secretary of Commerce.

“(II) The Secretary of Education.

“(III) The Administrator of the Small Business Administration.

“(IV) The Deputy Secretary for Housing and Urban Development.

“(V) The Director of the Community Development Financial Institution Fund.

“(VI) The Director of the National Science Foundation.

“(VII) The Director of the National Institute of Standards and Technology.

“(VIII) The Director of the National Economic Council.

“(IX) The Assistant Secretary of Commerce for Economic Development.

“(X) The Assistant Secretary for Employment and Training.

“(XI) The Director of the Office of Science and Technology Policy.

“(XII) The Under Secretary of Defense for Research and Engineering.

“(XIII) The Under Secretary of Defense for Acquisition and Sustainment.

“(XIV) The Under Secretary for Science of the Department of Energy.

“(XV) The Director of the National Institutes of Health.

“(XVI) The Under Secretary for Science and Technology of the Department of Homeland Security.

“(XVII) The Administrator of the National Aeronautics and Space Administration.

“(XVIII) The Director of the Office of Management and Budget.

“(XIX) Such other Federal officials as the Secretary of Commerce considers appropriate.

“(iii) CHAIRPERSON.—The Secretary shall be the chairperson of the interagency coordinating council established under clause (i).

“(4) SETTING GOALS FOR FEDERALLY FUNDED REGIONS SERVED BY RESEARCH IN REGIONAL TECHNOLOGY HUBS.—

“(A) IN GENERAL.—The Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall coordinate with the each head of a Federal agency that conducts research to set goals for at least doubling the amount of Federally-funded research awarded, as in effect on the day before the date of the enactment of the Endless Frontier Act, to regions served by regional technology hubs designated under subsection (b)(1)(A).

“(B) ANNUAL REPORTS.—Not less frequently than once each year, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress an annual report on progress made relating to the goals set under subparagraph (A).

“(i) PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.—

“(1) METRICS, STANDARDS, AND ASSESSMENT.—For each grant and cooperative agreement awarded under subsection (e)(1) for a regional technology hub, the Secretary shall—

“(A) develop metrics to assess the effectiveness of the activities funded in making progress toward the purposes set forth under subsection (b)(2), which may include—

“(i) research supported in a key technology focus area;

“(ii) commercialization activities undertaken by each regional technology hub that is designated and supported under subsection (b)(1);

“(iii) educational and workforce development improvements undertaken by each regional technology hub that is designated and supported under subsection (b)(1);

“(iv) sources of matching funds for each regional technology hub that is designated and supported under subsection (b)(1); and

“(v) domestic job creation, patent awards, and business formation and expansion relating to the activities of the regional technology hub that is designated and supported under subsection (b)(1);

“(B) establish standards for the performance of the regional technology hub that are based on the metrics developed under subparagraph (A); and

“(C) 4 years after the initial award under subsection (e)(1) and every 2 years thereafter until Federal financial assistance under this section for the regional technology hub is discontinued, conduct an assessment of the regional technology hub to confirm whether the performance of the regional technology hub is meeting the standards for performance established under subparagraph (B) of this paragraph.

“(2) FINAL REPORTS BY RECIPIENTS OF ASSISTANCE.—

“(A) IN GENERAL.—The Secretary shall require each eligible consortium that receives a grant or cooperative agreement under subsection (e)(1) for support of a regional technology hub, as a condition of receipt of such grant or cooperative agreement, submit to the Secretary, not later than 90 days after the last day of the term of the grant or cooperative agreement, a report on the activities of the regional technology hub supported by the grant or cooperative agreement.

“(B) CONTENTS OF REPORT.—Each report submitted by an eligible consortium under subparagraph (A) shall include the following:

“(i) A detailed description of the activities carried out by the eligible consortium using the assistance described in subparagraph (A), including the following:

“(I) A description of each project the eligible consortium completed using such assistance.

“(II) An explanation of how each project described in subclause (I) achieves a specific goal under this section in the region of the regional technology hub of the eligible consortium with respect to—

“(aa) the resiliency of a supply chain;

“(bb) research, development, and deployment of a critical technology;

“(cc) workforce training and development;

“(dd) domestic job creation; or

“(ee) entrepreneurship.

“(ii) A discussion of any obstacles encountered by the eligible consortium in the implementation of the regional technology hub and how the eligible entity overcame those obstacles.

“(iii) An evaluation of the success of the projects supported by the eligible consortium to implement the regional technology hub using the performance standards and measures established under paragraph (1), including an evaluation of the planning process and how the project contributes to carrying out the comprehensive strategy for the regional technology hub if the regional technology hub has such a strategy.

“(iv) The effectiveness of the eligible consortium in ensuring that, in the region of the eligible consortium’s regional technology hub, growth in technology and innovation sectors produces broadly shared opportunity across the region, including for economic disadvantaged and underrepresented populations and rural areas.

“(v) Information regarding such other matters as the Secretary may require.

“(3) INTERIM REPORTS BY RECIPIENTS OF ASSISTANCE.—In addition to requiring submission of final reports under paragraph

(2)(A), the Secretary may require an eligible consortium described in such paragraph to submit to the Secretary such interim reports as the Secretary considers appropriate.

“(4) ANNUAL REPORTS TO CONGRESS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress an annual report on the results of the assessments conducted by the Secretary under paragraph (1)(C) during the period covered by the report.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$9,425,000,000 for the period of fiscal years 2022 through 2026.”

(b) INITIAL DESIGNATIONS AND AWARDS.—

(1) COMPETITION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall commence a competition under subsection (d)(1) of section 28 of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by subsection (a).

(2) DESIGNATION AND AWARD.—Not later than 1 year after the date of the enactment of this Act, if the Secretary has received at least 1 application under subsection (f) of such section from an eligible consortium whom the Secretary considers suitable for designation under subsection (b)(1)(A) of such section, the Secretary shall—

(A) designate at least 1 regional technology hub under subsection (b)(1)(A) of such section; and

(B) award a grant or cooperative agreement under subsection (e)(1) of such section to each regional technology hub designated pursuant to subparagraph (A) of this paragraph.

SEC. 8. COMPREHENSIVE REGIONAL TECHNOLOGY STRATEGY GRANT PROGRAM.

The Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480; 15 U.S.C. 3701 et seq.), as amended by section 7, is further amended, by inserting after section 28, as added by such section, the following:

“SEC. 29. COMPREHENSIVE REGIONAL TECHNOLOGY STRATEGY GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) LABOR ORGANIZATION.—The term ‘labor organization’ has the meaning given such term in section 8A(a) of the National Science Foundation Act of 1950.

“(2) REGIONAL TECHNOLOGY HUB.—The term ‘regional technology hub’ means a consortium designated as a regional technology hub under section 28(b)(1)(A).

“(3) SMALL AND RURAL COMMUNITIES; MID-SIZED METROPOLITAN COMMUNITIES; LARGE METROPOLITAN COMMUNITIES.—The terms ‘small and rural communities’, ‘mid-sized metropolitan communities’, and ‘large metropolitan communities’ have the meanings given such terms in section 28(a).

“(4) TECHNOLOGY AND INNOVATION SECTORS CRITICAL TO NATIONAL AND ECONOMIC SECURITY.—The term ‘technology and innovation sectors critical to national and economic security’ means technology and innovation sectors that the Secretary determines are critical to national and economic security.

“(b) GRANT PROGRAM REQUIRED.—The Secretary shall establish a program to award grants to eligible consortia to carry out projects—

“(1) to coordinate locally defined planning processes, across jurisdictions and agencies, relating to developing a comprehensive regional technology strategy;

“(2) to identify regional partnerships for developing and implementing a comprehensive regional technology strategy;

“(3) to conduct or update assessments to determine regional needs and promote economic and community development related

to the resiliency of a domestic supply chains, competitiveness of the region, and domestic job creation in technology and innovation sectors critical to national and economic security;

“(4) to develop or update goals and strategies to implement an existing comprehensive regional plan related to enhancing the resiliency of domestic supply chains, competitiveness of the region, and domestic job creation in technology and innovation sectors critical to national and economic security; and

“(5) to identify local zoning and other code changes necessary to implement a comprehensive regional technology strategy, including promoting sustainable development within the identified region.

“(c) ELIGIBLE CONSORTIA.—For purposes of this section, an eligible consortium is any consortium described by section 28(c).

“(d) GRANTS.—

“(1) DIVERSITY OF RECIPIENTS.—In awarding grants under this section, the Secretary shall ensure geographic diversity among, and adequate representation from, each of the following:

“(A) Small and rural communities.

“(B) Mid-sized metropolitan communities.

“(C) Large metropolitan communities.

“(2) AWARDS TO SMALL AND RURAL COMMUNITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

“(i) award not less than 25 percent of the funds under this section to eligible consortia that represent all or part of a small and rural community; and

“(ii) ensure diversity among the geographic regions and the size of the population of the communities served by recipients of grants that are eligible consortia that represent all or part of a small and rural community.

“(B) INSUFFICIENT APPLICATIONS.—If the Secretary determines that an insufficient number of sufficient quality applications for grants under this section have been submitted by eligible consortia that represent all or part of a small and rural community, the Secretary may reduce the percentage threshold set forth in subparagraph (A)(i).

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out using a grant awarded under this section may not exceed 80 percent.

“(B) EXCEPTIONS.—

“(i) SMALL AND RURAL COMMUNITIES.—In the case of an eligible consortium that represents all or part of a small and rural community, the Federal share of the cost of a project carried out using a grant awarded under this section may be up to 90 percent of the total cost of the project.

“(ii) INDIAN TRIBES.—In the case of an eligible consortium that is led by a Tribal government, the Federal share of the cost of a project carried out using a grant under the grant awarded under this section may be up to 100 percent of the total cost of the project.

“(C) NON-FEDERAL SHARE.—

“(i) IN-KIND CONTRIBUTIONS.—For the purposes of this paragraph, in-kind contributions may be used for all or part of the non-Federal share of the cost of a project carried out using a grant awarded under this section.

“(ii) OTHER FEDERAL FUNDING.—Federal funding from sources other than a grant awarded under this section may not be used for the non-Federal share of the cost of a project carried out using a grant under this section.

“(4) AVAILABILITY AND OBLIGATION OF GRANT AMOUNTS.—

“(A) IN GENERAL.—An eligible consortium that receives a grant under this section

shall, as a condition on receipt of grant amounts—

“(i) obligate any grant amounts received under this section not later than 1 year after the date on which the eligible consortium enters into an agreement under subsection (g); and

“(ii) expend any grant amounts received under this section not later than 2 years after the date on which the eligible consortium enters into an agreement under subsection (g).

“(B) UNOBLIGATED AMOUNTS.—After the date described in subparagraph (A)(i), any amounts awarded to an eligible consortium under this section that remain unobligated by the eligible consortium shall be returned to the Secretary and made available to the Secretary for the award of grants to other eligible consortia under this section.

“(e) APPLICATION.—

“(1) IN GENERAL.—An eligible consortium seeking a grant under this section shall submit to the Secretary an application therefor at such time and in such manner as the Secretary shall prescribe.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the boundaries of the region served by the eligible consortium.

“(B) A description of the research, technology development, or manufacturing concentration of the eligible consortium.

“(C) A general assessment of the local industrial ecosystem of the region described in subparagraph (A), which may include assessment of workforce and training, including partnerships with labor organizations, supplier network, research and innovation, infrastructure and site development, trade and international investment, operational improvements, and capital access components needed for manufacturing activities in such region.

“(D) A description of how a grant under this section may assist in developing components of such local industrial ecosystem (selected by the consortium), including descriptions of—

“(i) investments to address gaps in such ecosystem; and

“(ii) how to make the research, technology development, and manufacturing of the region of the consortium uniquely competitive.

“(E) A description of the process by which a comprehensive regional technology strategy will be developed by the eligible consortium to address gaps in such local industrial ecosystem and to strengthen the resiliency of supply chains, competitiveness of the identified region, and domestic job creation in technology and innovation sectors critical to national and economic security.

“(F) A budget for the projects that the eligible consortium plans to carry out using grant amounts awarded under this section, including the anticipated Federal share of the cost of each project and a description of the sources of the non-Federal share.

“(G) The designation of a lead agency or organization, which may be the eligible consortium, to receive and manage any funds received by the eligible consortium under this section.

“(H) A signed copy of a memorandum of understanding among members of the eligible consortium that demonstrates—

“(i) the creation of an eligible consortium;

“(ii) a description of the nature and extent of planned collaboration between members of the eligible consortium; and

“(iii) a commitment to develop a comprehensive regional technology strategy.

“(I) Such other matters as the Secretary considers appropriate.

“(3) EVALUATION OF APPLICATIONS.—The Secretary shall evaluate each application received under paragraph (1) to determine whether the applicant demonstrates—

“(A) a significant level of regional cooperation in their proposal;

“(B) a focus on building a regional ecosystem to attract and build upon research investment to develop, deploy, and manufacture domestically critical technologies that improve the resiliency of supply chains, competitiveness of the identified region, and the creation of quality jobs;

“(C) the extent to which the consortium has developed partnerships throughout an entire region, including, as appropriate, partnerships with federally funded research and development centers, National Laboratories, Federal laboratories, Manufacturing USA institutes described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)), university technology centers established under paragraph (6) of section 8A(d) of the National Science Foundation Act of 1950, the program established under paragraph (7) of such section 8A(d), test beds established and operated under paragraph (8) of such section 8A(d), or other Federal research entities;

“(D) integration with local efforts in inclusive economic development and job creation;

“(E) a plan for implementing a comprehensive regional technology strategy through regional infrastructure, workforce, and supply chain investment plans and local land use plans;

“(F) diversity among the geographic regions and the size of the population of the communities served by recipients of grants under this section;

“(G) a commitment to seeking substantial public input during the planning process and public participation in the development of the comprehensive regional plan;

“(H) a plan to support the creation and growth of new companies; and

“(I) such other qualities as the Secretary considers appropriate.

“(f) USE OF GRANT FUNDS.—An eligible consortium that receives a grant under this section shall use the amount of such grant to carry out a project that includes 1 or more of the following activities:

“(1) Coordinating locally defined planning processes across jurisdictions and agencies.

“(2) Identifying potential regional partnerships for developing and implementing a comprehensive regional technology strategy.

“(3) Conducting or updating assessments to determine regional needs, which may include—

“(A) workforce development;

“(B) supply chain development;

“(C) increasing innovation readiness, including expanding research and technology development facilities and developing the local science, technology, engineering, and mathematics workforce;

“(D) site preparation;

“(E) community and economic development to start new companies and to attract and support workers and firms; and

“(F) and other such needs as determined by the consortium.

“(4) Developing or updating—

“(A) a comprehensive regional plan; or

“(B) goals and strategies to implement an existing comprehensive regional plan for the purposes of strengthening domestic supply chain resiliency, competitiveness, and job creation in critical technology and innovation sectors for national and economic security.

“(5) Implementing local zoning and other code changes necessary to implement a comprehensive regional plan and promote sustainable development.

“(g) GRANT AGREEMENT.—Each eligible consortium that receives a grant under this section shall, as a condition on receipt of grant amounts, agree to establish, in coordination with the Secretary, performance measures, reporting requirements, and such other requirements as the Secretary determines are necessary, that must be met at the end of each year in which the eligible consortium receives funds under this section.

“(h) REPORTS BY RECIPIENTS OF GRANTS.—

“(1) FINAL REPORTS.—Not later than 90 days after the date on which a grant agreement into which an eligible consortium entered under subsection (g) expires, the eligible consortium shall submit to the Secretary a final report on the project the eligible consortium carried out under subsection (f) using the amounts of the grant awarded to the eligible consortium under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

“(A) A detailed explanation of the activities undertaken using the grant, including an explanation of how the comprehensive regional technology strategy of the eligible consortium may achieve specific improvements in domestic supply chain resiliency, research, development, and deployment of critical technologies, workforce development, domestic job creation, and entrepreneurship goals within the region served by the eligible consortium.

“(B) A discussion of any obstacles encountered in the planning process of the eligible consortium and how the eligible consortium overcame the obstacles.

“(C) An evaluation of the success of the project using the performance standards and measures established under subsection (g), including an evaluation of the planning process and how the project contributes to carrying out the comprehensive regional technology strategy.

“(D) The progress of the region identified by the consortium toward becoming a regional technology hub.

“(E) The effectiveness of the region identified by the consortium in ensuring that growth in innovation sectors produces broadly shared opportunity in the region.

“(F) Such other information as the Secretary may require.

“(3) INTERIM REPORTS.—The Secretary may require, as a condition on receipt of a grant under this section, an eligible consortium to submit an interim report, before the date on which a project for which a grant is awarded under this section is completed.

“(i) TECHNICAL ASSISTANCE FOR GRANT RECIPIENTS AND APPLICANTS.—The Secretary may—

“(1) coordinate with other Federal agencies to establish interagency and multidisciplinary teams to provide technical assistance to recipients of, and prospective applicants for, grants under this section;

“(2) by Federal interagency agreement, transfer funds to another Federal agency to facilitate and support the provision of such technical assistance; and

“(3) enter into contracts with third parties to provide technical assistance to grant recipients and prospective applicants for grants under this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the award of grants under this section, to remain available until expended, amounts as follows:

“(A) \$100,000,000 for each of fiscal years 2022 and 2023.

“(B) \$125,000,000 for each of fiscal years 2024 through 2026.

“(2) TECHNICAL ASSISTANCE.—The Secretary may use not more than 5 percent of the

amounts made available under this subsection for a fiscal year for technical assistance under subsection (i).”.

SEC. 9. MANUFACTURING USA PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) LABOR ORGANIZATION.—The term “labor organization” has the meaning given such term in section 8A(a) of the National Science Foundation Act of 1950.

(3) MANUFACTURING USA CENTER.—The term “Manufacturing USA center” means an institute described in section 34(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)(3)(B)) and recognized by the Secretary under such section for purposes of participation in the Manufacturing USA Network.

(4) MANUFACTURING USA INSTITUTE.—The term “Manufacturing USA institute” means an institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is not a Manufacturing USA center.

(5) MANUFACTURING USA NETWORK.—The term “Manufacturing USA Network” means the network established under section 34(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(c)).

(6) MANUFACTURING USA PROGRAM.—The term “Manufacturing USA Program” means the program established under section 34(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(b)(1)).

(7) MINORITY-SERVING INSTITUTION.—The term “minority-serving institution” means an eligible institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(8) NATIONAL PROGRAM OFFICE.—The term “National Program Office” means the National Program Office established under section 34(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(h)(1)).

(9) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal college or university” has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS TO ENHANCE AND EXPAND MANUFACTURING USA PROGRAM AND SUPPORT INNOVATION AND GROWTH IN DOMESTIC MANUFACTURING.—

(1) IN GENERAL.—There is authorized to be appropriated \$2,410,000,000 for the period of fiscal years 2022 through 2026 for the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology and in coordination with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, to carry out the Manufacturing USA Program and to expand such program to support innovation and growth in domestic manufacturing.

(2) MANUFACTURING USA INSTITUTES.—

(A) IN GENERAL.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$1,190,000,000 shall be available to support the establishment of new Manufacturing USA institutes during the period described in such paragraph.

(B) FINANCIAL ASSISTANCE.—The Secretary shall support the establishment of Manufacturing USA institutes under subparagraph (A) through the award of financial assistance under section 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(e)).

(C) ASSIGNMENT OF MANUFACTURING USA INSTITUTES TO FEDERAL AGENCY SPONSORS.—Following an open topic competition organized by the Director of the National Institute of Standards and Technology, the Secretary of Commerce, in consultation with the Secretary of Energy, the Secretary of Defense, and other relevant Federal agencies, may select an alternative Federal agency to sponsor a selected Manufacturing USA institute based on its technology and may transfer the appropriate funds to that alternative Federal agency for operation and programming of the selected Manufacturing USA institute.

(D) COORDINATION WITH EXISTING MANUFACTURING USA INSTITUTES.—

(i) COORDINATION REQUIRED.—In establishing new Manufacturing USA institutes under subparagraph (A), the Secretary of Commerce shall coordinate with the Secretary of Energy and the Secretary of Defense to ensure there is no duplication of effort or technology focus between new Manufacturing USA institutes and Manufacturing USA institutes that were in effect before the establishment of the new Manufacturing USA institutes.

(ii) CONSULTATION WITH EXISTING MANUFACTURING USA INSTITUTES AUTHORIZED.—In carrying out coordination under clause (i), the Secretary of Commerce may consult with Manufacturing USA institutes that were in effect before the establishment of new Manufacturing USA institutes under subparagraph (A) to inform the Department of Commerce of additional new Manufacturing USA institutes necessary to fill gaps in the support of innovation and growth in domestic manufacturing.

(iii) INVOLVEMENT OF EXISTING MANUFACTURING USA INSTITUTES AUTHORIZED.—In coordination with the Secretary of Energy and the Secretary of Defense, the Secretary of Commerce may involve Manufacturing USA institutes that were in effect before the establishment of new Manufacturing USA institutes under subparagraph (A) in the planning and execution of the new Manufacturing USA institutes.

(3) MANUFACTURING USA CENTERS AND PUBLIC SERVICE GRANTS.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$375,000,000 shall be available for the period described in such paragraph—

(A) for the Secretary, acting through the Director and in consultation with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, to recognize additional institutes as Manufacturing USA institutes under section 34(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)(3)(B)), giving particular consideration to partnerships and coordination with the Manufacturing USA institutes that were already in effect, when practicable; and

(B) to support the activities of Manufacturing USA institutes and Manufacturing USA centers through the award of grants under section 34(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(f)).

(4) COMMERCIALIZATION, WORKFORCE TRAINING, AND SUPPLY CHAIN INVESTMENT.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$100,000,000 shall be available for the period described in such paragraph to support such programming for commercialization, workforce training, and supply chain activities across the Manufacturing USA Network as the Secretary considers appropriate in consultation with the Secretary of Energy, the Secretary of Defense, and the heads of

such other Federal agencies as the Secretary of Commerce considers relevant.

(5) ONGOING SUPPORT FOR EXISTING MANUFACTURING USA INSTITUTES.—

(A) IN GENERAL.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$725,000,000 shall be available for the period described in such paragraph to support Manufacturing USA institutes that were in effect on the day before the date of the enactment of this Act, of which \$5,000,000 shall be available (without cost share) to each such Manufacturing USA institute each year for such period for ongoing operation of the institutes, including operational overhead, workforce training, and supply chain activities.

(B) ADDITIONAL SUPPORT.—

(i) IN GENERAL.—Of the amounts specified in subparagraph (A), amounts shall be available for financial assistance awards to conduct projects as follows:

(I) \$100,000,000 shall be available for Manufacturing USA institutes that were established under section 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(e)) and that were in effect on the day before the date of the enactment of this Act.

(II) \$10,000,000 shall be available each year for the period described in such paragraph for each Manufacturing USA institute that is not receiving Manufacturing USA Program funding from any other Federal agency.

(ii) FEDERAL FUNDS MATCHING REQUIREMENT.—A recipient of financial assistance for a project under clause (i) shall agree to make available to carry out the project an amount of non-Federal funds that is equal to or greater than 20 percent of the total cost of the project.

(C) RENEWAL REQUIREMENTS.—Receipt of ongoing support under subparagraph (A) shall be subject to the requirements of section 34(e)(2)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(e)(2)(B)).

(D) NO COST SHARE REQUIREMENT.—The Secretary shall not impose any cost share or matching requirement on receipt of ongoing support under subparagraph (A).

(6) MANAGEMENT OF INTERAGENCY SOLICITATIONS AND ONGOING MANAGEMENT.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$20,000,000 shall be available annually for the period described in such paragraph for the National Program Office to coordinate the activities of the Manufacturing USA Network and manage interagency solicitations.

(c) COORDINATION BETWEEN MANUFACTURING USA PROGRAM AND HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—The Secretary shall coordinate the activities of the Manufacturing USA Program and the activities of Hollings Manufacturing Extension Partnership with each other to the degree that doing so does not diminish the effectiveness of the ongoing activities of a Manufacturing USA institute or a Center (as the term is defined in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)), including Manufacturing USA institutes entering into agreements with a Center (as so defined) that the Secretary considers appropriate to provide services relating to the mission of the Hollings Manufacturing Extension Partnership, including outreach, technical assistance, workforce development, and technology transfer and adoption assistance to small- and medium-sized manufacturers.

(d) WORKER ADVISORY COUNCIL FOR MANUFACTURING USA PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Labor, the Secretary of Defense, the Secretary of Energy, and the Secretary of Education, establish an advisory council for the Manufacturing USA Program on the development and dissemination of techniques, policies, and investments for high-road labor practices, worker adaptation and success with technological change, and increased worker participation across the Manufacturing USA Network.

(B) MEMBERSHIP.—The council established under subparagraph (A) shall be composed of not fewer than 15 members appointed by the Secretary of Commerce, of whom—

(i) four shall be from labor organizations;

(ii) four shall be from educational institutions;

(iii) four shall be from labor-management training, workforce development, and non-profit organizations, including those that focus on workforce diversity and inclusion; and

(iv) three shall be from industry organizations or manufacturing firms, including small- and medium-sized manufacturers.

(C) PERIOD OF APPOINTMENT; VACANCIES.—

(i) IN GENERAL.—Each member of the council established under subparagraph (A) shall be appointed for a term of 3 years with the ability to renew the appointment for no more than 2 terms.

(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that term until a successor has been appointed.

(D) MEETINGS.—

(i) INITIAL MEETING.—Not later than 180 days after the date of enactment of this Act, the council established under subparagraph (A) shall hold the first meeting.

(ii) ADDITIONAL MEETINGS.—After the first meeting of the council, the council shall meet upon the call of the Secretary, and at least once every 180 days thereafter.

(iii) QUORUM.—A majority of the members of the council shall constitute a quorum, but a lesser number of members may hold hearings.

(E) CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary shall elect 1 member of the council established under subparagraph (A) to serve as the chairperson of the council and 1 member of the council to serve as the vice chairperson of the council.

(2) DUTIES OF THE COUNCIL.—The council established under paragraph (1)(A) shall provide advice and recommendations to the Secretary of Commerce on matters concerning investment in and support of the manufacturing workforce relating to the following:

(A) Worker participation, including through labor organizations, in the planning and deployment of new technologies across an industry and within workplaces.

(B) Policies to help workers adapt to technological change, including training and education priorities for the Federal Government and for employer investments in workers.

(C) Assessments of impact on workers of development of new technologies and processes by the Manufacturing USA institutes.

(D) Management practices that prioritize job quality, worker protection, worker participation and power in decision making, and investment in worker career success.

(E) Policies and procedures to prioritize diversity and inclusion in the manufacturing and technology workforce by expanding access to job, career advancement, and management opportunities for underrepresented populations.

(F) Assessments of technology improvements achieved by the Manufacturing USA institutes and the degree of domestic deployment of each new technology.

(G) Such other matters as the Secretary considers appropriate.

(3) REPORT.—

(A) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term “appropriate committees of Congress” means—

(i) the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Education and Labor, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(B) REPORT REQUIRED.—Not later than 180 days after the date on which the council established under paragraph (1)(A) holds its initial meeting under paragraph (1)(D)(i) and annually thereafter, the council shall submit to the appropriate committees of Congress a report containing a detailed statement of the advice and recommendations of the council pursuant to paragraph (2).

(4) COMPENSATION.—

(A) PROHIBITION OF COMPENSATION.—Members of the Council may not receive additional pay, allowances, or benefits by reason of their service on the Council.

(B) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) FACA APPLICABILITY.—

(A) IN GENERAL.—In discharging its duties under this subsection, the council established under paragraph (1)(A) shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Council.

(C) PARTICIPATION OF MINORITY-SERVING INSTITUTIONS, HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND TRIBAL COLLEGES AND UNIVERSITIES.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, shall coordinate with existing and new Manufacturing USA institutes to integrate covered entities as active members of the Manufacturing USA institutes, including through the development of preference criteria for proposals to create new Manufacturing USA institutes or renew existing Manufacturing USA institutes that include meaningful participation from a covered entity or that are led by a covered entity.

(2) COVERED ENTITIES.—For purposes of this subsection, a covered entity is—

(A) a minority-serving institution;

(B) an historically Black college or university; or

(C) a Tribal college or university.

(F) DEPARTMENT OF COMMERCE POLICIES TO PROMOTE DOMESTIC PRODUCTION OF TECHNOLOGIES DEVELOPED UNDER MANUFACTURING USA PROGRAM.—

(1) DEFINITION OF DOMESTIC.—In this subsection, the term “domestic”, with respect to development or production means development or production by, or with respect to source means the source is, a person incorporated or formed in the United States—

(A) that is not under foreign ownership, control, or influence (FOCI) as defined in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92);

(B) whose beneficial owners, as defined in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), are United States persons;

(C) whose management are United States citizens;

(D) whose principal place of business is in the United States; and

(E) who is not—

(i) a foreign incorporated entity that is an inverted domestic corporation or any subsidiary of such entity; or

(ii) any joint venture if more than 10 percent of the joint venture (by vote or value) is held by a foreign incorporated entity that is an inverted domestic corporation or any subsidiary of such entity.

(2) POLICIES.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, shall establish policies to promote the domestic production of technologies developed by the Manufacturing USA Network.

(B) ELEMENTS.—The policies developed under subparagraph (A) shall include the following:

(i) Measures to partner domestic developers of goods, services, or technologies by Manufacturing USA Network activities with domestic manufacturers and sources of financing.

(ii) Measures to develop and provide incentives to promote transfer of intellectual property and goods, services, or technologies developed by Manufacturing USA Network activities to domestic manufacturers.

(iii) Measures to assist with supplier scouting and other supply chain development, including the use of the Hollings Manufacturing Extension Partnership to carry out such measures.

(iv) A process to review and approve or deny membership in a Manufacturing USA institute by foreign-owned companies, especially from countries of concern, including the People's Republic of China.

(v) Measures to prioritize Federal procurement of goods, services, or technologies developed by the Manufacturing USA Network activities from domestic sources, as appropriate.

(C) PROCESSES FOR WAIVERS.—The policies established under this paragraph shall include processes to permit waivers, on a case by case basis, for policies that promote domestic production based on cost, availability, severity of technical and mission requirements, emergency requirements, operational needs, other legal or international treaty obligations, or other factors deemed important to the success of the Manufacturing USA Program.

(3) PROHIBITION.—

(A) COMPANY DEFINED.—In this paragraph, the term “company” has the meaning given such term in section 847(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2509 note).

(B) IN GENERAL.—A company of the People's Republic of China may not participate in the Manufacturing USA Program or the Manufacturing USA Network without a waiver, as described in paragraph (2)(C).

SEC. 10. TECHNOLOGY COMMERCIALIZATION REVIEW.

(a) KEY TECHNOLOGY FOCUS AREAS DEFINED.—In this section, the term “key technology focus areas” means the areas included on the most recent list under section

8A(d)(2) of the National Science Foundation Act of 1950.

(b) REVIEW AND RECOMMENDATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology, shall—

(1) review—

(A) the structure of current technology research and commercialization arrangements with regard to public-private partnerships; and

(B) the extent to which intellectual property developed with Federal funding—

(i) has been used by foreign business entities;

(ii) is being used to manufacture in the United States rather than in other countries; and

(iii) is being used by foreign business entities domiciled or by foreign business entities affiliated with or subsidiary to foreign business entities in the People's Republic of China.

(2) develop recommendations for such legislative or administrative action as may be necessary—

(A) to further incentivize industry participation in public-private partnerships for the purposes of accelerating technology research and commercialization, including alternate ways of accounting for in-kind contributions and value of partially manufactured products;

(B) to ensure that intellectual property developed with Federal funding is commercialized in the United States; and

(C) to ensure that intellectual property developed with Federal funding is not being used by foreign business entities or by foreign business entities affiliated with or subsidiary to foreign business entities domiciled in the People's Republic of China; and

(3) submit to the Secretary of Commerce and Congress—

(A) the findings of the Director of the Office of Science and Technology Policy with respect to the reviews conducted under paragraph (1); and

(B) the recommendations developed under paragraph (2).

SEC. 11. STUDY ON EMERGING SCIENCE AND TECHNOLOGY CHALLENGES FACED BY THE UNITED STATES AND RECOMMENDATIONS TO ADDRESS THEM.

(a) SHORT TITLE.—This section may be cited as the “National Strategy to Ensure American Leadership Act of 2021” or the “National SEAL Act of 2021”.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study—

(A) to identify the 10 most critical emerging science and technology challenges facing the United States; and

(B) to develop recommendations for legislative or administrative action to ensure United States leadership in matters relating to such challenges.

(2) ELEMENTS.—The study conducted under paragraph (1) shall include identification, review, and evaluation of the following:

(A) Matters pertinent to identification of the challenges described in paragraph (1)(A).

(B) Matters relating to the recommendations developed under paragraph (1)(B), including with respect to education and workforce development necessary to address each of the challenges identified under paragraph (1)(A).

(C) Matters related to the review of key technology areas by the Directorate for Technology and Innovation of the National Science Foundation under section 8A(d) of the National Science Foundation Act of 1950.

(D) An assessment of the current relative balance in leadership in addressing the challenges identified in paragraph (1)(A) between the United States, allies or key partners of the United States, and the People's Republic of China.

(3) TIMEFRAME.—

(A) AGREEMENT.—The Secretary shall seek to enter into the agreement required by paragraph (1) on or before the date that is 60 days after the date of enactment of this Act.

(B) FINDINGS.—Under an agreement entered into under paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall, not later than 1 year after the date on which the Secretary and the National Academies enter into such agreement, transmit to the Secretary the findings of the National Academies with respect to the study conducted pursuant to such agreement.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives the findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (b), the Secretary shall submit to Congress a “Strategy to Ensure American Leadership” report on such study.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (b).

(B) The conclusions of the Secretary with respect to such findings.

(C) The recommendations developed under subsection (b)(1)(B).

(D) Such other recommendations for legislative or administrative action as the Secretary may have with respect to such findings and conclusions.

(3) CLASSIFIED ANNEX.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary determines appropriate.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The National Academies of Sciences, Engineering, and Medicine may secure directly from a Federal department or agency such information as the National Academies of Sciences, Engineering, and Medicine consider necessary to carry out the study under subsection (b).

(2) FURNISHING INFORMATION.—On request of the National Academies of Sciences, Engineering, and Medicine for information, the head of the department or agency shall furnish such information to the National Academies of Sciences, Engineering, and Medicine.

(e) CONSULTATION.—The Secretary of Defense and the Director of National Intelligence shall provide support upon request from the Secretary of Commerce or the National Academies to carry out this section.

(f) NON-DUPLICATION OF EFFORT.—In carrying out subsection (b), the Secretary shall, to the degree practicable, coordinate with the steering committee established under section 236(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

SEC. 12. COORDINATION OF ACTIVITIES.

The Director of the Office of Science and Technology Policy, the Director of the National Economic Council, the Director of the Office of Management and Budget, the Director of the National Science Foundation, the

Secretary of Commerce, and the Secretary of Energy shall, as applicable, coordinate with respect to activities of—

(1) the university technology centers established under section 8A(d)(6) of the National Science Foundation Act of 1950;

(2) the regional technology hubs under section 28 of the Stevenson-Wylder Technology Innovation Act of 1980, as added by section 7;

(3) the Manufacturing USA Program established under section 34(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(b)(1));

(4) Federally funded research and development centers;

(5) National Laboratories, as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(6) Federal laboratories, as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703).

SEC. 13. PERSON OR ENTITY OF CONCERN PROHIBITION.

No person published on the list under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note) or entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) may receive or participate in any grant, award, program, support, or other activity under—

(1) section 8A of the National Science Foundation Act of 1950 (Public Law 81-507), as added by section 3;

(2) the Endless Frontier Fund under section 4;

(3) the supply chain resiliency program under section 6;

(4) section 28(b)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by section 7(a);

(5) section 29 of the Stevenson-Wylder Technology Innovation Act of 1980 (Public Law 96-480), as added by section 8; or

(6) the Manufacturing USA Program, as improved and expanded under section 9.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—CALLING ON THE GOVERNMENT OF THE RUSSIAN FEDERATION TO PROVIDE EVIDENCE OR TO RELEASE UNITED STATES CITIZEN PAUL WHELAN

Mr. PETERS (for himself and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 165

Whereas United States citizen Paul Whelan is a resident of Novi, Michigan, and a United States Marine Corps veteran;

Whereas Paul Whelan traveled to Moscow for the wedding of a personal friend on December 22, 2018;

Whereas Russia's Federal Security Service arrested Paul Whelan at the Metropol Hotel in Moscow on December 28, 2018, and charged him with espionage;

Whereas the Federal Security Service has never provided any evidence of supposed wrongdoing;

Whereas Paul Whelan was imprisoned in Lefortovo Prison and was held there for more than 19 months after his arrest in pre-trial detention;

Whereas the Federal Security Service has not provided any evidence of supposed wrongdoing;

Whereas a Moscow court extended Paul Whelan's pre-trial detention multiple times

without publicly presenting justification or evidence of wrongdoing;

Whereas even Paul Whelan's Federal Security Service-appointed lawyer, Vladimir Zhrebenkov, said on May 24, 2019, "[The Federal Security Service] always roll[s] out what they have, but in this case, we've seen nothing concrete against Whelan in five months. That means there is nothing.";

Whereas the then United States Ambassador to the Russian Federation, Jon Huntsman, responded on April 12, 2019, to a question about the detention of Paul Whelan, "If the Russians have evidence, they should bring it forward. We have seen nothing. If there was a case, I think the evidence would have been brought forward by now.";

Whereas then Secretary of State Mike Pompeo met with Russian Foreign Minister Sergey Lavrov on May 14, 2019, and urged him to ensure United States citizens are not unjustly held abroad;

Whereas the Kremlin has refused Paul Whelan full access to his lawyer and the so-called evidence against him, and any evidence he has seen is in Russian, a language Paul does not read or speak;

Whereas Lefortovo pre-trial detention facility and the Ministry of Foreign Affairs refused to provide medical treatment for Paul Whelan's medical condition, despite being aware of its worsening state, resulting in emergency surgery on May 29, 2020;

Whereas Paul Whelan was wrongfully convicted on June 15, 2020, and sentenced to 16 years in a Russian labor camp by a three-judge panel, in a trial witnessed by United States Ambassador John Sullivan, who referred to it as "a mockery of justice" due to the denial of a fair trial and the exclusion of defense witnesses;

Whereas, in August 2020, on an unknown day because he was moved secretly, Paul Whelan was transferred to camp IK-17, a penal labor camp in Mordovia, where he is forced to work 6 days a week in a garment factory;

Whereas Ambassador John Sullivan, while visiting Paul Whelan at the labor camp in Mordovia, stated that "Russian authorities. . . have never shown the world evidence of his guilt," and reiterated his call that the Russian authorities correct this injustice and release Mr. Whelan; and

Whereas Secretary of State Antony Blinken spoke with Russian Foreign Minister Sergei Lavrov on February 4, 2021, and urged him to release Americans detained in Russia, including Paul Whelan and Trevor Reed, so that they are able to return home to their families in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) implores the Government of the Russian Federation present credible evidence on the allegations against Paul Whelan or immediately release him from imprisonment;

(2) implores the Government of the Russian Federation comply with its international treaty obligations and provide unrestricted consular access to Paul Whelan while he remains imprisoned in Russia;

(3) calls on the Government of the Russian Federation to provide Paul Whelan and all other political prisoners their constitutionally afforded due process rights and universally recognized human rights; and

(4) expresses sympathy to the family of Paul Whelan for this travesty to justice and personal hardship, and expresses hope that their ordeal can soon be brought to a just end.

SENATE RESOLUTION 166—RECOGNIZING THE DUTY OF THE FEDERAL GOVERNMENT TO CREATE A GREEN NEW DEAL

Mr. MARKEY (for himself, Mr. WYDEN, Ms. WARREN, Mr. SANDERS, Mr. PADILLA, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. MURPHY, Ms. HIRONO, Ms. KLOBUCHAR, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 166

Whereas the October 2018 report entitled "Special Report on Global Warming of 1.5 by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that—

(1) human activity is the dominant cause of observed climate change over the past century;

(2) a changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten human life, healthy communities, and critical infrastructure;

(3) global warming at or greater than 2 degrees Celsius beyond preindustrialized levels will cause—

(A) mass migration from the regions most affected by climate change;

(B) more than \$500,000,000,000 in lost annual economic output in the United States by the year 2100;

(C) wildfires that, by 2050, will annually burn at least twice as much forest area in the western United States than was typically burned by wildfires in the years preceding 2019;

(D) a loss of more than 99 percent of all coral reefs on Earth;

(E) more than 350,000,000 more people to be exposed globally to deadly heat stress by 2050; and

(F) a risk of damage to \$1,000,000,000,000 of public infrastructure and coastal real estate in the United States; and

(4) global temperatures must be kept less than 1.5 degrees Celsius above preindustrialized levels to avoid the most severe impacts of a changing climate, which will require—

(A) global reductions in greenhouse gas emissions from human sources of 40 to 60 percent from 2010 levels by 2030; and

(B) net-zero global emissions by 2050;

Whereas, because the United States has historically been responsible for a disproportionate amount of greenhouse gas emissions, having emitted 20 percent of global greenhouse gas emissions through 2014, and has a high technological capacity, the United States must take a leading role in reducing emissions through economic transformation;

Whereas the United States is currently experiencing several related crises, with—

(1) life expectancy declining while basic needs, such as clean air, clean water, healthy food, and adequate health care, housing, transportation, and education, are inaccessible to a significant portion of the United States population;

(2) a 4-decade trend of wage stagnation, deindustrialization, and antilabor policies that has led to—

(A) hourly wages overall stagnating since the 1970s despite increased worker productivity;

(B) the third-worst level of socioeconomic mobility in the developed world before the Great Recession;

(C) the erosion of the earning and bargaining power of workers in the United States; and

(D) inadequate resources for public sector workers to confront the challenges of climate change at the Federal, State, and local level; and

(3) the greatest income inequality since the 1920s, with—

(A) the top 1 percent of earners accruing 91 percent of gains in the first few years of economic recovery after the Great Recession;

(B) a large racial wealth divide amounting to a difference of 20 times more wealth between the average White family and the average Black family; and

(C) a gender earnings gap that results in women earning approximately 80 percent as much as men, at the median;

Whereas climate change, pollution, and environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices (referred to in this preamble as "systemic injustices") by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, and youth (referred to in this preamble as "frontline and vulnerable communities");

Whereas, climate change constitutes a direct threat to the national security of the United States—

(1) by impacting the economic, environmental, and social stability of countries and communities around the world; and

(2) by acting as a threat multiplier;

Whereas the Federal Government-led mobilizations during World War II and the New Deal created the greatest middle class that the United States has ever seen, but many members of frontline and vulnerable communities were excluded from many of the economic and societal benefits of those mobilizations; and

Whereas the Senate recognizes that a new national, social, industrial, and economic mobilization on a scale not seen since World War II and the New Deal era is a historic opportunity—

(1) to create millions of good, high-wage jobs in the United States;

(2) to provide unprecedented levels of prosperity and economic security for all people of the United States; and

(3) to counteract systemic injustices: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the duty of the Federal Government to create a Green New Deal—

(A) to achieve the greenhouse gas and toxic emissions reductions needed to stay under 1.5 degrees Celsius of warming, through a fair and just transition for all communities and workers;

(B) to create millions of good, high-wage union jobs and encourage collective bargaining agreements to ensure prosperity and economic security for all people of the United States;

(C) to invest in the infrastructure and industry of the United States to sustainably meet the challenges of the 21st century;

(D) to secure for all people of the United States for generations to come—

(i) clean air and water;

(ii) climate and community resiliency;

(iii) healthy food;

(iv) access to nature; and

(v) a sustainable environment; and

(E) to promote justice and equity by stopping current, preventing future, and repairing historic oppression of indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused,

people with disabilities, and youth (referred to in this resolution as “frontline and vulnerable communities”);

(2) the goals described in subparagraphs (A) through (E) of paragraph (1) (referred to in this resolution as the “Green New Deal goals”) should be accomplished through a 10-year national mobilization (referred to in this resolution as the “Green New Deal mobilization”) that will require—

(A) building resiliency against climate change-related disasters, such as extreme weather, including by leveraging funding and providing investments for community-defined projects and strategies;

(B) repairing and upgrading the infrastructure in the United States, including—

(i) by eliminating pollution and greenhouse gas emissions as much as technologically feasible;

(ii) by guaranteeing universal access to clean water;

(iii) by reducing the risks posed by climate impacts; and

(iv) by ensuring that any infrastructure bill considered by Congress addresses climate change;

(C) meeting 100 percent of the power demand in the United States through clean, renewable, and zero-emission energy sources, including—

(i) by dramatically expanding and upgrading renewable power sources; and

(ii) by deploying new capacity;

(D) building or upgrading to energy-efficient, distributed, and “smart” power grids and ensuring affordable access to electricity;

(E) upgrading all existing buildings in the United States and building new buildings to achieve maximum energy efficiency, water efficiency, safety, affordability, comfort, and durability, including through electrification;

(F) spurring massive growth in clean manufacturing in the United States and removing pollution and greenhouse gas emissions from manufacturing and industry as much as is technologically feasible, including by expanding renewable energy manufacturing and investing in existing manufacturing and industry;

(G) working collaboratively with farmers and ranchers in the United States to remove pollution and greenhouse gas emissions from the agricultural sector as much as is technologically feasible, including—

(i) by supporting family farming;

(ii) by investing in sustainable farming and land use practices that increase soil health; and

(iii) by building a more sustainable food system that ensures universal access to healthy food;

(H) overhauling transportation systems in the United States to remove pollution and greenhouse gas emissions from the transportation sector as much as is technologically feasible, including through investment in—

(i) zero-emission vehicle and non-motorized alternative modes of transportation infrastructure and manufacturing;

(ii) clean, affordable, and accessible public transit; and

(iii) high-speed rail;

(I) mitigating and managing the long-term adverse health, economic, and other effects of pollution and climate change, including by providing funding for community-defined projects and strategies;

(J) removing greenhouse gases from the atmosphere and reducing pollution by restoring natural ecosystems through proven low-tech solutions that increase soil carbon storage, such as land preservation and afforestation;

(K) restoring and protecting threatened, endangered, and fragile ecosystems through locally appropriate and science-based

projects that enhance biodiversity and support climate resiliency;

(L) cleaning up existing hazardous waste sites and abandoned sites and ensuring economic development and sustainability on those sites;

(M) identifying other emission and pollution sources and creating solutions to remove them; and

(N) promoting the international exchange of technology, expertise, products, funding, and services, with the aim of making the United States the international leader on climate action and to help other countries achieve a Green New Deal;

(3) a Green New Deal must be developed through transparent and inclusive consultation, collaboration, and partnership with frontline and vulnerable communities, labor organizations, worker cooperatives, civil society groups, academia, and businesses; and

(4) to achieve the Green New Deal goals and mobilization, a Green New Deal will require—

(A) providing and leveraging, in a way that ensures that the public receives appropriate ownership stakes and returns on investment, adequate capital (including through community grants, public banks, and other public financing), technical expertise, supporting policies, and other forms of assistance to communities, organizations, Federal, State, and local government agencies, and businesses working on the Green New Deal mobilization;

(B) ensuring that the Federal Government takes into account the complete environmental and social costs and impacts of emissions through—

(i) existing laws;

(ii) new policies and programs; and

(iii) ensuring that frontline and vulnerable communities shall not be adversely affected;

(C) providing resources, training, and high-quality education, including higher education, to all people of the United States, with a focus on frontline and vulnerable communities, so that all people of the United States may be full and equal participants in the Green New Deal mobilization;

(D) making public investments in the research and development of new clean and renewable energy technologies and industries;

(E) directing investments to spur economic development, deepen and diversify industry and business in local and regional economies, and build wealth and community ownership, while prioritizing high-quality job creation and economic, social, and environmental benefits in frontline and vulnerable communities, and deindustrialized communities, that may otherwise struggle with the transition away from greenhouse gas intensive industries;

(F) ensuring the use of democratic and participatory processes that are inclusive of and led by frontline and vulnerable communities and workers to plan, implement, and administer the Green New Deal mobilization at the local level;

(G) ensuring that the Green New Deal mobilization creates high-quality union jobs that pay prevailing wages, hires local workers, offers training and advancement opportunities, and guarantees direct replacement of lost wages, health care, retirement, and other benefits for workers affected by the transition;

(H) guaranteeing a job with a family-sustaining wage, adequate family and medical leave, paid vacations, and retirement security to all people of the United States;

(I) strengthening and protecting the right of all workers to organize, unionize, and collectively bargain free of coercion, intimidation, and harassment;

(J) strengthening and enforcing labor, workplace health and safety, antidiscrimina-

tion, and wage and hour standards across all employers, industries, and sectors;

(K) enacting and enforcing trade rules, procurement standards, and border adjustments with strong labor and environmental protections—

(i) to stop the transfer of jobs and pollution overseas; and

(ii) to grow domestic manufacturing in the United States;

(L) ensuring that public lands, waters, and oceans are protected and that eminent domain is not abused;

(M) obtaining the free, prior, and informed consent of indigenous peoples for all decisions that affect indigenous peoples and their traditional territories, honoring all treaties and agreements with indigenous peoples, and protecting and enforcing the sovereignty and land rights of indigenous peoples;

(N) ensuring a commercial environment where every businessperson is free from unfair competition and domination by domestic or international monopolies; and

(O) providing all people of the United States with—

(i) high-quality health care;

(ii) affordable, safe, and adequate housing;

(iii) economic security; and

(iv) clean water, clean air, healthy and affordable food, and access to nature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1447. Mr. LANKFORD (for himself, Mr. INHOFE, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table.

SA 1448. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 937, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1447. Mr. LANKFORD (for himself, Mr. INHOFE, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(C) ABORTIONS BASED ON RACE, ETHNICITY, COLOR, NATIONAL ORIGIN, SEX, OR DISABILITY, INCLUDING A CHROMOSOMAL DISORDER.—

(1) REPORTING.—

(A) IN GENERAL.—For the purposes of facilitating expedited review under subsection (a), the Attorney General shall include any abortion committed against an unborn child based on the race, ethnicity, color, national origin, sex, or disability, including a chromosomal disorder, of the unborn child.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to create an offense or an additional category of hate crime.

(2) HOLD HARMLESS.—A woman upon whom an abortion is performed based on the race, ethnicity, color, national origin, sex, or disability, including a chromosomal disorder, of the unborn child may not be prosecuted or held civilly liable on that basis under any provision of Federal law.

SA 1448. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 937, to facilitate the expedited review of COVID-

19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(c) INVESTIGATION OF ORIGINS OF COVID-19.—

(1) IN GENERAL.—The Attorney General, in coordination with the Secretary of Health and Human Services and the Secretary of State, shall establish an independent fact-finding commission to investigate the origins of COVID-19 virus.

(2) REPORT ON FINDINGS.—Not later than September 1, 2021, the commission established under paragraph (1) shall submit to Congress a report of findings and conclusions based on the investigation required to be conducted by the commission.

AUTHORITY FOR COMMITTEES TO MEET

Ms. KLOBUCHAR. Mr. President, I have 6 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 Tuesday, April 20, 2021, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to

meet during the session of the Senate on Tuesday, April 20, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, April 20, 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 Tuesday, April 20, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, April 20, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, April 20, 2021, at 10 a.m., to conduct a hearing.

ORDERS FOR WEDNESDAY, APRIL 21, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Wednesday, April 21; 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 proceed to executive session and resume consideration of Executive Calendar No. 62, Vanita Gupta to be Associate Attorney General.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, April 21, 2021, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 2021:

SECURITIES AND EXCHANGE COMMISSION

GARY GENSLER, OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2026.

DEPARTMENT OF JUSTICE

LISA O. MONACO, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENERAL.