



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, TUESDAY, MARCH 16, 2021

No. 49

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

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

Let us pray.

Father of life, awaken in our Senators the joy of living this day with all its new challenges and hopes. May they see in the challenges opportunities to grow in grace and in a deeper knowledge of You. May they find in their hopes seeds to plant that will bring a harvest of healing to our land. Lord, fill their working hours with Your redeeming radiance and their hearts with Your peace. Keep them safe, for they have found in You a refuge. Instruct them with Your truth as You give them faith to believe in the certainty of Your ultimate triumph.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will pro-

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

The senior assistant legislative clerk read the nomination of Isabella Casillas Guzman, of California, to be Administrator of the Small Business Administration.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

(Mr. WARNOCK assumed the Chair.)

### NOMINATION OF ISABELLA CASILLAS GUZMAN

Mr. SCHUMER. Mr. President, the COVID-19 pandemic has revealed just how important the Federal Government can be in helping workers, families, and businesses during a time of crisis. Congress has passed trillions of dollars in urgent relief, and we have relied on Federal Agencies to implement that aid quickly, reliably, competently.

So, while it might not normally be as high profile as other Cabinet-level Agencies, the Small Business Administration has recently been in the spotlight. Over the last 12 months, the Small Business Administration has overseen two pandemic-related programs that will dole out more than \$1 trillion to our Nation's small businesses, nonprofits, and religious institutions. Moving forward, it will play a prominent role in implementing the American Rescue Plan.

Today, the Senate will vote on President Biden's nominee to take on that important job: Ms. Isabella Guzman.

Ms. Guzman could not be more ready. She comes from a family of small business owners herself. Her dad ran his own veterinary clinic. Not only is Ms. Guzman a veteran of the Small Business Administration, in serving as the Deputy Chief of Staff in the Obama administration, she has just finished a stint as a top official at California's Office of Business and Economic Development, helping support the fifth largest economy in the world.

For many Americans, opening and operating a business of their own is

part of the American dream. I have every confidence that, under Ms. Guzman's leadership, the SBA will help small business owners hold onto their dreams until our economy comes roaring back.

### AMERICAN RESCUE PLAN ACT OF 2021

Mr. President, this morning, I also want to continue the theme of highlighting aspects of the American Rescue Plan that have not received enough attention.

We have heard a lot about the progress we have made on vaccines. I read, this morning, that 109 million Americans have received at least one vaccination, so we are well on the path to getting Americans vaccinated, and checks have gone out the door. I was on a call with people from central Brooklyn—Bed-Stuy and Brownsville—last night, and many had already received their checks. It was very much needed. It was very much welcomed.

As President Biden announced yesterday, on the vaccines, we have had 100 million shots in people's arms and 100 million checks in people's pockets. Let's say that again. That sounds good to me—100 million shots in people's arms and 100 million checks in people's pockets. The Democrats are delivering what we promised.

Now, we have heard a lot about how the American Rescue Plan will help Americans who need it the most. The 20 percent of Americans at the lowest levels of income will receive the highest levels of support. It is about time. We had the mirror image of that when our Republican colleagues ran the Senate, where the top 1 percent did the best and the bottom 20 percent was totally ignored. That is backward. God bless the people who are in the top 1 percent, but they don't need the help. It is the people struggling to feed their families, pay the rent, and help the kids in school who need the help. We are doing it for the first time in a while. Experts predict that child poverty could be cut in half. Meanwhile,

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



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the top 1 percent of Americans will see an income boost of zero percent. As I said, God bless them, but they are doing fine already. They are doing fine already.

And we have heard a lot about how the American Rescue Plan will prime the American economy to come roaring back. Economists are already projecting that economic growth could double as a result of the American Rescue Plan. When over 75–85, I think it is—percent of Americans get some checks, the money goes out. It starts revitalizing our economy. People shop in the stores, eat at the restaurants, even begin to travel and see their relatives, maybe, for the first time if people are vaccinated.

Wow, this is great news. This is great news. I think that America is turning the corner, and I think the attitude of Americans is turning the corner as well. People now see a brighter future for this country and their regions.

Today, though, as I said, there is so much in this bill that, every day, I want to focus on something else that may not be focused upon. Since the Senate is set to vote on the confirmation of the new SBA Administrator, today is a good opportunity to expand on just how the American Rescue Plan will help our Nation's 30 million small businesses.

We all know that small businesses have been some of the hardest hit entities by the pandemic. Early in the crisis, 80 percent of small businesses—four out of five—reported having to close their doors at one point. Just the other day, I heard of a local New York business owner who was forced to close up shop after surviving most of the pandemic. You could hear the pain in his voice. He poured his entire soul into this business. I know. This hits home for me.

My dad was a small business man. He struggled. He had a little exterminating business all through my growing years—from the day I was born until the day I left the house. My brother, sister, and I still have vivid memories of Dad's pacing the floor on Sunday nights at 2 a.m. because he hated going to work on Monday morning—so many challenges, so much thrown at him, and not much he could do about it. He was wondering how he would actually provide for his family. Praise God, he retired at around 70. He is now 97. He has been a happy man for these last 27 years. God is good, as the Presiding Officer knows better than most of us, but he struggled.

So, when I hear about the anguish of small business people, I will never forget. I would work there sometimes—weekends, summers. He sent me out to collect checks from a landlord who had had three or four smaller buildings, and my dad's company had done the exterminating. The guy hadn't paid for 6 months. I traveled, and it took me about an hour to an hour and a half on two buses to get to this man's door. I knocked. He opened the door.

I said, you know: I am CHUCK SCHUMER, the son of Abe Schumer of Century Exterminating. You owe us 6 months. We have been doing a good job of exterminating your house.

Do you know what he said to me?

Your dad is a small business man. He can't afford a lawyer. He can't afford anything to go after me. I am not paying.

This is the anguish that small business people face, so we need to help them. We need to help them.

That is one of the many reasons I am so proud of the American Rescue Plan—because it provides tens of billions of dollars in support for small businesses that have suffered during the pandemic. The American Rescue Plan is nothing short of a lifeline for Main Street businesses from one end of this country to the other: Main Street businesses in rural America, Main Street businesses in suburban America, and Main Street businesses in urban America and in our inner cities. It is a lifeline.

For starters, the American Rescue Plan provides \$30 billion for restaurants and bars through the RESTAURANTS Act—the first bipartisan amendment added to the bill—sponsored by Senators SINEMA and WICKER.

The American Rescue Plan also includes more than \$1 billion in additional support for our Nation's small theaters and venues, adding to a grant program I helped create in December called the Save our Stages Act. These independent art venues, restaurants, and places like that—churches—are the hardest hit because that is where people gather. When they are not gathering, there is no income whether it be the money they pay the small business, the checks they pay at the restaurants or the money they leave on the collection plates, when they are not there, in our religious institutions. So this is a good thing.

I want to say one more thing about Save our Stages. It not only includes more money for Save our Stages; it includes an amendment I authored to allow venue owners to apply for aid through Save our Stages without losing eligibility for traditional small business grants through the PPP. So that is a change that our arts institutions and our independent venues and theaters should know—that they could get both the PPP and Save our Stages.

Now, these venues, the small businesses of many types, the nonprofits, they are the lifeblood of our communities. They were the first to close; they will be the last to open.

I am hopeful that the support we passed in the American Rescue Plan will help our small businesses, our theaters, our music venues, and our restaurants to hold on until we can all gather safely once again.

That is not all. The American Rescue Plan provides \$15 billion in flexible, targeted grants to help small businesses that have had a hard time accessing relief over the last 12 months,

including most nonprofits and churches. Up to 90 percent of minority-owned small businesses will qualify for this funding, closing the racial gap and keeping local economies from deteriorating further.

We invest \$10 billion in State, local, and Tribal small business financing programs.

We expand the employee retention tax credit so that businesses of any size can more easily keep their workers on the payroll because that one doesn't have an employee number limit.

Finally, we bolstered and expanded the popular Paycheck Protection Program to include more nonprofits, including labor and agricultural organizations that unfortunately, in December, our Republican colleagues wouldn't let in.

In a nutshell, the American Rescue Plan provides a colossal boost for our Nation's small businesses and will make sure that all of them, not just those with the right connections, can access relief. It will help millions of Americans keep their jobs, retain their incomes, and support their families during this recovery.

Now, we know many of these businesses are not out of the woods yet. There is still some time until our country can fully open up, until families eat inside their favorite restaurant or colleagues can meet at a bar for happy hour, until we can see one of our favorite performers put on a concert. But we are already seeing signs of hope.

As a Washington Post headline announced recently, "Companies are scaling back layoffs because of [the American Rescue Plan]." Let me say that again, proudly and happily. "Companies are scaling back layoffs because of [the American Rescue Plan]," and the Senate, I assure the American people, is going to keep working to make sure that the support for our businesses remains intact over the next few months.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FILIBUSTER

Mr. MCCONNELL. Mr. President, today I would like to begin with a few quotations.

The legislative filibuster . . . is the most important distinction between the Senate and the House. Without the 60-vote threshold for legislation, the Senate becomes a majoritarian institution like the House, much more subject to the whims of short-term electoral change. No Senator would like to see that happen. So let's find a way to further protect the 60-vote rule for legislation.

That was the current Democratic leader, Senator SCHUMER, in April of 2017, less than 4 years ago.

Now, here is another quote, Mr. President:

What about [the] nuclear option doing away with the filibuster?

I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers. We have to acknowledge our respect for the minority, and that is what the Senate tries to do in its composition and in its procedure.

That was the assistant Democratic leader, Senator DURBIN, in 2018, about 3 years ago.

A few years ago, 33 Members of the Democratic side signed a letter insisting that “we preserve existing rules, practices, and traditions” regarding legislation. Now, under pressure from the outside, many of our Democratic colleagues are abandoning their stated principles as fast as possible.

Yesterday, Senator DURBIN said the filibuster is not a core principle but “an offhanded clerical suggestion.” An offhanded clerical suggestion.

A number of Senate Democrats are trying to pressure the senior Senators from West Virginia and Arizona to abandon their own very recent commitments to honor this central rule of the Senate.

The Framers designed the Senate to require deliberation, to force cooperation, and to ensure that Federal laws in our big, diverse country earn broad enough buy-in to receive the lasting consent of the government. James Madison said the Senate should be a “complicated check” against “improper acts of legislation.” Thomas Jefferson said that “great innovations should not be forced on slender majorities.”

Senate Democrats parroted all these arguments when they were the ones benefiting from minority protection. When President Trump pressed Republicans to kill the filibuster, our Democratic colleagues cried foul. When our Republican majority stood on principle and refused to wreck the rules, our Democratic colleagues happily used the filibuster themselves. In some cases, they flat-out blocked legislation, like Senator TIM SCOTT’s police reform bill. In many other cases, Democrats did what minority parties always do and leveraged the existence of the filibuster to influence must-pass legislation long before it got to the floor.

There is so much emphasis on the most extreme bills that either party might pass with a simple majority. People forget that the Senate’s 60-vote threshold is the only reason—the only reason—that any routine, must-pass legislation is bipartisan except during divided government. Big funding deals, appropriations bills, farm bills, highway bills, the NDAA—the Senate’s 60-vote threshold backstops all of it. It is not just about controversial items; it is about everything we do.

The Senate Democrats who are pressuring our colleagues from Arizona and

West Virginia to reverse themselves are not just arguing for some procedural tweak, not a procedural tweak; they are arguing for a radically less stable and less consensus-driven system of government. Forget about enduring laws with broad support; nothing in Federal law would ever be settled.

Does anyone really believe the American people were voting for an entirely new system of government by electing Joe Biden to the White House and a 50–50 Senate? This is a 50–50 Senate. There was no mandate to completely transform America by the American people on November 3. That may be what a few liberal activists want, but does anyone believe that millions of Americans thought that is what they were electing? Of course not.

There is an ironic element to this whole conversation. Some Democratic Senators seem to imagine this would be a tidy tradeoff. If they could just break the rules on a razor-thin majority, sure, it might damage the institution, but then nothing would stand between them and their entire agenda—a new era of fast-track policymaking. But anyone who really knows the Senate knows that is not what would happen.

So let me say this very clearly for all 99 of my colleagues: Nobody serving in this Chamber can even begin—can even begin—to imagine what a completely scorched-earth Senate would look like.

None of us have served 1 minute in the Senate that was completely drained of comity and consent. This is an institution that requires unanimous consent to turn the lights on before noon, to proceed with a garden-variety floor speech, to dispense with the reading of lengthy legislative text, to schedule committee business, and to move even noncontroversial nominees at anything besides a snail’s pace.

So I want our colleagues to imagine a world where every single task—every one of them—requires a physical quorum, which, by the way, the Vice President does not count in determining a quorum. Everything that Democratic Senates did to Presidents Bush and Trump and everything the Republican Senate did to President Obama would be child’s play compared to the disaster that Democrats would create for their own priorities if—if they break the Senate.

So this is not a tradeoff between trampling etiquette but then getting to quickly transform the country. That is a false choice. Even the most basic aspects of our colleagues’ agenda, the most mundane tasks of the Biden Presidency, would actually be harder—harder—not easier for Democrats in a post-nuclear Senate that is 50–50, dead even.

If the Democrats break the rules to kill rule XXII on a 50–50 basis, then we will use every other rule to make tens of millions of Americans’ voices heard. Perhaps the majority would come after the other rules next. Perhaps rule XXII

would just be the first domino of many, until the Senate ceases to be distinct from the House in any respect. This chaos would not open up an express lane to liberal change. It would not open up an express lane for the Biden Presidency to speed into the history books. The Senate would be more like a 100-car pileup—nothing moving.

And then there is the small matter that majorities are actually never permanent. The last time a Democratic leader was trying to start a nuclear exchange, I remember offering a warning. I said my colleagues would regret it a lot sooner than they thought. In just a few years and a few Supreme Court vacancies later, many of my Democratic colleagues said publicly that they did. Touching the hot stove again would yield the same result but even more dramatic.

As soon as Republicans wound up back in the saddle, we wouldn’t just erase every liberal change that hurt the country. We would strengthen America with all kinds of conservative policies, with zero—zero—input from the other side. How about this: nationwide right-to-work for working Americans; defunding Planned Parenthood and sanctuary cities on day one; a whole new era of domestic energy production; sweeping new protections for conscience and the right to life of the unborn; concealed-carry reciprocity in all 50 States and the District of Columbia; and massive hardening of the security on our southern border.

We saw during amendment votes, just days ago, that some commonsense Republican positions actually enjoy more support right now than some of the Democratic committee chairs’ priorities, and this is with them in the majority. So the pendulum would swing both ways, and it would swing hard.

My colleagues and I have refused to kill the Senate for instant gratification. In 2017 and in 2018, I was lobbied to do exactly what Democrats want to do now. A sitting President leaned on me to do it. He tweeted about it. What did I do? I said to the President at that time: No. I said “no” repeatedly, because being a U.S. Senator comes with higher duties than steamrolling any obstacle to short-term power. I meant it. Republicans meant it.

Less than 2 months ago, two of our Democratic colleagues said they mean it too. If they keep their word, we have a bipartisan majority that can put principle first and keep the Senate safe.

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

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

## DEATH TAX

Mr. THUNE. Mr. President, last week I introduced a bill to permanently repeal the death tax.

I have been pushing to repeal the death tax for a long time because I have seen the consequences the tax can have for family farms and ranches and for family businesses. And I am proud that we protected a lot of family farms and businesses 3 years ago with the Tax Cuts and Jobs Act by doubling the death tax exemption, but the death tax is still a big problem.

First of all, the change we made to the death tax in the Tax Cuts and Jobs Act isn't permanent. The increased exemption level expires at the end of 2025.

Second, Democrats, who are always eager to seize any possible revenue source, have proposed not merely returning the exemption to its previous level but reducing it even further. And that would be a big problem for a lot of family farms and businesses.

The death tax is a fundamentally flawed idea, both in theory and in practice. Every American, of course, has an obligation to pay taxes to help support our government, but there should be a limit to how many times the government can tax you. And death should not be a taxable event.

The money you leave at your death has already been taxed by the government at least once, which makes the death tax double taxation.

People who support the death tax tend to talk as if the death tax only affects the fabulously wealthy, but that isn't the case. Small- and medium-sized businesses, family farms, and ranches spend a lot of time and money on estate planning to avoid being hit by this tax. Farmers and ranchers in my State know, without careful and costly planning, the Federal Government can come around after their death demanding a staggering 40 percent of their taxable estate, and their children won't have the money to pay without risking the farm or the ranch. Why? Well, farming and ranching is often a cash-poor business.

A farmer might, technically, be worth several million dollars, but the vast majority of that is land and farming equipment. Only a small fraction of it is money in the bank.

The Farm Bureau reports that over the past 10 years, the value of farmland has increased by nearly 50 percent. It is completely possible that a farmer's land might have substantially increased in value over the past decade, while his income has barely increased at all or, with commodity prices the past few years, they may have been losing money. In fact, it is perfectly possible that in a bad year, a farm with several million dollars' worth of land might barely break even income-wise.

So what happens when a farmer dies? Well, the Federal Government will claim up to 40 percent of his taxable estate. But his liquid assets—in other words, the cash he has available—will likely not come close to covering the

tax bill from the Federal Government. And so the only thing left for his children to do will be to start selling off farm equipment and land. In some cases, they will be able to keep the farm, just a smaller version of it. In others, they may have to sell off the family farm entirely. The same thing can happen with family-owned businesses.

In the case of a larger family-owned business, the business owner may be worth \$15 or \$20 million, but only a small fraction of that may be money in the bank. The vast majority may be tied up in the business. In that case, when the Federal Government comes around demanding 40 percent of the taxable estate, all the money that that business owner had in the bank won't even come close to covering the tax bill.

To pay the Federal Government, the owner's descendants will have to sell off part or all of the family business. And this can happen again and again.

Think about a business that was started half a century ago and passed down from father to daughter, to grandson. With every death, the Federal Government will have come demanding a big chunk of that estate. By the time you get to the third generation, the business may be struggling to stay afloat if it is still around at all.

I recently read testimony from a business owner who stated that, without death tax reform, the family company will end with him. Why? Because the company will have to be sold to meet the tax bill the Federal Government will hand his descendants. The company has already faced the death tax multiple times in its history and given millions upon millions to the Federal Government. This next death tax bill will be the death blow.

I am proud that Republicans improved the death tax situation for a lot of family farms and businesses by passing estate tax reform in the Tax Cuts and Jobs Act, but doubling the exemption is not enough. There are still family farms and businesses out there that aren't protected from this tax. And in my view, losing even one family farm or ranch or business to the death tax is one too many, not to mention the fact that in less than 5 years, the expanded exemption will expire putting many farms and businesses back in the tax's crosshairs.

Family farms and businesses play a vital role in the economy and in communities. Family farms and ranches are the lifeblood literally of rural communities in South Dakota. They are a source of jobs. They provide support for local businesses. They help build up local schools and local infrastructure. Losing a local farm can hit rural communities very hard.

It is mind-boggling that the Federal Government imposes a tax that punishes all the things we should be encouraging. The death tax punishes hard work. It punishes success. It punishes innovation. "Success" should not be a

dirty word, and families and employees should not be punished because a family has worked hard and built up a successful farm or ranch or business.

On top of all this, the death tax is an inefficient tax that raises a small amount of revenue while placing a very large burden on farmers and ranchers and small business men and women.

Repealing the death tax is an idea that has won bipartisan support in the past, including support from more than one sitting Democratic Senator. I hope it will win bipartisan support in this Congress as well. And I will continue to fight to ensure that no family farm or business has to worry about this punishing tax.

I said it before, and I will say it again: One family farm or business lost is one too many.

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

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

Mr. DURBIN. Mr. President, I ask to speak as if in morning business.

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

## FILIBUSTER

Mr. DURBIN. Mr. President, it is flattering when the Republican Senate leader comes to the floor and mentions your name, and Senator MCCONNELL did just that this morning.

The issue was the filibuster. Senator MCCONNELL found a quote several years ago where I spoke in favor of the filibuster to protect minority rights in the Senate. It is true. I did say that. It was based on life experience. Having already served in the Senate for a number of years, I came to understand how it evolved as one of the procedures in the Senate.

But I have to say to you that my impression of the filibuster changed, and the reason it changed was none other than the Republican Senate majority leader, now minority leader, Senator MCCONNELL. You see, the filibuster really was created in the Senate through its own rules, as I explained yesterday, and it came to define the Senate in this respect. The Founding Fathers looked to the Senate to provide two representatives—literally, Senators—from each State, regardless of population, so smaller States, back in the original Colonies, like Delaware, would have the same number of Senators as a large State, like Virginia. That was their intention.

So the protection of minority rights was kind of built into the definition of the U.S. Senate, and the filibuster became its manifestation in the daily procedure of the Senate. Under that filibuster, of course, one Senator could stop the debate, or at least slow it

down, by insisting on a filibuster, only to be stopped by an extraordinary majority of the Senate voting to return to the regular business.

That was the case in 1957 because, in August of 1957, Senator Strom Thurmond took to the floor of this U.S. Senate and initiated the longest filibuster in its history. For 24 hours and 18 minutes, the man stood by his desk and spoke without stopping. He didn't have any permission to leave the floor for any reason and certainly couldn't sit down without losing his filibuster. He did it. He did it for the wrong reason, I am afraid, because he was trying to stop the march of civil rights in this country, but he did it. Determinedly, he achieved that goal.

When he did, in 1957, that was the broken fifth filibuster in the history of the Senate in the previous five decades. In other words, if you went back to 1919 and all the way to 1957, Strom Thurmond's was the fifth time in history a filibuster was broken. Once every decade, a filibuster was broken on the Senate floor.

Well, that world has changed—dramatically changed. We can now have five filibusters in a couple of weeks. We now have, on average, 80 filibusters a year because of the urging and direction of the Senator from Kentucky, Senator McConnell. He has institutionalized the filibuster to the point where it is now the normal course of business, not an extraordinary procedure.

I recounted the fact that I introduced the DREAM Act 20 years ago—20 years ago. DURBIN, what kind of a Senator are you that in 20 years you can't pass the DREAM Act? Well, I brought it to the Senate floor on five different occasions, and on five different occasions it was stopped by the filibuster. Other Members can tell the story of their legislative experience on the floor too.

The point I am getting to is this: It wasn't until Senator McConnell and the Republicans who follow him decided to make the filibuster just daily business in the Senate that it was abused to the point where the Senate stopped doing regular legislative business.

I would like Senator McConnell to come to the floor the next opportunity he has and explain this to me. In the last calendar year, 2020, the Senate considered 29 amendments on the floor of the Senate in the entire year. Now, that doesn't count a vote-arama, which is an aberration that I don't think would ever be accused of being deliberative. But 29 regular-order amendments during the course of a year—embarrassing, isn't it? When you think of this great so-called debating society, 29 times we brought an amendment to the floor? Well, it was an improvement—an improvement over the previous year, a 30-percent improvement, in fact—because in the year 2019, under Senator McConnell's leadership, we had 22 amendments.

So when Senator McConnell and others come to the floor and plead for

us to hang on to the traditions of the Senate, I would tell you that their interpretation of the traditions is strangling this body. They have beaten the old filibuster to the point where it is hardly recognizable and is now the regular order of business in the U.S. Senate.

That is why many of us, frustrated with having worked so hard to come here, wanting to do the best we can to represent the people who have sent us here, are so frustrated by the current state of procedure. And for Senator McConnell and other Republicans to come to the floor and plead for hanging on to this tradition is actually pleading for the Senate to continue to do less and less each year.

There are those of us now in control on the majority side—the bare majority side—on the Democratic side, who really believe there is much more to be done in the Senate. The American people expect us to respond.

Now, you might ask: Well, how did you pass the American Rescue Plan if there is a filibuster used so frequently? It was under a process called reconciliation, which depends on a majority vote. You can't filibuster under the reconciliation. That is why this amazing bill, this new law, the American Rescue Plan by President Biden, is so sweeping in its reach. We had to try to combine, under this law, so many provisions that had been affected by the pandemic and the state of the economy because we knew that returning to the regular order of business with the filibuster looming every single day would tie our hands just as sure as we have seen in the past several years.

So, Senator McConnell, thank you for mentioning my name, but if I became skeptical of the filibuster, it is because of your use of it. I hope that you understand that you can't have it both ways. It can't be a rare procedure and be a procedure that dominates the actual business of the Senate as this has done for so many years.

#### CORONAVIRUS

Mr. President, last year I came to the floor on multiple occasions to ask consent for a simple, sensible resolution. It called for the United States to cooperate in global efforts to address the COVID pandemic. At that time, that point was obvious, and it is even more obvious today.

Pandemics don't respect borders. None of us is safe from highly infectious diseases until all of us are safe. That is especially important to keep in mind as we begin to turn a corner here in America.

Last week, during his first address to the Nation, President Biden announced that all adults in America over the age of 18 will be eligible for vaccinations on May 1 of this year. If all goes to plan, we can look forward, as President Biden mentioned, to a Fourth of July with family and close friends at a close distance.

Considering what they inherited, the Biden administration deserves credit

for dramatically scaling up vaccinations in America. The administration helped to strike a historic partnership between rival drugmakers, ramped up manufacture of the vaccine, and improved coordination with State officials everywhere.

We are seeing a world of difference that this makes. When you put competent, qualified leadership in charge in the White House and in State capitols, good things happen. Our weekly vaccine shipments in Illinois have nearly doubled. The Federal Government has erected a mass vaccination site at the United Center in Chicago. It has also supported partnerships with community health centers and retail pharmacies to expand access to vaccines. A cautious hopefulness is washing over America, but we can't lose momentum in our fight against COVID.

To put this pandemic really behind us and to bury it in history, we need to lend a hand to the many poor nations that have yet to receive a single dose of vaccine. The inequities are stark. Ten countries have accounted for 75 percent of the total vaccinations administered worldwide, while approximately 100 countries have yet to administer any vaccine doses. This dangerous shortfall has the potential to undermine the good work that is happening here in America. Closing this gap is not only the right and moral thing to do, it is the safest and smartest thing to do to stop the threat COVID, and its increasingly contagious variants, pose to us all.

Remember back a little over a year ago, an obscure city in China generated a virus—we think they did—that ended up circling the world many times over and changing life on this planet.

Last month, I received a briefing from Dr. Fauci on the new genetic mutations of COVID-19. He shared troubling news about variants that are emerging in the United Kingdom, South Africa, and Brazil. Some of them may have more resistance to our current vaccines than we care to see. He warned that if we fail to stamp out the virus globally, then we will continue to see risks within our own borders. Variants of the virus could counteract the tremendous progress we have made and the progress that we are poised to make in the near future.

As I said at the outset, viruses don't recognize borders. Crushing the virus in other countries is a strategic investment in our own national safety and security. President Biden understands this. He is serious about addressing the virus first in America and then around the world. He has set us on a pace to vaccinate all eligible Americans over the course of the next several months.

Let me urge those who are hesitant or skeptical as to whether it is the right thing to do, do it, please—for yourself, for those you love, and for this Nation.

President Biden wisely halted President Trump's withdrawal from the World Health Organization. He joined

the global COVAX vaccine effort, and he allocated significant funding toward global vaccination efforts, funding that is expanded under the American Rescue Plan, which we passed just a few weeks ago in the Senate.

Secretary of the Treasury Janet Yellen recently announced that the United States will support the issuance of special drawing rights, a type of IMF foreign exchange reserve that can help poor countries buy vaccines and weather the economic fallout from the pandemic, a welcome move that I encouraged and was a coauthor of with Senator SANDERS and Congressman "CHUY" GARCÍA.

Just last week, the President announced a partnership with key allies in the Pacific region to provide at least 1 billion COVID vaccines in countries in Asia. This is prescient, global leadership long overdue. The President's actions will save lives here at home and abroad, and these investments will fuel a global economic recovery, which we all want to see.

To understand why a global strategy is called for, look at history. Some of you who are witnessing this statement on the floor at home may be old enough to have a distinct circular scar on your upper arm. Maybe you have seen it on the arms of a parent or grandparent. That mark is a relic from one of the world's greatest public health victories: the eradication of the deadly smallpox virus.

The fact that so few people living today remember the death and misery caused by that disease is a testament to the global public health strategy that stopped it. Smallpox was one of the most devastating diseases to afflict mankind. It is estimated to have killed up to 300 million people in the 20th century, 500 million people in the last hundred years.

In 1967, the World Health Organization launched a historic international effort to eradicate it. It was one of the most successful public health initiatives in human history. Next month marks the 41st anniversary of that historic achievement.

In the years since, America has led similar global efforts to stamp out diseases like polio and Ebola. If we follow in these footsteps, historians will one day add COVID to the top of that list of historic achievements.

Pursuing a global strategy is the most effective way—maybe the only way—to accelerate vaccine production and distribution in every corner of the world. By sharing our wealth of knowledge and resources with the world, we reap lifesaving benefits, not just around the world but right here at home.

We all know public health is bigger than partisanship and always has been. In the 2000s, for example, I called on then-President Bush to help stem the scourge of AIDS around the world through the historic PEPFAR Program. At the time, many of my Republican friends in the Senate supported

it. I hope and expect that they will do the same when it comes to supporting the global effort against COVID-19. The moment calls for nothing less.

Public health experts understand that. President Biden understands that. I know we here in Congress understand that. We can end the threat of COVID once and for all. It is within our power.

#### UNITED STATES POSTAL SERVICE

Mr. President, let me start this statement by saying I am a fan of the U.S. Postal Service. I have been throughout my life. I believe the men and women who make the Postal Service work do a great service to this country and distinguish us from many countries in the world that don't have anything near our service or reliability in delivering the mail. Having said that, and believe it to my inner being, the Postal Service needs to take a hard look at what is going on within their ranks today.

Last month, the U.S. Postal Service Great Lakes area sent out the postal equivalent of an SOS. It put out the call to mail carriers in five surrounding States asking for letter carriers to come to my State of Illinois to help deliver a huge backlog of undelivered mail. It also called for mail carriers to help deliver Chicago's mail on Sundays.

Ken Labbe is one of the mail carriers who answered that call for help. Mr. Labbe has been a mail carrier in Mount Prospect, IL, just outside of Chicago, for 28 years. He is the president of the local letter carriers union. He is also quite an athlete. In 2002, he was the only male mail carrier on the USPS-sponsored professional cycling team.

He volunteered for the last Sunday in February. He figured he had the knowledge and endurance to help reduce the mail backlog that had plagued the Postal Service in Chicago. What he discovered, he said, stunned him. At every home he delivered to, he stuffed 20 to 30 pieces of mail in the mailbox. He worked 12 hours on that Sunday, from 6 a.m. to 6 p.m., sunup to sundown, without a break, even for lunch. Still, he couldn't complete the assigned workload; the sheer volume of backlogged mail was too great. Inside the local post office, Ken said, he found packages stacked everywhere. Some appeared to have been there for a month or more. The entire situation looked, in his words, "like an episode of 'Extreme Hoarders.'" "A crisis."

Chicagoland is not the only postal chaos location. Nearly 9 months after a new Postmaster General unveiled his surprise reorganization plan, postal service in much of the Nation is erratic. Delays are longer than ever.

The delivery times have shrunk to historic lows since Louis DeJoy took over last June. At the end of December, the Agency had an on-time rate of 38 percent for nonlocal mail. What was it 1 year earlier? Ninety-two percent. A 92-percent on-time rate descended to 38 percent under Postmaster General DeJoy.

Before Louis DeJoy took over, 91 percent of Postal Service customers gave USPS high marks—one of the highest approval ratings of any government Agency. Today, postal customers across America—certainly in my State of Illinois—customers wait anxiously for important checks and bills that arrive weeks late, if at all. They check tracking websites to search for delayed packages, only to read that the package is "out for delivery."

In some neighborhoods in Chicago, residents have given up hope of receiving mail at home. They stand in line for hours at the local post office to try to retrieve their mail themselves. Often, even that doesn't work.

Tracey Otis is one of those people. One day last month, she was one of 40 customers—40—waiting in line at the Postal Service station in the Gresham neighborhood on the South Side of Chicago. Ms. Otis hadn't had regular mail delivery since Christmas. She waited in line for hours, hoping to retrieve a package of diabetic test strips before her current supply ran out. She told a Chicago Sun-Times reporter that she would volunteer to sort the mail if it would help. She went home empty-handed that day, still not sure where her package was or when, if ever, she might see it.

Last month, my staff in Chicago estimated that there might be 300 pieces of mail sitting undelivered in four Chicago postal facilities. We based that on the number of complaints we received in our office. After that, the Postal Inspector General released a report that showed we were wrong. There weren't 300 letters in postal limbo in these facilities; there were 19,000 undelivered pieces of mail in those four facilities.

Since then, in my State, the chaos has stretched way beyond Chicago. We hear from all over the State: Springfield, Champaign-Urbana, Belleville, East St. Louis, Quincy, Peoria, the Quad Cities, and Rockford. These delays in Illinois and across America are causing real hardship for tens of millions of Americans waiting for mail delivery. Patients and pharmacists complain about late medication. People are getting dinged for late mortgage and utility payments and forced to pay late fees. Insurance policies are being canceled because of late payments. Small business owners are forced to wait weeks or months for payments. Others are flooded with calls and emails from customers wondering where their packages are—a good way to lose business.

Who is Louis DeJoy, the mastermind of this mess? Did he come through the ranks of the Postal Service, like four Postmasters General before him? No. His qualifications? He is a former logistics executive who donated millions of dollars to Donald Trump and the Republicans—no experience working at the Postal Service before Donald Trump tapped him to head this Agency last June.

One month later, in the middle of a pandemic that turned postal deliveries

into a lifeline for many, Mr. DeJoy unveiled a radical plan to reorganize the Postal Service, after only 1 month in the job and no experience in the Department. He slashed overtime hours, prohibited late and extra mail delivery trips, and set stricter delivery schedules.

In August, with no public explanation, the Postal Service began removing mail-sorting machines from postal facilities around the country, reducing their ability to process mail. Amazingly, the Postal Service Inspector General determined that the changes were ordered with no analysis and no understanding of how they might affect timeliness of mail delivery. A Federal lawsuit forced the Agency to put the changes on hold until after the election.

On February 6, Mr. DeJoy was quoted in the Washington Post saying that his new plan for reorganizing the Postal Service would be ready for public release "as early as next week." He said that on February 6. We are still waiting for it, waiting for the DeJoy plan to shape up the Postal Service. It is like waiting for a lost package.

We know some of the biggest changes he intends to propose because he has confirmed them publicly. The DeJoy plan for shaping up the post office is expected to call for the following: more service cuts, higher prices, and slower mail delivery. If that sounds like a winning combination to you, I have some vintage computers to sell to your business. In short, this is not a solution; this is sabotage of an essential public service, and we shouldn't tolerate it.

Well, America has a new President who understands that affordable, efficient postal service is essential to America. Five days after taking office, President Biden replaced the Chair of the Postal Regulatory Commission. Late last month, he filled three vacancies of the Postal Service Board of Governors, the body that hires the Postmaster General and oversees the Postal Service.

I encourage President Biden to make all the changes necessary to rescue the Postal Service. Mr. DeJoy has offered a stream of excuses for the chaos that has fallen the Postal Service since he showed up. He says it is the pandemic, the Christmas holidays, bad weather, an election that saw a record number of Americans vote by mail. He has a list as long as your arm.

I would remind him that in 1864, we held a national election in the middle of a Civil War, and 150,000 Union Army troops voted absentee from the field. The Postal Service is as old as America itself. It has proven that it can adapt to crises with the right leadership. If Mr. DeJoy cannot or will not provide that leadership, I respectfully suggest he step down.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF ISABELLA CASILLAS GUZMAN

Ms. KLOBUCHAR. Mr. President, I rise in support of Isabella Guzman, currently the director of California's Office of the Small Business Advocate—the Presiding Officer's State—to be the Administrator of the U.S. Small Business Administration.

We all know the importance of small businesses and how they have been hit so hard during this pandemic. Small businesses employ nearly half of all private sector workers and make outsized contributions to the innovation that makes America's economy strong. Yet the coronavirus has put millions of people out of business, hundreds of thousands of these mom-and-pop, brick-and-mortar retail shops out of business, and restaurants out of business.

We are so pleased that there is, as we say in Minnesota, a lighthouse that we are looking to now. I was up in Duluth on Sunday, and instead of the light at the end of the tunnel, which so many of us talk about with regard to the end of this pandemic, the mayor there referred to it as a lighthouse, for they have a lot of lighthouses on Lake Superior. The end of this pandemic is our lighthouse. We see the blinking lights from a distance, but we know we are not there yet. To get there, we not only need to get this vaccine to every person—and the President has said we will have vaccines available by the end of May for every adult in America—but we have to get it distributed, and our pandemic bill certainly is going to be a major step toward getting that done.

We also need to get our business economy back in order. We need to be able to not be so far down in the ground that we can't climb out of where we are. That is why having Ms. Guzman in place—someone with her record and her ability to lead and who served as the Deputy Chief of Staff and as the Senior Adviser at the Small Business Administration during the Obama administration—is so important.

She will oversee the Paycheck Protection Program, which we established on a bipartisan basis in March of 2020 as part of the CARES Act, as she understands the need for greater equity in loan distribution and has shown a commitment to transparency and accurate loan data. She has made clear that she will make the Paycheck Protection Program more accessible to businesses that have traditionally not had access to the banking relationships needed to secure loans and grants.

Very significantly to me and to those of us who worked on the Save our Stages bill, including Senator CORNYN of Texas, who led the bill with me, she has made clear that she will move on

the grant program immediately. We have been working with the staff there, and we have given these venues that have been shuttered—the first to close and the last to reopen—the ability to access PPP loans, which is really important right now. We also want to get the grant program out immediately—get that money out—and distribute over \$16 billion in grants. Our venues can't wait. They need that relief. Ms. Guzman will be key to leading our way out of this and helping Senator SCHUMER with his theaters in New York to the Fargo Theatre in North Dakota. We need to get this done.

We just passed restaurant relief as part of the American Rescue Plan—a major, major bill—with the \$28.6 billion Restaurant Revitalization Fund, which is going to be so key. I was at The Block Food & Drink restaurant in Saint Louis Park on Sunday and then headed up to Duluth, to the Boat Club, with the mayor and the owners of the Boat Club. There were stories I heard of servers who had been laid off, then came back, laid off, then came back, and there were stories I heard about the owners of some of these restaurants in their taking out repeated loans. They are hanging in there, and we need to have their backs.

One out of six restaurants in this country has permanently closed down during the pandemic. As the leader of the antitrust subcommittee in the Senate, we don't want to just give all of our food service and action in the restaurant area to the big guys. We are pleased we have successful restaurant chains in this country, but that can't be the only thing we have. That is why helping these smaller venues is so important.

Ms. Guzman gets that. She is a lifelong proponent of small businesses and is the daughter of a small business owner. As a former entrepreneur, this makes her the right person for this job at a pivotal time in the life of our country. She has the backing of the U.S. Chamber of Commerce and numerous trade organizations. I know her leadership at the SBA will put our struggling businesses in the best hands.

I ask my colleagues to support the nomination of Isabella Guzman to be Administrator of the Small Business Administration. The Presiding Officer must be proud to have someone who has done such good work in California in this job. We are excited about her and what she can do.

#### NOMINATION OF XAVIER BECERRA

Mr. President, today, I rise to speak in support of Xavier Becerra's nomination to serve as Secretary of Health and Human Services (HHS).

Attorney General Becerra will bring a fresh perspective to HHS at a critical time during this pandemic. While there is light at the end of the tunnel with the distribution of the coronavirus vaccines, there is still work to do to end this pandemic and put our country on a road to recovery, and that is where Attorney General Becerra's leadership will be crucial.



Attorney General Becerra's 12 terms in the U.S. House of Representatives gave him a solid foundation in knowing how to set agendas and achieve results, which we saw deployed in his work as a key leader on the Committee on Ways and Means, ranking member of the Subcommittee on Social Security, and chair of the House Democratic Caucus.

He helped to expand the Children's Health Insurance Program, modernize and strengthen Medicare, and helped pass the Affordable Care Act. His commitment to the letter and spirit of this law is something he carried into his role as California Attorney General, fighting to maintain his State's ability to bring millions of previously uninsured residents under the ACA's umbrella.

Last November, he led the defense of the Affordable Care Act in the U.S. Supreme Court on behalf of 20 States and the District of Columbia. His tweet after the oral arguments concisely sums up the national importance of his effort: "The ACA saves lives. It is the law of the land." He brings a strong commitment to using the law and regulatory tools to make access to health care and other vital services equitable—the very thing that makes our nation strong.

I look forward to working with him on ensuring that everyone has access to quality and affordable healthcare, and I know he will be a partner in the fight against the coronavirus and our goal of getting all eligible Americans vaccinated, even in hard-to-reach areas.

Last week, President Biden signed into law the American Rescue Plan Act, which included major funding to address the Nation's worsening mental health and addiction crisis. This is a high priority of mine and an issue with which Attorney General Becerra has firsthand experience. He started his career as a legal aid attorney in Massachusetts, supporting clients contending with mental health issues. I am eager to work with him on this issue.

Addressing the skyrocketing costs of prescription drugs is another area where Attorney General Becerra has shown key leadership. He and I share a belief that fairer competition means increased access to affordable prescription drugs and better public health. As California Attorney General, he investigated and brought enforcement actions against drug manufacturers' anti-competitive business practices to help reduce drug prices and ensure that people have access to the drugs they need. In March 2020, he led a bipartisan group of 46 State attorneys general who successfully advocated before the U.S. Supreme Court to uphold the rights of States to regulate and address the rising cost of prescription drugs.

The United States must do more to ensure that new technologies have appropriate privacy and security protections for health data. At a September 2020 hearing on the need for Federal data privacy legislation, Attorney Gen-

eral Becerra told me and other members of the Senate Committee on Commerce, Science, and Transportation that "every consumer should be able to own and control his or her data" and that "if we decide that we don't want anyone to use [our data], it's our choosing." His testimony was reassuring, and I look forward to working with him to ensure consumers can have peace of mind when it comes to the security of their personal health data.

Given the pandemic's spotlight on the vulnerability of our Nation's seniors, I am eager to work with the Biden administration to improve the safety and well-being of older Americans. When my 92-year-old dad, living in a memory care facility, was diagnosed with COVID-19 last year, I was only able to visit him through a window. He recognized me, but he just didn't understand why we couldn't be in the same room together. Tens of thousands of families have been through these wrenching situations over the past year and want to see the Federal Government doing more. Attorney General Becerra recently moved to make the California Department of Justice Medicaid Fraud Control Unit a full-fledged division, underscoring his commitment to protecting seniors and people with disabilities. I know his leadership will place the needs of seniors front and center.

Attorney General Becerra has the expertise and experience and the enforcement and regulatory savvy to handle the job of protecting public health, strengthening our hospitals and health care system, making sure people have access to quality, affordable health care, and supporting our health care workers. And as the first Latino to lead the Department of Health and Human Services, he will bring a personal understanding of the immediate need for equitable access to care.

With that, I ask my colleagues to support the nomination: Xavier Becerra as Secretary of Health and Human Services. Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent that I be permitted to finish my remarks before we vote.

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

NOMINATION OF ISABELLA CASILLAS GUZMAN

Mr. CARDIN. Mr. President, I rise to voice my strong support for Isabella Guzman's nomination to serve as Administrator of the Small Business Administration.

Our Nation passed the 1-year mark of COVID-19's being declared a national emergency last Saturday, March 13,

and, thankfully, the American people can now see the light at the end of the tunnel. Already, more than 20 percent of all Americans have received at least one COVID-19 vaccine dose, with an average of more than 2.39 million additional doses being administered each day. We can see the light at the end of the tunnel, but we are not there yet.

The COVID-19 pandemic has decimated American small businesses, and the worst effects have been felt by the most vulnerable small businesses, especially those in Black, Latino, Native, and rural communities, so the SBA must continue to be a lifeline in the coming months. That is why it is important that we confirm Ms. Guzman's nomination, so she can provide the permanent, steady leadership the SBA needs right now.

When we passed the CARES Act, Congress tasked the SBA with one of the most important aspects of our COVID-19 relief effort. We knew we had to support our small businesses because the public health restrictions on public gatherings, which have saved thousands of lives and kept our communities safe, have been especially challenging for small businesses. We had to help small businesses so that, when we get out of this pandemic, when our economy returns, our small businesses will emerge in a position to help our economy recover and continue to grow.

The CARES Act included \$377 billion in funds for small businesses and created the Paycheck Protection Program, the EIDL advance program, and the small business debt relief program to help small businesses that had traditional SBA loans, like the 7(a) and 504. In April, we passed legislation to replenish the PPP, EIDL, and the EIDL advance grant program with \$370 billion in additional funds. Then, in December, we passed the bipartisan Economic Aid Act to provide another \$325 billion to support small businesses, allow for second round PPP loans, and create the Shuttered Venue Operators Grant Program. In total last year, Congress appropriated more than \$1 trillion to the SBA for COVID-19 relief programs.

Since the passage of the CARES Act, the SBA has approved more than 7.5 million PPP loans worth more than \$687 billion and more than 3.7 million EIDL loans worth more than \$200 billion. These loans and grants have saved millions of jobs and prevented millions of small businesses from closing their doors.

I want to thank the SBA personnel who have worked long hours, including nights and weekends, to implement these critical programs.

SBA still has a lot of work left to do. As I mentioned, the December bill created the Shuttered Venue Operators Grant Program, which we expect the SBA to open in the coming weeks.

SBA also has to open a new \$28.6 billion grant program for restaurants and bars, which was created by the historic American Rescue Plan.



The plan appropriated an additional \$50 billion in economic relief for small businesses, including \$15 billion to targeted EIDL advance grants, an additional \$7.25 billion to PPP, and \$1.25 billion for shuttered venue grants.

The plan also required SBA to launch a Community Navigator Pilot Program, which is designed to help small businesses in underserved and underbanked communities access the COVID-19 relief resources available to them. These programs will be key to our economic recovery.

That brings me to Mrs. Guzman's nomination. Mrs. Guzman has decades of experience working with, supporting, and founding small businesses, which have prepared her to lead the SBA during this moment.

Most recently, Mrs. Guzman was the State of California's director of the Office of Small Business Advocate, where she oversaw implementation of the State's COVID-19 Relief Grant Program.

Mrs. Guzman also helped lead SBA during the Obama administration, serving as the Deputy Chief of Staff and Senior Advisor for 3 years, from 2014 through 2017.

During her nomination hearing last month, Mrs. Guzman demonstrated her commitment to ensuring that SBA's relief programs, as well as its traditional loan programs, are implemented equitably and that they help small businesses in Black, Latino, Native, rural, and other underserved communities overcome the historic barriers they face.

She is committed to ensuring the Agency has the right systems, technology, and operating procedures in place to advance the mission and reach all of our small businesses.

And she is committed to "ensure funds get into the hands of small businesses who have been hurt the most by the pandemic and the economic crisis through no fault of their own."

As we learned during the pandemic, SBA has a key role to play in our Nation's effort to fight systems of inequality that prevent many entrepreneurs in underserved and underbanked communities from starting and growing successful businesses.

Mrs. Guzman will be an advocate for small businesses in these communities within the administration, and she will be a strong partner to us in Congress as we build better capacity to support small businesses through the coming economic recovery.

Mrs. Guzman's commitment to equity and her deep knowledge of the needs of small businesses and the best policies to help them are why she received bipartisan praise during her nomination hearing and was advanced by the committee by a bipartisan vote.

Mrs. Guzman has earned broad support from the small business community. Her nomination has been endorsed by the U.S. Chamber of Commerce, U.S. Hispanic Chamber, the U.S. Black Chamber, the National Small

Business Association, the Small Business Majority, the National Federation of Independent Businesses, and many other small business advocacy groups.

SBA needs an Administrator who can hit the ground running, and I am confident Mrs. Guzman is exactly the right person for the job.

I urge my colleagues who have spoken with small business owners who still need support from the SBA—and I am sure everyone has—to join me and vote to confirm Mrs. Guzman as the SBA Administrator.

I yield the floor.

#### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 26, Isabella Casillas Guzman, of California, to be Administrator of the Small Business Administration.

Charles E. Schumer, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Sherrod Brown, Angus S. King, Jr., Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin, Ron Wyden.

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 Isabella Casillas Guzman, of California, to be Administrator of the Small Business Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Ms. HIRONO) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The yeas and nays resulted—yeas 80, nays 18, as follows:

[Rollcall Vote No. 120 Ex.]

#### YEAS—80

Baldwin	Durbin	Luján
Barrasso	Ernst	Manchin
Bennet	Feinstein	Markey
Blumenthal	Fischer	Marshall
Blunt	Gillibrand	McConnell
Booker	Graham	Menendez
Brown	Grassley	Merkley
Burr	Hassan	Moran
Cantwell	Heinrich	Murkowski
Capito	Hickenlooper	Murphy
Cardin	Hoeven	Murray
Carper	Hyde-Smith	Ossoff
Casey	Inhofe	Padilla
Cassidy	Johnson	Paul
Collins	Kaine	Peters
Coons	Kelly	Portman
Cornyn	King	Reed
Cortez Masto	Klobuchar	Romney
Cramer	Lankford	Rosen
Duckworth	Leahy	Rounds

Sanders	Sullivan	Warnock
Schatz	Tester	Warren
Schumer	Thune	Whitehouse
Shaheen	Tillis	Wicker
Sinema	Toomey	Wyden
Smith	Van Hollen	Young
Stabenow	Warner	

#### NAYS—18

Blackburn	Daines	Rubio
Boozman	Hagerty	Sasse
Braun	Hawley	Scott (FL)
Cotton	Kennedy	Scott (SC)
Crapo	Lee	Shelby
Cruz	Risch	Tuberville

#### NOT VOTING—2

Hirono	Lummis
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The PRESIDING OFFICER. The yeas are 80, the nays are 18.

The motion is agreed to.

The Senator from Delaware.

Mr. COONS. I ask unanimous consent that all postcloture time on the Guzman nomination be considered expired at 2:30 p.m. today.

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

Mr. COONS. 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 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Nevada.

#### NOMINATION OF ISABELLA CASILLAS GUZMAN

Ms. ROSEN. Madam President, I stand here today in support of Isabel Guzman's nomination to serve as SBA Administrator.

This pandemic has been challenging for our communities, and it has been especially devastating for our small businesses. We urgently need a leader who is experienced and prepared for the work ahead, someone who will hit the ground running to revive and restore our small businesses and bring back jobs, and Isabel Guzman is exactly the right person for this task.

Having previously served in the U.S. Small Business Administration, Mrs. Guzman knows the Agency well. She understands the struggles that small businesses and workers face, not just during this pandemic but also their day-to-day needs. She will use the Agency's tools to support small businesses, and she will fight fiercely on their behalf.

Ninety-nine percent of Nevada businesses are small businesses. This is a diverse community that embodies the entrepreneurial spirit of our State, and over the last year they have faced obstacle after obstacle. Thousands of Nevada business owners have called my office for help.

These small business owners are—well, they are people. They are people who have poured their hard-earned money into starting businesses. They

are people who have dedicated their lives to building a business from the ground up. They are people whose shops and stores and services—well, they are cornerstones for our communities. And now, through no fault of their own, these small business owners are left wondering if their businesses are going to make it.

Last week, President Biden signed the American Rescue Plan into law. This is a major win for small businesses across the country. It includes targeted support for Black, Latino, AAPI, and minority-owned businesses, as well as support for businesses in our rural communities. Over \$1 billion in grants are in there to save our stages and independent live venues. There is over \$7 billion for the Paycheck Protection Program. There is \$15 billion for EIDL Advance grants and \$25 billion to keep restaurants afloat.

This will provide real relief to small business owners, employees, and the families that they provide for, that count on them. For so many, this additional aid will mean the difference between a business keeping its doors open or closing them forever.

And now we need an SBA Administrator who will see that this relief is delivered swiftly and fully. I am confident that Isabel Guzman will be an asset in bringing our small businesses back.

We must also do more for our small businesses, which is why, if confirmed, I look forward to working with Mrs. Guzman and the SBA to remove the cap on EIDL loans and to provide full EIDL Advance grants to all eligible small businesses, giving greater access to the relief that all our small business owners need. The EIDL and EIDL Advance Programs have helped countless small businesses in Nevada and in States across the country through these tough times, but the arbitrary caps on these loans and grants are preventing small businesses from receiving the funding assistance they need to properly recover.

Full EIDL loans and grants are what Congress intended when we passed the CARES Act 1 year ago. It is what we promised small businesses at the beginning of the pandemic. So we owe it to America's small businesses and workers to keep our word, and I know Isabel Guzman is the right person to help us keep this promise.

As we continue on the road to recovery, made possible by the American Rescue Plan, I urge my colleagues to confirm Mrs. Guzman's nomination so that she can immediately get to work for our small businesses.

Thank you.

I yield to the Senator from Oregon.

Mr. WYDEN. Madam President, I certainly share the good Senator's views with respect to Mrs. Guzman as well.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF KATHERINE C. TAI

Mr. WYDEN. Madam President, the Senate will soon take a procedural vote

on the nomination of Katherine C. Tai to serve as the next U.S. Trade Representative.

For Senators who watched any of Ms. Tai's nomination hearing before the committee, you will know that Ms. Tai has a whole lot of fans on both sides of the aisle here in the Senate. So I am just going to take a few minutes to discuss some of the reasons why I think Ms. Tai is a terrific choice for this job.

First, she knows that the name of the game when it comes to this country's trade policy is protecting and creating high-skill, high-wage jobs. Our country saw, for the past 4 years, that a strategy of sending mean tweets and acting on chaos does not translate into more good jobs. Under President Biden, and with Katherine Tai leading USTR, I am confident we will have a more effective approach.

Ms. Tai also has exactly the right experience for the job. She led crack-downs against China's trade cheating and job rip-offs. As the top trade staffer on the Ways and Means Committee, she was at the forefront to improve the new NAFTA when the Trump administration handed to Congress a deal that just wasn't strong enough for American workers. She already has a long track record of achieving wins for America's workers, businesses, farmers, and ranchers.

Second, Ms. Tai has committed to the Finance Committee that she will work to bring more transparency to trade policy. Bringing more sunlight to the country's trade agreements ought to be a priority that every Senator shares. That is why I am glad that President Biden has chosen somebody with congressional experience for the role of USTR.

The Constitution gives the Congress authority over international trade. Unfortunately, Congress, over the years, has delegated some of its power to the executive branch. So what that means is, now, all sides need to work together as partners, with open channels of communication, accountability, and transparency. And when I talk about transparency, I am talking about transparency with the American people. I know that Ms. Tai will continue to raise the bar for transparency and communication with Congress because she has been on our side of policymaking, and she has already proved that that kind of openness and accountability is a key priority for her.

With a former Senator in the White House and a former House staffer at USTR, I believe there would be a productive partnership with Congress so we can get trade done right and make sure that trade policy creates those high-skill, high-wage jobs that are a priority for every elected official.

Finally, there is another Finance Committee priority that I will just mention. On Thursday, the committee will hold a hearing on the subject of stamping out forced labor around the world. Forced labor is evil, it is morally repugnant, and it is a direct at-

tack on workers in our country because, when American workers have to compete against slave labor, everybody loses. It is truly a race to absolute rock bottom when it comes to labor rights.

Ms. Tai is committed to President Biden's Build Back Better agenda. A key part of that agenda is ensuring that our workers are competing on a level playing field with the rest of the world. It is certainly not a level playing field when other countries are producing goods with slave labor.

Our government has laws on the books that can crack down on countries using slave labor and keep those products out of our market, but it is going to require an unwavering commitment to tough trade enforcement. This will continue to be an area of special focus for the Finance Committee.

Our colleague Senator BROWN and I have worked on this issue for a long, long time. I know Ms. Tai is committed to working with us on it, and I know that she will work with colleagues on the other side of the aisle on this and other issues. It is an opportunity to stand up for what is right around the world and protect American jobs and wages at the same time.

So Katherine Tai is qualified. She has the right diversity of experience. She has her priorities right, which is to get more American workers into the winner's circle of trade policy, and she is going to do it in a way that promotes openness, accountability, and transparency.

I believe Ms. Tai is going to have strong bipartisan support here in the Senate when we vote in just a few minutes. I want Senators on both sides of the aisle to know that Ms. Tai has consistently, throughout her time in public service, worked in a bipartisan way with respect to ensuring that, at a time when modern communications and transportation have, to some extent, shrunk the world and trade has gotten to be more and more important, she is going to be on the side of workers. She is going to be on the side of trade done right. I am with her 100 percent of the way.

I urge all Senators to support Katherine Tai for this crucial post at USTR. I yield the floor.

VOTE ON GUZMAN NOMINATION

Mr. WYDEN. Madam President, I would ask unanimous consent that the scheduled vote occur immediately.

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

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

Mr. WYDEN. 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.

Mr. DURBIN. I announce that the Senator from Hawaii (Ms. HIRONO) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 121 Ex.]

#### YEAS—81

Baldwin	Hassan	Peters
Barrasso	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hoeven	Romney
Blunt	Hyde-Smith	Rosen
Booker	Inhofe	Rounds
Brown	Johnson	Sanders
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lujan	Stabenow
Collins	Manchin	Sullivan
Coons	Markey	Tester
Cornyn	Marshall	Thune
Cortez Masto	McConnell	Tillis
Cramer	Menendez	Toomey
Duckworth	Merkley	Van Hollen
Durbin	Moran	Warner
Ernst	Murkowski	Warnock
Feinstein	Murphy	Warren
Fischer	Murray	Whitehouse
Gillibrand	Ossoff	Wicker
Graham	Padilla	Wyden
Grassley	Paul	Young

#### NAYS—17

Blackburn	Daines	Rubio
Boozman	Hagerty	Sasse
Braun	Hawley	Scott (FL)
Cotton	Kennedy	Scott (SC)
Crapo	Lee	Tuberville
Cruz	Risch	

#### NOT VOTING—2

Hirono	Lummis
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The nomination was confirmed.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

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

#### 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. 29, Katherine C. Tai, of the District of Columbia, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

Charles E. Schumer, Chris Van Hollen, Michael F. Bennet, Jack Reed, Tammy Duckworth, Sheldon Whitehouse, Jeff Merkley, Christopher A. Coons, Richard Blumenthal, Patrick J. Leahy, Amy Klobuchar, Tina Smith, Brian Schatz, Robert Menendez, Richard J. Durbin, Martin Heinrich, Maria Cantwell.

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 Katherine C. Tai, of the District of Columbia, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Ms. HIRONO) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 122 Ex.]

#### YEAS—98

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

#### NOT VOTING—2

Hirono	Lummis
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The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Katherine C. Tai, of the District of Columbia, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

The PRESIDING OFFICER. The Senator from Delaware.

#### NOMINATION OF KATHERINE C. TAI

Mr. CARPER. Madam President, I am delighted to rise today in full support of Katherine Tai, President Biden's nominee to be our next U.S. Trade Representative.

As my colleagues are well aware, trade is an issue that impacts every corner of our country and, indeed, every corner of our globe. Roughly 75 percent—listen to this—75 percent of the world's purchasing power and over 95 percent of the world's consumers lie outside of our country's borders. If the United States is going to continue to be successful, we need to be able to tap into those markets and expand trading opportunities while ensuring a level playing field for American businesses and, I might say, for American consumers as well.

In Delaware, the First State, and throughout our Nation, trade policies affect how American businesses, both large and small—be they financial services, tech companies, workers, farmers, manufacturers—can compete in the global economy. But thanks to President Trump's haphazard trade wars over the last 4 years, American farmers, manufacturers, producers, and consumers too often have been left hanging in the balance—a situation that has been exasperated by this pandemic.

Now more than ever, all of them are in need of greater certainty and predictability. For the last 30, 40 years that I have served as Delaware's Treasurer, Congressman, Governor, and Senator, when I ask businesses what they want or need, more often than not, they say "certainty and predictability." For the last 4 years, we have had too little of both.

Instead of the chaotic approach of the last 4 years, we need strategic and thoughtful trade policies. That is why President Biden has nominated Katherine Tai, an experienced public servant and trade expert, to serve as our Nation's top trade official. Katherine will be a steady hand at the U.S. Trade Rep's Office, and as a key member of the Biden administration, she will make sure that our trade policies benefit all Americans and leave no one behind. She will work hard to help jumpstart our economy and ensure that American goods and services can reach international markets and that we can compete on a level playing field.

Katherine comes to this role with an exceptional breadth and depth of relevant trade expertise. She has earned a remarkable reputation as an expert in her field and is a leader who is respected by Democrats and Republicans alike in this Chamber and in the House of Representatives.

In her previous role, Katherine was chief trade counsel for the House Ways and Means Committee. There, she was a lead negotiator on the USMCA, U.S.-Mexico-Canada-America Trade Agreement, which notably passed Congress with overwhelming bipartisan support, in no small part because of her efforts.

Members of my own staff are grateful for the opportunity to work with Katherine to secure historically strong environmental provisions, including new monitoring and enforcement tools in the USMCA, which will help make sure

that alleged environmental violations will be investigated and remedied in a timely manner. These new tools and resources will help ensure that environmental protections are not just words on a piece of paper but policies that will actually be put into practice and consistently maintained well into the future.

As chairman of both the Environment and Public Works Committee and the Finance Subcommittee on International Trade, I look forward to working with my colleagues and with Katherine Tai and her team to build on the progress that was made in the USMCA.

Another immense trade challenge that we face now is to effectively counter China's unfair trade practices and its expanding influence in international trade. Since joining the World Trade Organization, the WTO, in 2001, China has proven to be a bad actor time and again. I believe that, working with our allies in the Pacific Rim in a spirit similar to the Trans-Pacific Partnership, we can more effectively ensure that China adheres to its trade commitments with us and with the rest of the world.

Katherine has the expertise to help make that happen. Her prior experience as U.S. Trade Rep's Chief Counsel for China Trade Enforcement, where she led efforts to hold China accountable at the WTO for its unfair trade practices, is going to prove to be a tremendous asset for our Nation.

We would be lucky to have Katherine Tai, a committed public servant, represent our Nation on the world stage. As a daughter of immigrants and the first woman of color to be nominated to serve as U.S. Trade Rep, Katherine often cites her parents, also both public servants, as her inspiration.

In her testimony to the Finance Committee that I serve on, Katherine said—I want to quote her. Here is what she said. Speaking of her parents, she said:

I am proud of their service to the nation that welcomed them. And I am proud to live in a country where, in just one generation, their daughter could grow up to represent the United States and our interests around the globe.

Those are her words.

I, too, am proud to serve in a country where this is possible.

Simply put, Katherine has decades of experience in trade, years of experience working in trade in a bipartisan fashion, and a keen understanding of the role Congress can play alongside the administration to implement successful trade policies.

As the world grapples with the greatest economic downturn since the Great Depression, it is more important now than ever to have a leader at the U.S. Trade Rep's Office who will work with Congress to advance a trade agenda that uplifts American workers in every corner of our country, spurs domestic manufacturing, and improves environmental and labor standards throughout the world.

Given Katherine's track record and many years of experience working across the aisle in Congress, I am confident that she has the broad support necessary to be a highly skilled and effective U.S. Trade Representative as she takes on the many trade challenges that we face, and I invite my colleagues to join me in voting to confirm Katherine Tai to serve as our next Trade Representative.

If I could, do I have a few more minutes to speak?

The PRESIDING OFFICER. You do.

Mr. CARPER. Madam President, my legislative director is a woman named Xiao. Lucy is her first name, Lucy Xiao. She said to me several months ago, after the election—Joe Biden was elected—she said: You know, we were working on the USMCA last year. We worked with a woman who was a very senior member of the House Ways and Means Committee staff to help make sure the environmental provisions in the law are not only strong but enforceable.

She said: The woman we worked with is a top staff person on the House Ways and Means Committee. Her name is Katherine Tai.

Lucy said to me: I think that Katherine Tai might make a good U.S. Trade Rep and may make a very interesting human story as well.

I have huge respect for Lucy's judgment, and I turned around and I called on the phone the chairman of the Ways and Means Committee, an old colleague from my days in the House, RICHARD NEAL.

I said: RICHARD, does the name "Katherine Tai" mean anything to you?

He said: Oh, yes. She is a great member of my staff.

I said: She has been suggested as someone who might serve as the U.S. Trade Rep. What do you think?

He said: She would be excellent. She would be excellent.

The next call I made was to Ted Kaufman, former U.S. Senator, former chief of staff to Joe Biden for many years, and the interim Senator in this body for 2 years after Joe was elected Vice President. I called former Senator Kaufman, who was in charge of the transition for the Biden team, and I said: Ted, I think I have a good name for Trade Rep.

I explained who Katherine Tai was and her history and her work experience and what Chairman RICHARD NEAL said about her.

I said: She might be a keeper.

A week later, he called me and he said: We are getting all kinds of great comments about Katherine Tai.

He said: You know, I think you don't always have the best judgment, Tom CARPER, but I think in this case, maybe you are like a blind squirrel that occasionally finds a nugget.

And I think maybe in this case, I have, with the strong support and help of Lucy.

So that is the story. That is my Katherine Tai story. She is a keeper,

and we are lucky to have her. She will succeed if confirmed. She will succeed Robert Lighthizer and Michael Froman, our immediate past two Trade Reps. Those are big shoes to fill, but she is very well prepared to fill them.

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

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

#### NOMINATION OF XAVIER BECERRA

Mr. COTTON. Madam President, the Senate is considering the nomination of California Attorney General Xavier Becerra to be Secretary of the Department of Health and Human Services. Without question, the Senate should reject this nomination.

In the midst of this pandemic, America deserves a Health Secretary who is solely—solely focused on getting shots in arms, getting kids back to school, and getting parents back to work. But that is not Mr. Becerra.

Over his long career in politics, his primary passion has been ramming through a radical, far-left agenda and using the power of his office to persecute his political enemies.

Mr. Becerra would be in charge of administering the Nation's health programs, but he has virtually no experience or expertise in healthcare. His only experience responding to the pandemic, as far as I can tell, has been his enforcement of California's excessive and traumatizing lockdowns over the last year.

Mr. Becerra has been California's top cop, overseeing the most draconian and unconstitutional series of lockdowns anywhere in our country. He has shuttered churches while liquor stores and marijuana dispensaries remain open. He has destroyed small, family-owned businesses while enriching massive corporations.

In the false name of public health, he has rigorously enforced unscientific and unproductive measures that have ruined the lives of Californians. Today, California's unemployment rate stands at 9 percent—45 percent higher than the national average, nearly two times higher than our unemployment rate in Arkansas. That is the result of bad policy. And jobless Californians have Xavier Becerra and Gavin Newsom to thank for their struggles.

If Mr. Becerra's record as attorney general is any indication, every American should be alarmed by how this nominee would fight the pandemic—not with science, compassion, or common sense but with crushing political force. Few Americans believe that California's lockdown commissar deserves a promotion. Unfortunately, the Senate may just give him one.

Mr. Becerra is also a vocal advocate for the socialist takeover of healthcare

known euphemistically as Medicare for All. He supports destroying union healthcare plans, crushing Medicare Advantage, and ultimately taking away your health insurance on the job, which covers, I would add, 158 million Americans. This disastrous boondoggle would cost \$34 trillion and would inevitably result in the rationing of care, hurting senior citizens most of all. Medicare for All would, in reality, result in Medicare for None.

Last year, President Biden acknowledged that Medicare for All would yield massive tax hikes for middle-class families. Yet Joe Biden selected a supporter of this disastrous Medicare for All plan to be his top Cabinet official on healthcare.

And, of course, Mr. Becerra wouldn't be a Biden administration nominee if he didn't also support open borders. But he has gone further on open borders than even most of the other Biden administration officials, saying out loud what so many Democrats silently believe. He has openly argued for the decriminalization of illegal immigration. He has even stated with a straight face that illegal immigration does absolutely no harm at all, directly or indirectly, to American citizens. If Mr. Becerra really believes that, he is hopelessly naive and needs to get out a little more.

He can start by talking to the millions of Americans who are out of work or whose wages have stagnated thanks to competition from illegal aliens. He could also visit the graves of thousands of Americans killed by Mexican drugs and terrorized by gangs like MS-13. If confirmed, Mr. Becerra would oversee our Nation's response to the drug crisis and the maintenance of many migrant detention facilities. His radical open borders advocacy would make matters worse on both fronts. It would also fuel the ever-growing surge of unvetted, untested, and unvaccinated illegal aliens into our Nation, spreading the coronavirus in our communities just as it looks like we are about to turn the corner on this pandemic.

Finally, Mr. Becerra holds opinions on abortion that are unacceptable, unjust, and far outside the mainstream. As a Member of Congress, he voted in favor of partial-birth abortion—a disturbing and deadly procedure performed in the very last stages of pregnancy. As California's attorney general, he tried to destroy anyone who opposed his extreme position on this issue. He brought 15 felony charges against pro-life, undercover journalists who exposed Planned Parenthood's illegal and disgusting sale of baby body parts—a move that even the liberal Los Angeles Times called “disturbingly aggressive.” He defended an unconstitutional law that would have forced pro-life crisis pregnancy centers to advertise for abortions, the very thing it is their mission to oppose—something that the U.S. Supreme Court called a “serious threat” to freedom of speech.

He even sued to force an order of nuns, the Little Sisters of the Poor, to

purchase healthcare coverage that violated their sincerely held religious beliefs. And when he was asked about all of this in the Senate, like any bully, he tried to cover it up, denying that he sued the Little Sisters at all. If he will sue the Little Sisters, then what will he do to you and your family?

A few of my colleagues have indicated that they will vote for Mr. Becerra, despite disagreeing with these radical views. Perhaps they think those are just his personal beliefs, that he won't practice what he preaches. Perhaps they think he won't undermine pro-life protections like the Hyde Amendment and use his office to persecute Catholic nuns. I would ask those colleagues to look at Mr. Becerra's record, not the words he utters to get their vote, and then to reconsider their support because any honest assessment will show that Xavier Becerra is a partisan cultural warrior who has consistently abused his office to punish his enemies and to enact far-left policies in Congress and in California.

If the Senate confirms his nomination, they will be empowering Mr. Becerra to bring California's lockdowns, lawsuits, and liberal policies to all of our 50 States, and that would be a disaster for our country.

I will close with a simple request for President Biden, who campaigned on unity and ending a terrible pandemic: Merely do what you said you would do. Send us a nominee who will unify the country and bring consensus, not one who will scrape by on the slimmest of majorities. Send us a nominee who is actually a healthcare expert, and the Senate will gladly consider them. Xavier Becerra is not that nominee, and the Senate should reject his nomination resoundingly.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ELECTION SECURITY

Mr. CORNYN. Mr. President, about 1 year ago today, Congress was in the midst of a debate about the most effective way to respond to COVID-19. On a call with his colleagues, the House majority whip, Mr. CLYBURN, reportedly laid out his vision about how his caucus in the House should proceed. He said, it is reported: This is a tremendous opportunity to restructure things to fit our vision.

For American families, this pandemic has been an unmistakable tragedy, one characterized by lost lives and lost livelihoods, but, apparently, for some, it is viewed as a tremendous opportunity.

The partisan \$1.9 trillion bill that was signed into law last week is proof

that, apparently, the Democrats in Congress and in the White House agree. After all, this legislation includes a long list of non-COVID-related priorities, again, completely unrelated to the crisis at hand: blank checks for mismanaged union pension funds, funding for climate justice, backdoor money for Planned Parenthood, an exclusive paid leave program for government bureaucrats, and the list goes on and on.

Before the bill was even signed into law, folks from the other side of the aisle started advocating making many of the provisions permanent. This is an emergency measure, supposedly, but folks advocated making those temporary provisions permanent, further proof that this is more than just a pandemic relief response; this is about, in the words of Mr. CLYBURN, restructuring government as we know it.

But it doesn't stop there. Now our Democratic colleagues in the House and some in the Senate apparently want to hijack the State and Federal election system, starting with making temporary pandemic election responses permanent. Of course, our elections are run at the State and local level. As a matter of fact, I recall, given the efforts of the Russian intelligence services to interfere with our election in 2016, one of the strengths of our system was its dispersed nature, suggesting, in other words, that if it had been a single system, it would have been much easier for our adversaries to interfere—and particularly in the cyber realm.

But we know, as a result of the pandemic, States made provisional changes to their 2020 election processes to make sure that people could safely exercise their right to vote. In my State, we extended early voting. We allowed voters to submit mail-in ballots in designated drop boxes.

Several States, of course, expanded eligibility for mail-in voting. Some, like California, took things even further and sent mail-in ballots to every registered voter. At the time, these changes were billed as temporary, given the unique and extraordinary nature of the challenges presented by the pandemic, but as the House minority whip has said, this pandemic, apparently, is viewed as a tremendous opportunity to restructure the way we run and conduct elections.

House Democrats have passed legislation to make many of the temporary changes in the 2020 elections permanent and add a list of other so-called reforms in order to federalize our State- and local-run elections. This is in the face of article I of the Constitution that explicitly gives the States the power to regulate the times, places, and manner of holding elections.

Yet this 791-page document creates a one-size-fits-all mandate for all States. It actually preempts State law, starting with mail-in balloting. Any person in any State could request a mail-in ballot for any reason. There is no need to say why you can't vote in person,

which is the current policy in most States.

Those ballots would not, under this bill, even have to be mailed in by the voter or dropped in a State-sanctioned ballot box because this legislation legalizes ballot harvesting, which means that mail-in ballots could be collected by paid activists or campaign staffers or anyone who has a stake in the outcome of the election.

It goes so far as to specify that States may not put any limit on how many voted and sealed absentee ballots any designated person can return. It really sounds like an invitation to fraud, and you can see how this could go badly pretty quickly. Maybe the ballot gets turned in with thousands of others. Maybe it is altered. Maybe it ends up in the trash. It is hard to say.

That gets to one of the root problems with this legislation is it does create limitless opportunities for fraud. Every single ballot cast illegally or due to fraud undercuts and neutralizes every legally cast ballot.

One way this bill removes some of the most basic requirements of most States' ballot integrity safeguards against election fraud is by removing any requirement of identification. This was, we should recall, one of the main recommendations of the bipartisan 2005 Commission on Federal Election Reform, cochaired by former President Jimmy Carter and former Secretary of State James Baker III. The Commission recommended that voters should be required to present photo ID cards and that States should provide free cards to voters who did not have a driver's license.

In order to vote in person, most States require voters to produce some valid form of identification. I know mine does. In Texas, there are three options—actually, several options: a driver's license, a passport, a military ID, a citizenship certificate, and other forms of government-issued ID. If, for some reason, you can't obtain one of these forms of ID, there is still a process in place to allow a person to vote by presenting other documents, making sure that they identify the person casting the ballot.

Matching the name of an eligible voter with the name on a valid form of ID is a commonsense safeguard against fraud but one which this legislation seeks to eliminate. If you go to a convenience store and want to buy a six-pack of beer or if you want to buy cigarettes or you want to get on an airplane, you have to present an ID card, but this bill eliminates that requirement when it comes to the most sacred duty and privilege that we have as citizens, and that is to vote.

This legislation stops States from requiring voters to provide proof of identification. Just sign a piece of paper saying you are who you are, and no one can ask any questions. On top of that, this bill would require the States to automatically register anyone in their databases, for everything from DMV to

public assistance programs. Well, we know these databases are not limited to registered voters or even eligible voters. That could include people illegally present in the country because some States allow a driver's license to be issued to noncitizens who are not legally present in the country. These databases include other noncitizens and others not eligible to vote, not to mention the fact that those who are already registered to vote could be registered again and again.

And even if there are duplicate registrations or if someone passes away or moves, States would not be allowed to clean up the voter rolls within 6 months of an election. Just when you think things can't get any crazier, they do.

Our Democratic colleagues are proposing that the taxpayers fund their elections. A lot of companies have a match program for charitable giving. If an employee donates to a charity of their choice, then the company will match that donation dollar for dollar. The same principle applies except, instead of a charity getting the money, under this proposed legislation, it is now a political candidate. Instead of a company footing the bill, it is the taxpayers, and instead of an exact match, it is up to \$6 for every \$1 donated. That means if someone donates 200 bucks to their preferred candidate, Federal taxpayers will wind up coughing up \$1,200.

Well, I think there are a lot of better uses for government tax dollars. They can go to support crime victims or support the response to the humanitarian crisis at the border, which we are experiencing right now. But, no, the proposal in this legislation is, let's use it to elect them.

Then there are the campaign vouchers. This bill creates a new program that provides eligible voters with a \$25 voucher to donate to the campaign of their choosing—again, more government, taxpayer-funded election activities.

I could go on and on.

This legislation also alters the fundamental structure of the Federal Election Commission to remove any need for bipartisanship or consensus building. It undermines trust and accountability in elections. It implements a new financial disclosure policy that even the American Civil Liberties Union says "could directly interfere with the ability of many to engage in political speech about causes that they care about." That is the ACLU.

Above all, this bill amounts to nothing more than a Federal hijacking of State elections. I can promise you, folks in my State don't want Speaker PELOSI or Majority Leader SCHUMER to determine how elections are run in our State. They want accountable leaders in our State, elected by and accountable to them, to determine the best way to conduct free and fair elections.

Following the last two Presidential campaigns, the side that lost had expressed concerns about election secu-

rity. A partisan attempt to overhaul our entire election system is hardly a confidence-building exercise. This bill is not a serious attempt to improve security and accountability in our elections; rather, it is a partisan power grab that will do serious damage to our Republic.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### RACISM

Mr. MENENDEZ. Mr. President, I take no pleasure in coming to the floor today. We in the Senate take pride in our decorum and our sense of comity with each other, so much so that we often twist ourselves into pretzels to avoid saying anything that might be interpreted as a criticism of another Senator. Yet there comes a time when these verbal gymnastics simply won't do. You are either going to speak the truth or fail to do justice to the values you hold dear.

What one of our colleagues said last week about the events of January 6 was felt by many to be racist and hurtful—a stain on the office he is so fortunate to hold.

Look, I get that no one likes to be called racist, but sometimes there is just no other way to describe the use of bigoted tropes that for generations have threatened Black lives by stoking White fear of African Americans and Black men in particular.

On a radio show, our colleague explained that he never feared for his safety during the January 6 insurrection of the U.S. Capitol. But make no mistake, under different circumstances, he would have been afraid. He said:

Now, had the tables been turned—now, Joe, this will get me in trouble—had the tables been turned and President Trump won the election and those were tens of thousands of Black Lives Matter and antifa protesters, I might have been a little concerned.

Is that not racism?

I don't think the Senator is ignorant of the fact that for centuries in this country, White supremacy has thrived on using fear to justify oppression, discrimination, and violence against people of color. I do, however, think my colleague may be ignorant of the pain caused by his comments and unaware of how they compound the trauma that so many still feel in the wake of the events of January 6.

Because I do not think I can do justice to that pain, I want to share with you an email I received this weekend. It is from one of the most devoted public servants I have ever had the pleasure of working with, an African-American member of my staff. His name is Keith Roachford. He has devoted nearly three and one-half decades to serving the people of New Jersey in Congress and his community as a faithful churchgoer and Boy Scout leader. It reads:

Senator,

I would not normally send you an email like this but I am at a loss of how to express



the outrage and hurt I am feeling from the comments made by Senator JOHNSON that he would have been more afraid on January 6th if the insurrectionists would have been from Black Lives Matter.

I am blessed to be on your staff and have had the opportunity to serve as a staff member in the NJ delegation for 34 years, but this is the most painful thing I have ever heard being said by a US Senator.

I could not imagine that the horrible and painful events from [January] 6th could be replicated in a statement from a sitting member of the Senate.

However, Johnson's comment is worse than the image of the insurrectionists walking through the Capitol building with the confederate flag.

He is perpetrating the racist trope that the country should fear black people.

I have experienced what it is like to have a taxi cab pass you by in order to pick up white passengers who are further down the block of where you are standing.

Nothing can describe the feeling when you have entered a store and having store clerks watch your every step while shopping.

Sandy—

That is his wife—

and I have had the conversations with our sons when they were young about how to enter a store; not look suspicious; keep your hands out of your pockets until you make your purchase; or how to respond and talk to police officers in any interaction.

I have had the difficult conversation of explaining to a young black scout in our scout troop why a white campground store clerk accused him of not paying for an item because he was black.

[This] type of hate speech is [not] new. The hardest part of what he said is that in 2021, a United States Senator would so freely express this type of hate out loud.

I am so grateful for our officers who endured so many injuries on [January] 6th, and I pray that they will recover physically and mentally.

They are going through so much right now, I feel guilty that my email to you might sound shallow because of the pain they are trying to overcome.

I understand that the Senate works best when both sides can find common ground, but how do [you] really reach common ground when [such views can be held]?

Again, I am sorry for reaching out late on Saturday evening, but I needed to share this with you.

Keith.

To read these pained words both broke my heart and boiled my blood. Thousands of people of color serve in the U.S. Capitol workforce. They are legislative staffers like Keith and Capitol Police officers and maintenance workers, cafeteria staff, and so much more. I should not have to stand here and remind anyone that many of them feared for their lives on January 6. But not Senator JOHNSON. He felt no fear. He wasn't afraid because, and I quote:

I knew those are people that love this country, that truly respect law enforcement, would never do anything to break the law, so I wasn't concerned.

People who love this country do not desecrate our most sacred democratic institutions and display symbols of racial hatred like the Confederate flag in the halls of Congress. People who respect law enforcement do not assault Capitol Police officers, beat them within inches of death, and hurl ugly epi-

thets at officers of color. And people who would never do anything to break the law would not try to overturn the rule of law, plot to kill elected officials, and stop the peaceful transfer of power as instructed by the Constitution of the United States.

Now, I know what some rightwing media pundits and some of my Republican colleagues will say. They say it every time they are asked to accept some responsibility for perpetuating the lies told by President Trump that inspired the violent events of January 6.

They say: What about Black Lives Matter?

They say: Well, what about it?

Well, I say: Well, what about it?

The violent picture they paint of this movement could not be more divorced from reality. At this point, several reputable studies have confirmed that the protests launched in the wake of George Floyd's chilling murder were overwhelmingly peaceful. I repeat: The Black Lives Matter movement is overwhelmingly peaceful. I know many people don't care about facts these days, but it is the truth.

One study out of Harvard University analyzed 7,305 Black Lives Matter protests. The conclusion? Allow me to quote Professor Erica Chenoweth. She said:

Only 3.7 percent of the protests involved property damage or [some form of] vandalism. Some portion of these involved neither police nor protesters, but people engaging in vandalism or looting alongside the protests. In short, our data suggest that 96.3 percent of events involved no property damage or police injuries, and in 97.7 percent of events, no injuries were reported among participants, bystanders or police.

Likewise, the Armed Conflict Location & Event Data Project—an organization I might add is partially funded by the U.S. Department of State's Bureau of Conflict and Stabilization Operations—examined 7,750 different Black Lives Matter demonstrations across the Nation last summer. They found just 3 percent of those protests associated with any violence or property destruction whatsoever. They also concluded that police departments “disproportionately used force while intervening in demonstrations associated with the [Black Lives Matter] movement relative to other types of demonstrations.”

Indeed, on January 6, as we waited for hours for backup from the National Guard and other law enforcement agencies to come to the aid of Congress, I know that I am not the only one who could not help but think of the violent, government-sanctioned crackdowns that met Black Lives Matter protesters last summer.

The bottom line is that these lies casting Black Lives Matter as violent have already done real damage. They have convinced millions of Americans that they should fear those who march under the banner of this movement for justice, when really it is the resurgence of violent White supremacy that should be Americans' real cause for alarm.

Indeed, last October, the Department of Homeland Security issued a report confirming that White supremacists pose the most lethal domestic terror threat to the American people. Research from the Center for Strategic and International Studies finds that White supremacists and their sympathizers carried out two-thirds of terrorist plots and attacks in 2020.

In the weeks since January 6, we have learned that far-right extremist groups that regularly preach White supremacy, such as the Oath Keepers and the Proud Boys, played a major role in plotting and executing the attack on the U.S. Capitol.

Every Member of this body owes their life to the sacrifices made that afternoon by Capitol Police officers, including officers of color. At least 100 officers were physically injured in the January 6 attack. One officer, a veteran and fellow New Jerseyan named Brian Sicknick, later succumbed to the injuries he sustained. Two others subsequently committed suicide. Hundreds of officers now carry with them invisible scars from the trauma they endured that day—scars that may not fade for years or even decades.

For one of our colleagues to cast those who attacked the Capitol as harmless patriots while stroking fear of Black Americans is like rubbing salt in an open wound.

Everybody in this body should know that when you perpetuate such racist tropes, you contribute to a culture that gives people permission to treat Black Americans as suspicious and their lives as expendable. We in the Senate are supposed to hold ourselves to a higher standard. We are supposed to advance America's long march toward a more perfect Union, not coddle and cater to those who would take us backwards, and we are supposed to stand up for the truth. That is what brought me to the floor today.

I hope Members of this body on both sides of the aisle will join me in making sure that we do not debase the institution and the people we are called to serve—all the people—for whom so much pain has existed for years and exists still today.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

BORDER SECURITY

Mr. LANKFORD. Mr. President, on January 20 of this year, President Biden declared the repeal of an emergency action at our southwest border. He withdrew that and said there is no emergency that currently exists there and paused all funding for the border wall system construction—stopped it. Wherever it was that day, it ended that day.

The same day, he announced a 100-day moratorium on deportations in the country—stopped that. Within a few days, the courts stepped in and a Federal court said that you can't just stop actually executing faithfully the laws of the United States. The court halted

then his halt of a moratorium on deportations. In this case, his actual request for a moratorium on deportation halt was for those who had actually gone all the way through the court system and a Federal court had asked them to be removed from the United States. That is what President Biden was trying to stop.

Federal courts then stepped in and said that when the courts said they had to be removed, the executive branch can't just ignore that. They have to actually be removed.

That opened the flood gates. Those two announcements together—that we are not going to do any more border construction, that we are going to stop that, and the announcement of the moratorium—started the process of a stir in Central America among the human smugglers to get the word out to say this President is going to allow to let people in and it is going to be different.

Why would I say that and why would they say that? Because even in the time when I was sitting down with now Secretary Mayorkas in his hearings before he was actually confirmed, I asked him in those hearings: If there is a caravan coming to the United States right now with hundreds of people in it and growing, what is your message to them if you became the Secretary of DHS? What would you want to make sure those folks heard?

His response to me in that hearing was: I would tell them to wait. Not yet. Not yet.

The coyotes didn't hear it that way. They accelerated pushing people.

What is actually happening on the border?

Last weekend, I spent the weekend in Arizona just south of Tucson in Nogales, a small little town of 26,000 people that sits right on the border with Mexico. It is 26,000 on the American side, but on the Mexican side it is a city of 450,000. It is a very large community on that side and, literally, they have built up the community directly against the border.

Much of that border fencing has been there a very long time. They built properties directly against that fence. They are Mexicans. They can do that. That is their property to be able to do that. That is not the issue.

The interesting thing was to visit with folks from HHS taking care of the unaccompanied minors in the area, to visit with Customs and Border Protection that are actually handling the cross-border transition, and with Border Patrol leadership to go through that area and see it.

Let me tell you a couple of things I saw this weekend to help you get the context. The folks who I visited with at HHS, who are there taking care of the unaccompanied minors coming in—and we are seeing a significant surge of unaccompanied minors because the Biden administration has changed the policy and said that if you are 18 years old and up, because of the pandemic, we

are not going to allow you in. It is called title 42 authority. The Trump administration actually put that in place and said: During the time of the pandemic, we are trying to limit cross-border traffic. You can't just come in.

The Biden team changed that and said: If you are 18 and up, you can't come in immediately. If you are 17 and down, you can.

So we are seeing a massive surge of unaccompanied minors right now. It is literally an invitation to say: You can come, but don't bring your family with you.

When I sat down with the folks at HHS there, who are doing a fantastic job with the best they can to be able to take care of those kids, I asked them: What are you seeing?

The vast majority of the kids that they are seeing coming across the border are 16- and 17-year-old males. When you hear the term, "We've got all these kids coming across the border," sometimes, as Americans, we think these are 5-year-olds crossing the border. They are not. The vast majority of them are 16- and 17-year-old males coming across the border. They are also being transported to individuals who are here in the country who are family members and who are already present here in the country. Most of those are also illegally present in the country. They are uncles and aunts. They are cousins and brothers and sisters who are already here because we have separate categories of how we actually transition those kids to someone who can take care of them before we have the court hearing. Most of those court hearings will take 2 the years. They are crossing the border, these 16- and 17-year-old males, and being connected with an uncle who is already here and many times, illegally, as well. They will have the next 2 years to be here before they have a court hearing and be able to go through the process—if they come to the court hearing.

When I visited with the folks at Customs and Border Protection, they were frustrated with the lack of funding that has been given to them to be able to take care of the needs for that particular facility and help manage the number of people who are coming through. They need additional assistance because in that very old facility, they need additional barriers to just help them manage the flow of people as they come through.

When I visited with Border Patrol, we drove just a couple of miles out into the desert, just to the west of this town of 450,000 people, to go see the new fence that is being constructed. It may be hard to see it in this, but miles and miles of new fencing are going in.

But on the day of January 20, construction was halted. In this particular area, there are miles and miles of fencing except for these gaps in the fence. Those gaps were put in there to be gates. So if they have to take care of the fence, they can get access to both sides of this. These miles and miles of

fencing are done except for the gate area, and, literally, the steel for the gates are laying on the ground.

Why in the world would you do construction and have it stop to say you can build everything except close the gates?

The Border Patrol team has literally dug over some of the steel just to be able to stack it in front of the gaps that are in the fence here to keep vehicles from driving through and try to put different barriers there and try to slow down the traffic.

For every one of these gaps along these miles and miles of fence, they are having to assign a Border Patrol agent there just to be able to sit at that gap because it is the obvious place to literally be able to walk through the fence.

There is only one reason that you would have a fence like this for miles and miles and leave it open as a gap—to allow people through. Worse than that, all the way through this construction area is just a dirt path they used for construction. But in the contract itself, it was set up to allow for the fence construction first. Remember, this is a wall system. There is technology and wall.

Walls are medieval, I get that, but there is a reason we still use fences in our backyard and still a reason we use fences as barriers because they work. They slow people down from actually crossing that barrier.

But it is a wall system in place. For miles and miles and miles in the contract and as it is written, they put up the fence first, close up the gates second, and then they finish the road so Border Patrol can actually pass through here, even when it rains in this area, to have a simple road passage there. Then they put in ground-based sensors so they can detect when people are walking across. Then they put in lights and cameras—all the technology we talk about in this room. I can't remember how many times I have heard my Democratic colleagues say: Fences are old. Let's just do the technology. Technology can help manage this.

In this situation, the contract is out and done. The fence is already installed, except for the gates, but no technology is there. So, literally, the Biden team stops before what even they claim is the effective part to stop people illegally crossing the border. The \$1.6 billion was paused—that \$1.6 that goes to simply closing the gates and installing the technology. That is what remains. This is nonsensical.

I understand the Biden team and some of my Democratic colleagues want a more open border. They have been clear on that. This does not provide security for our Nation. This is the result of saying: I don't want any more wall.

This is a nonsensical system on our southern border, with literally open areas that you could drive a truck through and where Border Patrol agents have to then sit at. Rather than

monitor large areas, they are stuck monitoring the open door.

Listen, we can have arguments about immigration, but, supposedly, we all agree we should have border security—at least we used to. This doesn't make sense. But this is now the reality, and it will sit like this for we don't know how long—maybe forever—until we as a nation determine this has to change. It is an open invitation.

Have things really changed significantly on the border? Let me give you an example that is pre-COVID—pre-COVID, February of last year, before COVID came through. So don't say that things have changed in COVID. In February of 2020, we had under 40,000 people who were apprehended crossing our southern border that month—under 40,000 pre-COVID. That is a transition and an arrest process.

This February, with the only thing changing being the change of Presidents, we had over 100,000 people illegally crossing the border. One year later, we go from less than 40,000 to over 100,000.

This is a manufactured crisis that is happening on our border: a halting of closing up the holes in the fence; statements that we are going to do a moratorium, that we are not going to have anyone deported anymore; changing the rules on unaccompanied minors to basically invite them to come into the United States; and, again, statements like, "Caravans, I will just tell them to pause; we are not quite ready for you yet."

That is really not going to be a pause at all. That is going to be an invitation. That is not me saying that. It is the thousands and thousands of people who are coming to be able to connect with relatives who are already here and to be able to walk through a process, to be able to go around our visa application process and go around legal immigration.

I remind us as a country that we allow a million people a year to legally come to the United States and become citizens—a million people a year. We are not a stingy nation in engaging with legal immigration. There is a right way to do it, and we welcome people to do it the right way. This is welcoming people to do it the wrong way, and that does not help our security as a nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

BUDGET

Mr. BARRASSO. Mr. President, I come to the floor to talk about President Biden's runaway spending proposals.

Of course, as a conservative Republican, when I look at this thing, I have to say: Wait a second. This is not something that I can support in any way.

We have a 50-50 Senate here in the United States. The Democrats have won a narrow margin in the House, but the Democrats in Washington are acting like they have won in a landslide

and have a national mandate. They do not. If there is any mandate when you have a 50-50 Senate and when you have such a narrow range in the numbers between the Republicans and the Democrats in the House, you would say it is a mandate to move to the middle. That is what the American people voted for. They said: Let's get to the middle. Let's find solutions to move our country forward.

It does seem, to me, what the Democrats are doing is an unprecedented overreach. The Democrats have only had control in Washington for about a month and a half, and it has already cost the American people \$1.9 trillion. It is an astonishingly large figure. It was supposed to be for coronavirus relief, but 1 percent of the money went for vaccines, and only 9 percent went to actually fighting the coronavirus. Yet, before they passed the bill, that is what the Democrats said it was for. It does seem to be the oldest page in the Democratic playbook.

We all remember the old ObamaCare bill and debate and discussion. They said it was a tax. When they needed votes in Congress, they said it wasn't a tax. Then they realized they were going to lose in court, and they said it was a tax all over again. Well, we have seen the same playbook here. They said we needed more coronavirus relief, and then they passed this liberal wish list. Once they had the votes, they admitted the bill was not about coronavirus medical relief, healthcare relief or vaccines or fighting the disease. No—a liberal wish list.

Now, don't just take my word for it. The Democratic majority leader, standing right there, called it a "turning point" that transforms the United States. The White House Press Secretary called it the "most progressive bill in American history." One Democratic leader in the House called it an "ideological revolution." I guess they forgot it was supposed to be about the coronavirus. It doesn't sound like coronavirus healthcare relief to me.

After the bill passed, Speaker PELOSI admitted this was the same bill that she put forward last summer. Back then, the New York Times looked at it and called it "more a messaging document than a viable piece of legislation." POLITICO called it a "Democratic wish list filled up with all the party's favorite policies."

This was never a coronavirus relief bill. They used the coronavirus to cover the payoff to all of the most powerful people in the Democratic Party: \$85 billion to union pension plans, irresponsibly run; \$26 billion for California Gavin Newsom; \$12.5 billion for New York and Governor Andrew Cuomo; a big payoff for teachers unions and potentially millions for Planned Parenthood.

President Biden signed the bill, and then he gave a speech a few hours later. In effect, he admitted the bill doesn't get us 1 day closer to reopening our country. This is what this was sup-

posed to be about—getting kids back to school, getting people back to work, and getting the virus behind us. President Biden said "there is a good chance" that small groups of people can get together outside in July. Well, he said, "that doesn't mean large events."

The Democrats spent \$1.9 trillion, and, once again, they moved the goalposts. Congress has already paid for enough vaccines for every American to get vaccinated by the end of May. The Centers for Disease Control and Prevention says that getting vaccinated means getting your life back. This is what they told us. It means you can have indoor gatherings without masks. America needs to be fully open before the Fourth of July.

The Democrats haven't even finished their victory lap over the spending bill, and they are already telling us they want more. Here are just a few examples of what they propose to do, not with their money but with the American people's money—the taxpayers' money, the hard-earned dollars of the people who go to work every day and send their tax dollars to Washington.

In their \$1.9 trillion wish list, the Democrats tried to double the minimum wage by Federal mandate. They failed, but they are going to keep trying.

Now, of course, the Office of Management and Budget, which took a look at this thing, said: Well, if they had succeeded, it would have forced 1.4 million Americans who have jobs right now to be out of their jobs because, when you mandate a doubling of the minimum wage, small businesses are either going to have to close or lay off certain people so they can pay the wages to others in an effort to keep the doors open. It means less tax revenue overall for the country, and it means more spending for unemployment insurance. If you add it up, it would increase the national debt by about an additional \$54 billion.

In their \$1.9 trillion wish list, the Democrats also wrote a big check to the teachers unions.

Now, they actually didn't need the money because, in the five bipartisan coronavirus bills that we have passed in overwhelming majorities, we sent schools \$113 billion. The schools haven't even spent most of that money yet. In fact, they have only spent about \$16 billion of the \$113 billion. There is almost \$100 billion yet to spend. On top of that, the Democrats have just put up another \$170 billion in their wish list. If you add it up, that is nearly \$270 billion to spend with no promise—none—to reopen the schools.

The Democratic leader wants to forgive \$1 trillion in student loans. Subsidizing student loans just lets colleges raise prices. That is exactly what would happen if Leader SCHUMER's plan were to become law. Colleges don't need to raise prices. They need to lower the cost of education.

Senator SANDERS has an even more radical proposal. He wants to forgive

all Federal student loans, and that would cost \$1.6 trillion. Forgive them all. Just forgive all of the loans. It doesn't matter. Rich or poor, forgive all of the loans. Well, that would drive up the price of tuition even higher. If it allows colleges to get the money directly from the Federal Government without having to go through the students, the costs will escalate dramatically.

Let me remind my Democratic colleagues that most Americans don't have college degrees. Yet, under the Democratic plan, all taxpayers—all taxpayers—would have to pay for the college tuitions for all of the students, including those who have families who can clearly afford to pay the tuitions to the colleges which they attend. It doesn't matter. If you go to the most exclusive college or if you go to your State college, if you have a debt, we are going to get rid of it, says the Democratic proposal, and the hard-working taxpayers of America are going to be stuck with the bill. Count me out on that one.

The Democrats want to take tax dollars from people who don't have college degrees or who never went to college and give it to the leftwing professors at so many universities, and this is wrong.

President Biden also wants to double down on ObamaCare. He thinks ObamaCare didn't go far enough. According to one estimate, President Biden's healthcare plan would cost about an additional \$2.25 trillion. These are astronomically large figures. His housing plan would cost \$640 billion. The Democrats have proposed another \$2 trillion in infrastructure spending. One Democratic Senator even called for doubling that amount—\$4 trillion in new infrastructure spending.

This is just the tip of the iceberg. I could go on and on. If you add up all of the new spending proposals by the Democrats and the White House and the Senate, it could cost nearly \$12 trillion. By the end of this year, the national debt is going to be bigger than our economy, and we have the biggest economy in the world. Even before the Democrats passed their wish list, we were on track this year to have the second biggest deficit since World War II.

When the Democrats increase spending, we know what is next—massive tax increases on the American public. We heard it yesterday in the news. It was in the headlines. That is President Biden's plan—the first major tax increase in 28 years. He is proposing the biggest tax increase since 1993. He wants to raise taxes on businesses and on families, and he even wants to resurrect the death tax. Let me remind President Biden what happened after 1993. A year later, the Republicans took back the House and took back the Senate.

The 2020 elections were close. The American people didn't vote for this radical agenda, and it is a radical agen-

da. They didn't vote for \$12 trillion in new spending and new taxes with increased tax rates and increased taxes on long-term investments like your home and increased taxes like the death tax—oh—and more money for the IRS so it can send agents to investigate the American public even further.

I would urge the Biden administration and my Democratic colleagues to listen to the people and to the people from whom I hear every weekend in Wyoming. It is time to put down the credit card. It is time to stop the spending spree. It is time to move to the middle to solve problems—that would be best for our Nation if we would address them—for the people of this great Nation.

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

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

#### BORDER SECURITY

Mr. GRASSLEY. Mr. President, we welcome about a million immigrants every year. We welcome them because they come here, abiding by our laws, and we need immigrants. We have been a welcoming country for a long time, but I come to the floor to speak about the ongoing crisis at our southern border—a crisis that, I think, this administration doesn't want to admit is a crisis. Because of some changes in policy, we have that crisis, and that crisis is people entering our country in violation of our laws.

Since taking office, this administration has advanced policies that have undermined immigration enforcement. These policies undermine efforts to secure our southern border, and they encourage illegal immigration into our country. President Biden has signaled that, when it comes to immigration that violates our laws, the United States is open for business. Speaker PELOSI and House Democrats are doubling down on that position this very week. They are working to pass several mass amnesty bills that contain no provisions related to securing the border.

It turns out that people are finally paying attention. U.S. Customs and Border Protection recently confirmed that it had encountered over 100,000 migrants attempting to cross the southern border in February—the first full month of this new administration. That is the highest total for the month of February since 2006. News reports are that Democrats are blaming Trump's policies for this situation that we are in. Yet the number of single adults encountered at the southern border was up 175 percent compared to last February. The number of family units was up 170 percent, and the num-

ber of unaccompanied alien children was up 171 percent.

The Department of Health and Human Services, which is responsible for the care of the unaccompanied children after they arrive in the United States, had 7,300 unaccompanied children referrals in February. That is the highest number of February referrals in the history of the program.

As of late last week, Health and Human Services had over 8,500 unaccompanied children in its facilities.

As of this past weekend, more than 4,200 were being held by the Customs and Border Patrol holding facilities, with nearly 3,000 being held past the legal limit of 72 hours.

These are the “kids in cages,” whom many of our Democratic colleagues were so outraged about a few years ago, blaming Trump, even though the so-called cages were created in the Obama administration, just being reused again.

Curiously, we are not seeing nearly as much outrage now as we saw during the Trump episode. Where is our fair and balanced press today?

Reports emerged late last week that one Border Patrol facility in Texas was operating at 729 percent of pandemic capacity. Many minors who had been in custody for over 5 days were reportedly able to shower only once.

If this were happening during the Trump administration, our Democratic colleagues would be expressing their anger and their outrage on any media outlet that they could find. But because this crisis is happening as a result of President Biden's policies, we have mostly silence.

President Biden's border crisis reaches beyond just these staggering numbers that I have given you. First, it is a humanitarian tragedy—a crisis. The Biden administration's policies have incentivized unaccompanied children and family units to make an incredibly dangerous trip to our southern borders.

On March 10, Reuters reported that the Mexican Government is worried that the Biden administration's asylum policies “are stoking illegal immigration and creating business for organized crime”—from the Mexican Government, reported by Reuters.

There is no doubt that cartels are profiting greatly from this trafficking. One Mexican official was quoted as saying: “Migrants have become a commodity.”

The article went on to discuss how gangs are “diversifying methods of smuggling” and how smugglers are advising migrants on how to more easily apply for asylum in the United States, including by bringing children.

It also described how higher concentrations of migrants in areas near the U.S.-Mexican border have encouraged gangs to recruit some migrants as drug mules and to kidnap other migrants. For what? For money. This is a tragedy, and it is a tragedy created in just recent weeks by changes of policies at the border by this new administration.

Second, President Biden's border crisis presents a public health threat in the middle of a pandemic.

Recent reports have indicated that the administration plans to turn two Texas facilities, where migrant family units are being held, into rapid processing centers. The plan is to hold the family units for 3 days or less.

It is unclear if all of these migrants are being tested for COVID-19, when they are being tested, how they are being tested, and how they are being handled if they test positively.

Recent media reports also indicate that 100 undocumented immigrants who were released by the Department of Homeland Security into the United States later tested positive for the virus. In these times, as we are all concerned about the pandemic, it can't be acceptable.

Finally, President Biden's border crisis has created a situation that is overwhelming the men and women who work to protect our borders. It is straining the resources of agencies that must cope with the results of this administration's misguided immigration policies.

One of the most important responsibilities of the Federal Government and any Presidential administration, Republican or Democrat, is to enforce our immigration laws in ways that ensure the sovereignty of our borders, protects the American people, and, lastly, discourages illegal immigration. It is clear that this administration has failed to live up to this responsibility.

I hope that President Biden changes course and begins to work with Congress in a bipartisan way to secure our borders and, at the same time, reform our laws in ways that discourage this violation of our immigration laws by people just willy-nilly crossing the border, even being invited here. If they instead continue on their present course, this will be just the first of many border surges to come over the next 4 years.

What we need is to keep our doors open, as we have done for decades with legal immigrants, and do everything we can to discourage people from coming here in violation of our laws.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Ohio.

JOBS ACT

Mr. PORTMAN. Mr. President, I am here on the floor today to talk about workforce training, a critical issue always but particularly now as we get to the point where we are coming out of the COVID-19 crisis, the economy is picking up, and we need more workers in this country.

It is a significant issue to be able to help individuals to be able to achieve their God-given potential in life, but also it is really important to our economy because workforce is one of the big challenges we have. So to be able to get good-paying benefits for those workers, it is important but also to help our economy fully recover from the effects of the COVID-19 pandemic.

It has been over a year now since the pandemic changed all of our lives. In the early weeks and months of that crisis, it looked like things were going to continue to be really tough. I stayed in touch with business owners and workers across my home State of Ohio to hear how they were handling the closures, the layoffs, the other painful side effects of the crisis in those early months. Finally, things are getting better, and we are beginning to see more reopenings.

In Ohio, we just learned that people are going to be able to get vaccinations if they are 40 years old or older versus 60 years old and older as of the end of the week. And within another 10 days, everybody 16 years and up will be able to get a vaccine. And we have opened up some wonderful mass vaccination centers. I volunteered at one on Saturday. I spent 5 hours directing people and heard a lot of emotional stories about people really excited about getting back to their families—grandparents being able to see their grandkids for the first time in a year and the opposite, children being able to visit their parents or grandparents for the first time since the COVID-19 crisis hit, and people excited about getting back to work and back to school. So we are going to be able to see this because of Operation Warp Speed and the heroic efforts of our medical researchers and begin to help move our economy forward.

In fact, we just found out that the economy added a healthy 379,000 jobs in February. That was encouraging. And more and more businesses, again, are reopening and replacing the signs that said "Closed Because of COVID" with signs that now say "Help Wanted."

I was at a hearing today, and the representative from the National Association of Manufacturers told us that there are over 500,000 manufacturing jobs that are being offered right now. In other words, there is a shortage of manufacturing skills right now. So that is a good thing in the sense that that means there will be opportunity, but we have to have the skills to be able to fill those jobs.

Perhaps most promising, the non-partisan Congressional Budget Office, called CBO—it is a group around here that gives us advice on the economy—said that even without the most recent spending package, the \$1.9 trillion package, that the economy is going to recover to where it was prepandemic by midyear. So by June 30, they think the economy will be back to where it was prepandemic. And we had a good economy then. In February, a year ago, we

had the 19th straight month of wage growth of 3 percent or more. We had 3.5 percent unemployment, a 50-year low. We had historically low unemployment for Blacks, Hispanics. We had the lowest poverty rate we had in 60 years. Things are going well, not just for the economy but bringing people out of the sidelines and in to work. But, obviously, the pandemic hit hard. And, now, as the economy begins to recover again, we have to be sure that people have the skills they need to take advantage of a growing economy.

The pro-growth policies that we have had along the way, including the tax cuts, tax reform, regulatory relief, had helped to make sure that economy was not just strong but also inclusive. So we have to keep that up as well.

But just as the biggest challenge pre-COVID, when we had a strong economy, was finding workers with needed skills, we are back there again. So if we want to get back to the kind of economy we all want, the workforce challenge has to be addressed.

In fact, again, I think it will be an even bigger challenge now because during COVID-19, there has been a dislocation in the economy. Some jobs have been lost, and people have to find new jobs and develop skills. Some are going to have to leave the hospitality industry, for instance, and they might want to go into the tech sector or go into the manufacturing sector or the healthcare sector. So that ability to shift jobs and develop skills is more important than ever.

I am hearing it from employers all over Ohio; that as unemployment continues to fall, there are thousands of job openings for positions like welders and machinists in our manufacturing plants. I mentioned the national figure of 500,000 jobs are available right now, so we are certainly seeing that in Ohio in our factories, medical technicians in hospitals, a lot of interest in techs and in people who are willing to work in healthcare to help others, computer programmers, coders. Almost every sector of the economy is looking for people who have coding skills. So these are the kinds of jobs that economists call the midlevel skills; you know, they need more than a high school degree, for sure, but don't need a college degree. And they actually are jobs that pay quite well with good benefits. So these are the kinds of jobs that we need to be sure that we are providing out there.

The supply of skilled workers in that category, students pursuing post-high school certificates in one of these skilled areas, falls way short. They call it the skills gap. And it is holding back our economy from reaching its potential, just as it is holding back individuals from achieving their potential.

There was one study from 2019 that found that the skills gap could cause us to miss out on nearly \$1.2 trillion of economic output over the next, at that point, 10 years. So, unfortunately, that skills gap hasn't been closed. In fact,

again, I think it is more important than ever that we address it.

The best option, I think, is to tackle it head-on by getting more people enrolled in these programs that can provide the skills training and equip them with the specialized skills that they need.

When people hear the words “skills training,” their first thought is often of career and technical education, CTE. There are some great CTE programs around the country. Some in my generation called it vocational education, but this is not your father’s Oldsmobile. This is not the same old vocational education; this is high-tech stuff. It is really exciting what is going on. These programs are run by middle schools and by high schools that teach students an incredible variety of skills: health sciences, business management, culinary arts, manufacturing skills. By the way, they are incredibly popular. The good programs are really oversubscribed.

One data point that I found interesting said that 92 percent of high school students are taking at least some kind of skills training course from the CTE programs. That doesn’t mean 92 percent are enrolled full time in CTE but taking at least some of those courses.

I have visited those schools all over Ohio. Again, they are exciting. They are specialized high schools that offer students a more specialized path than the traditional path that many students are encouraged to take, which would be to try to get a 4-year college degree.

By the way, again, this path, this specialized path, where you get these skills, leads to no student debt—assuming you could find a way to pay for the skills training, which we will talk about in a second—and a good job with good pay and good benefits, as opposed to many people who go to college and end up having a lot of debt and not having a degree that enables them to get the kind of job that they want. So it is a great option to do CTE and to get the skills training.

I am cofounder and cochair of what we call the Senate CTE Caucus, Career and Technical Education Caucus, with my colleague Senator TIM Kaine of Virginia. And we have worked to strengthen CTE programs, made them more accessible, made them more affordable, provided more Federal help for them. We have gone now from 2 to more than 29 Senators in our CTE Caucus. Our goal is to increase awareness of these CTE programs and the skills training they provide and get students interested in that kind of career training, provide the resources and opportunities that will then provide them what they need for good jobs with good pay.

We have also worked together on bipartisan legislation to make sure that the Federal Government is a better partner to States and local communities as they work to ensure these young people have the skills to find good jobs.

But CTE at the high school level alone isn’t going to solve our work-

force needs. Most industry-recognized certificates require more than the CTE training. They require a higher level of training. And CTE programs, as outstanding as they can be, are usually inaccessible to Americans who are no longer of high school age but would stand to benefit greatly from these skills programs. So people who are out of high school, adults, to get that more advanced certificate or to help older learners, the best option is to instead attend a certificate-granting technical workforce training program, the kind offered by your community college or your technical school.

These programs are outstanding. At Ohio technical schools, like the Eastland-Fairfield Career Center, the Vantage Community College, the Delaware Area Career Center, Stark State, and others, I have spoken to students in technical programs who tell me how excited they are to put these skills to work. Unfortunately, individuals potentially interested in these programs often cannot afford to make the investment in that education without some financial assistance.

I talked to Dr. Para Jones today. She is with Stark State in Summit County, Akron, OH. She told me an interesting story. She said that they have a real need in that area of Ohio, and, frankly, around the country, for truckdrivers. So for people to have the certificate, which is called a CDL—commercial truckdrivers license—they had openings in their courses, but it was \$5,000. It cost \$5,000 to get a CDL. And even though these students would be making that \$5,000 and more in the coming years because truck driving is going to be quite a good career for them—50-, 60-, 70,000 bucks a year, plus benefits, depending on how much they are willing to drive—the 5,000 bucks was just too much of a burden, too high a hurdle. So her view is: You guys have to help us to be able to help students get into the programs they want to get into.

I remember talking to a welder at a career and technical high school program. It was a woman, 1 of 2 women in a class of 12 people—10 guys, 2 women. She was doing some pretty sophisticated welding, but she said she wanted to take it to the next level; she wanted to be an underwater welder, which pays a lot. We are talking over a hundred thousand bucks a year, easily; yet she couldn’t get the skills at the high school level.

And when she was offered a Pell grant to go to college, she decided to take that instead, even though she wanted to be a welder. The government couldn’t help her go to welding school. And this welding school was expensive. It makes the \$5,000 for getting the CDL look like nothing. So it was tens of thousands of dollars to get this advanced certificate.

But she was offered the Pell grant to go to college, so she was going to college, even though she would rather be a welder. By the way, these welders are highly sought after by the energy industry and others.

So it is one of those examples where, if we could direct some of these Federal resources, not taking it away from colleges or universities but into our training programs, it would make so much sense, particularly for low-income students. And that is how I get to the Pell grants.

So Senator Kaine and I have introduced legislation that is called the Jumpstart Our Businesses by Supporting Students Act, or the JOBS Act. So we came up with an acronym so we could end up with the JOBS Act.

It makes all the sense in the world. It says that instead of getting a Pell grant that can only be used for going to a college or university, you should be able to get a Pell grant to get one of these shorter-term, industry-recognized certificates. They have to be high-quality, industry recognized. I think it would be much better for the students and certainly much better for the economy. Those are the middle skills that we need so desperately. Yet we are not supporting those students.

By the way, of those students who end up going to college with a Pell grant, they say that fewer than half end up getting a college degree in the end. Why? Well, the Pell doesn’t pay for your full expenses. There are very few colleges in Ohio where you can use a Pell and get through without having significant additional expenses on top of that.

It is tough, and a lot of people drop out to be able to go back to work, as opposed to these career and training programs where, No. 1, you are looking down the tunnel and you can see the light at the end of the tunnel. You have got 10 weeks in this training program. You can get there. And you see at the end of that—to mix my metaphors here, you see the rainbow at the end of that, which is a job, a great job, with good benefits. Plus, the \$6,400 from the Pell Program pays for it. For the most part, these programs are fully paid for by the Pell grant. So it is a really good idea.

And the JOBS Act is something Senator TIM Kaine and I have introduced before and we are introducing again this week. We want these low-income students to be able to get what they need to be able to get the good jobs, and we want our economy to be able to get those positions filled so that we can continue to grow our economy as a country.

By the way, it doesn’t mean these students aren’t going to go on to a college or university. I was in a CTE program several years ago talking to some students, one of whom was going to a local manufacturer who was a supplier to GE Aviation, which makes aircraft engines. He ended up going—50,000 bucks a year at the time, good benefits—to this manufacturer. He was learning welding and other skills.

Well, that company ended up paying for his college later, which I later



found out, which is not atypical. So it is a good example of where it doesn't mean you are not going to go to college. Some people will want to, and some people won't. This young man wanted to get an engineering degree, and the company was happy to help him do that to be able to come back to that company and to provide those skills.

So whether it is learning how to conduct HVAC installation, how to operate factory machinery, how to program computers, these programs teach students practical, transferrable skills to be able to keep our economy moving.

Increasing access to the skills training through the JOBS Act can also serve to lend a helping hand for those who have lost their jobs due to COVID-19. As I said earlier, many jobs have come back and are continuing to come back as we reopen our economy, but we are still down about nine, nine and a half million jobs from before the pandemic.

Some are at businesses that are now closed or in industries that have struggled and may be fundamentally changed as a result of the pandemic. In other words, some of these jobs won't come back, so people need to re-up their skills training. Folks who had those jobs, giving them the option to invest in a new skill set through technical education funded by a Pell grant is a ray of hope, a chance for them to get back on their feet, to find new, exciting, good-paying jobs.

I am pleased to say the JOBS Act has been endorsed by the National Skills Coalition, the Association for Career and Technical Education, the Association of Community College Trustees—in fact, last year, it was their No. 1 priority, among the community colleges—the American Association of Community Colleges, and other groups.

The reason the JOBS Act has this kind of strong support is it is the best proposal out there that will help fill the skills gap we have right now. It will cover programs that, at a minimum, require 150 hours and 8 weeks to complete. Alternative proposals severely limit the programs by requiring them to have too many hours, 320 hours. Ohio community colleges have told me none of their short-term training programs would qualify under that higher number of hour requirement.

Programs like welding, precision machining, and electrical trades—we need the JOBS Act now. As we work to get our economy back up to speed, passing the JOBS Act is a top priority for Senator Kaine, for myself, and for other Members on both sides of the aisle.

Let's be sure that we work together to get this legislations across the finish line. It just makes too much sense. It is going to help tens of thousands of people have better opportunities. It is going to help our economy fill the critical jobs it needs to recover.

We need to seize this opportunity, seize it now, get this economy back on track, and ensure Ohioans and all

Americans have this opportunity to develop the skills to grow in the career of their choice and fulfill their potential in life.

I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### SENATE SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence's Rules of Procedure be printed in the RECORD.

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

#### RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

##### RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every Tuesday of each month that the Senate is in session, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

##### RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present, the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; (3) is limited to a specific measure or matter and any amendments pertaining thereto; and (4) is signed by the member wishing to cast a vote by proxy, either by handwritten signature or autopen. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

##### RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

##### RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three weekdays in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

##### RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by a joint determination made by the Chairman and Vice Chairman, nominations referred to the Committee shall be held for at least 14 calendar days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven calendar days after receipt of the background questionnaire and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a response to the Committee's background questionnaire and financial disclosure statement with the Committee.

#### RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

#### RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

#### RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. Notice.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. Oath or Affirmation.—At the direction of the Chairman or Vice Chairman, testimony of witnesses may be given under oath or affirmation which may be administered by any member of the Committee.

8.3. Questioning.—Committee questioning of witnesses shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. Counsel for the Witness.—(a) Generally. Any witness may be accompanied by counsel, subject to the requirement of paragraph (b).

(b) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject matter was classified in nature, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(c) Conduct of Counsel for the Witness. Counsel for witnesses appearing before the Committee shall conduct themselves in an ethical and professional manner at all times in their dealings with the Committee. Failure to do so shall, upon a finding to that ef-

fect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(d) Role of Counsel for Witness. There shall be no direct or cross-examination by counsel for the witness. However, counsel for the witness may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel for the witness also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. Statements by Witnesses.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee, unless the Chairman and Vice Chairman determine there is good cause for noncompliance with the 48 hours requirement.

8.6. Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. Requests To Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request in writing to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the questioning of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. Contempt Procedures.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to address such con-

tempt recommendation or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

#### RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict security procedures administered by the Committee Security Director under the direct supervision of the Staff Director and Minority Staff Director. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is strictly prohibited except as is necessary for the conduct of Committee business, and as provided by these Rules. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. "Committee sensitive" means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to

section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information received by, or in the possession of, the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met:

(1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office);

(2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and

(3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at

the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

9.11. Attendance of agencies or entities that were not formally invited to a closed proceeding of the Committee shall not be admitted to the closed meeting except upon advance permission from the Chairman and Vice Chairman, or by the Staff Director and Minority Staff Director acting on their behalf.

#### RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless

and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, revocation of the Committee sponsorship of the staff person's security clearance and immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

#### RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director may recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented

to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

#### RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The calendar shall be available to all members of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

#### RULE 13. COMMITTEE TRAVEL

No member of the Committee or Committee Staff shall travel on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

#### RULE 14. SUSPENSION AND AMENDMENT OF THE RULES

(a) These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

(b) These Rules shall continue and remain in effect from one Congress to the next Congress unless they are changed as provided herein.

### SENATE SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mr. COONS. Mr. President, in accordance with rule XXVI, paragraph 2 of the Standing Rules of the Senate, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator JAMES LANKFORD, vice chairman of the committee, that the rules of procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 117th Congress.

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

#### RULES OF THE SELECT COMMITTEE ON ETHICS

##### PART I: ORGANIC AUTHORITY

##### SUBPART A—S. RES. 338 AS AMENDED

*S. Res. 338, 88th Cong., 2d Sess. (1964)*

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with

the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

- (i) the conduct of—
  - (I) such member;
  - (II) any officer or employee the member supervises; or
  - (III) any employee of any officer the member supervises; or
- (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of

the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term "preliminary inquiry" means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of

the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term "adjudicatory review" means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is in advertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such mechanical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for

any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person

involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee. Sec. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

#### SUBPART B—PUBLIC LAW 93-191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justifica-

tion for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

#### SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

##### SEC. 8. \* \* \*

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to sub section (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such

information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

#### SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

“(a) For the purpose of this section—

“(1) ‘employee’ means—

“(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

“(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

“(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

“(D) a member of a uniformed service;

“(E) the President and the Vice President;

“(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

“(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

“(2) ‘foreign government’ means—

“(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

“(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

“(C) any agent or representative of any such unit or such organization, while acting as such;



“(3) ‘gift’ means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

“(4) ‘decoration’ means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

“(5) ‘minimal value’ means a retail value in the United States at the time of acceptance of \$100 or less, except that—

“(A) on January 1, 1981, and at 3 year intervals thereafter, ‘minimal value’ shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

“(B) regulations of an employing agency may define ‘minimal value’ for its employees to be less than the value established under this paragraph; and

“(6) ‘employing agency’ means—

“(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

“(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2)(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

“(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

“(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

“(b) An employee may not—

“(1) request or otherwise encourage the tender of a gift or decoration; or

“(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

“(c)(1) The Congress consents to—

“(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

“(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

“(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

“(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

“(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

“(A) deposit the gift for disposal with his or her employing agency; or

“(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of Gen-

eral Services in accordance with subsection (e)(1) or provide for its disposal in

“(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

“(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

“(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

“(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

“(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3)

and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

“(2) Such listings shall include for each tangible gift reported—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance;

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

“(D) the date of acceptance of the gift;

“(E) the estimated value in the United States of the gift at the time of acceptance; and

“(F) disposition or current location of the gift.

“(3) Such listings shall include for each gift of travel or travel expenses—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance; and

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

“(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

“(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

“(2) Each employing agency shall—

“(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

“(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

“(C) take any other actions necessary to carry out the purpose of this section.

“(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.

“(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

“(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

“(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.”

PART II: SUPPLEMENTARY PROCEDURAL RULES  
145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

#### RULE 1: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by

the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) **PROCEDURAL RULES:** The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) **MEETINGS:**

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) **QUORUM:**

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in

the absence of the other may constitute the quorum.

(e) **ORDER OF BUSINESS:** Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) **HEARINGS ANNOUNCEMENTS:** The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) **OPEN AND CLOSED COMMITTEE MEETINGS:** Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) **RECORD OF TESTIMONY AND COMMITTEE ACTION:** An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) **SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:**

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) **RELEASE OF REPORTS TO PUBLIC:** No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee re-

port. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) **INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:**

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) In any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or

outside counsel determines relates specifically to any of the following:

- (A) the staff member's own conduct;
- (B) the conduct of any employee that the staff member supervises;
- (C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or
- (D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(1) **RECORDED VOTES:** Any member may require a recorded vote on any matter.

(m) **PROXIES; RECORDING VOTES OF ABSENT MEMBERS:**

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) **APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES:** During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) **COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS:** With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

## **RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION**

(a) **COMPLAINT, ALLEGATION, OR INFORMATION:** Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the

Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information maybe reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) **SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION:** Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

- (1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;
- (2) anonymous or informal complaints;
- (3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;
- (4) information reported by the news media; or
- (5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) **FORM AND CONTENT OF COMPLAINTS:** A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

- (1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;
- (2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;
- (3) state the nature of the alleged improper conduct or violation;
- (4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

## **RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY**

(a) **DEFINITION OF PRELIMINARY INQUIRY:** A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) **BASIS FOR PRELIMINARY INQUIRY:** The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

### **(c) SCOPE OF PRELIMINARY INQUIRY:**

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements,

depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) **OPPORTUNITY FOR RESPONSE:** A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) **STATUS REPORTS:** The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) **FINAL REPORT:** When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) **COMMITTEE ACTION:** As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

## **RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW**

(a) **DEFINITION OF ADJUDICATORY REVIEW:** An "adjudicatory review" is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) **SCOPE OF ADJUDICATORY REVIEW:** When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review,

designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) **NOTICE TO RESPONDENT:** The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) **RIGHT TO A HEARING:** The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) **PROGRESS REPORTS TO COMMITTEE:** The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) **FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE:** Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) **COMMITTEE ACTION:**

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2(a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) **RIGHT OF APPEAL:**

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

**RULE 5: PROCEDURES FOR HEARINGS**

(a) **RIGHT TO HEARING:** The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) **NON-PUBLIC HEARINGS:** The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) **ADJUDICATORY HEARINGS:** The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as

an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) **SUBPOENA POWER:** The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) **NOTICE OF HEARINGS:** The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) **PRESIDING OFFICER:** The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) **WITNESSES:**

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) **RIGHT TO TESTIFY:** Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) **CONDUCT OF WITNESSES AND OTHER ATTENDEES:** The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) **ADJUDICATORY HEARING PROCEDURES:**

(1) **NOTICE OF HEARINGS:** A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they

are subpoenaed or otherwise summoned to testify.

**(2) PREPARATION FOR ADJUDICATORY HEARINGS:**

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

**(3) SWEARING OF WITNESSES:** All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

**(4) RIGHT TO COUNSEL:** Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

**(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:**

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

**(6) ADMISSIBILITY OF EVIDENCE:**

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be

relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

**(7) SUPPLEMENTARY HEARING PROCEDURES:** The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

**(k) TRANSCRIPTS:**

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by

majority vote that he or she be cited for contempt of Congress.

**RULE 6: SUBPOENAS AND DEPOSITIONS**

**(a) SUBPOENAS:**

**(1) AUTHORIZATION FOR ISSUANCE:** Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

**(2) SIGNATURE AND SERVICE:** All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

**(3) WITHDRAWAL OF SUBPOENA:** The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

**(b) DEPOSITIONS:**

**(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS:** Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

**(2) DEPOSITION NOTICES:** Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

**(3) COUNSEL AT DEPOSITIONS:** Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

**(4) DEPOSITION PROCEDURE:** Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the

Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) **FILING OF DEPOSITIONS:** Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

**RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT**

(a) **VIOLATIONS OF LAW:** Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) **PERJURY:** Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) **LEGISLATIVE RECOMMENDATIONS:** The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) **Educational Mandate:** The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

**(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:**

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

**RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS**

**(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:**

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

**(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:**

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

**(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:**

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

**(d) NON-DISCLOSURE POLICY AND AGREEMENT:**

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material,



received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

#### **RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS**

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements: (1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

#### **RULE 10: PROCEDURES FOR ADVISORY OPINIONS**

(a) **WHEN ADVISORY OPINIONS ARE RENDERED:**

(1) The Committee shall render an advisory opinion, in writing within a reasonable time,

in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) **FORM OF REQUEST:** A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) **OPPORTUNITY FOR COMMENT:**

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) **ISSUANCE OF AN ADVISORY OPINION:**

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) **RELIANCE ON ADVISORY OPINIONS:**

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in ac-

cordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

#### **RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS**

(a) **BASIS FOR INTERPRETATIVE RULINGS:** Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) **REQUEST FOR RULING:** A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) **ADOPTION OF RULING:**

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) **PUBLICATION OF RULINGS:** The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) **RELIANCE ON RULINGS:** Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) **RULINGS BY COMMITTEE STAFF:** The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

#### **RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK**

(a) **AUTHORITY TO RECEIVE COMPLAINTS:** The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) **DISPOSITION OF COMPLAINTS:**

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) **ADVISORY OPINIONS AND INTERPRETATIVE RULINGS:** Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

#### **RULE 13: PROCEDURES FOR WAIVERS**

(A) **AUTHORITY FOR WAIVERS:** The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) **REQUESTS FOR WAIVERS:** A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) **RULING:** The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting of the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) **AVAILABILITY OF WAIVER DETERMINATIONS:** A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

#### **RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"**

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government

whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

#### **RULE 15: COMMITTEE STAFF**

##### **(a) COMMITTEE POLICY:**

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

##### **(b) APPOINTMENT OF STAFF:**

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) **DISMISSAL OF STAFF:** A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) **STAFF WORKS FOR COMMITTEE AS WHOLE:** All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) **NOTICE OF SUMMONS TO TESTIFY:** Each member of the Committee staff or out-

side counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

#### **RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES**

(a) **ADOPTION OF CHANGES IN SUPPLEMENTARY RULES:** The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) **PUBLICATION:** Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

#### **SELECT COMMITTEE ON ETHICS**

##### **PART III—SUBJECT MATTER JURISDICTION**

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93-191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95-105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or

law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the inves-

tigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—“SUPERVISORS” DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

REVISIONS—RULES OF PROCEDURE SELECT COMMITTEE ON ETHICS

Date revised	Amendment
December 1989	Allows for a reduced quorum to take testimony except during an adjudicatory hearing.
February 1993	Adopted, under Admissibility of Evidence, paragraph (C), Rule 412 of the Federal Rules of Evidence.
May 1993	Corrected the following grammatical errors in the publication: page 2 section (d)(1) change paragraph 11 to paragraph 12; page 14 section (k)(B) change paragraph 11 to paragraph 12; page 15 section (5) change to "Whenever a member of the Committee is ineligible . . ."
April 1997	Amends Rule 9(c) Procedures for Handling Committee Sensitive and Classified Documents: (1) Strike "Committee Sensitive and classified documents and materials shall be segregated in secure filing safes." Insert "Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes." (2) Strike "If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman." Insert "If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the member or his or her designated staffer." (3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, an initial review, or an investigation, shall be hand delivered to the Member or to his or her specifically designated representative. (4) (Renumbered) (5) (Renumbered) Amends Committee Rule 14 by adding the following sentence to paragraph (c). "The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver."
November 1999	Extensively amends the Supplementary Procedural Rules to reflect changes to the Committee charter as agreed to by S. Res. 222 ("Senate Ethics Procedure Reform Resolution of 1999").

CONFIRMATION OF MERRICK BRIAN GARLAND

Mr. PAUL. Mr. President, I voted against the nomination of Merrick Garland to be Attorney General because President Biden's campaign promises included permitting the Department of Justice to take unilateral and unconstitutional actions to infringe upon Second Amendment rights. Gun control advocacy groups applaud these promises and encourage even more executive actions to erode the right to keep and bear firearms. Absent an explicit promise from Judge Garland to respect the Second Amendment, my oath to defend the Constitution prevented me from voting to confirm him as Attorney General.

CONFIRMATION OF DEBRA ANNE HAALAND

Mr. VAN HOLLEN. Mr. President, we urgently need a qualified and effective leader ready to protect our natural resources, conserve public lands, and collaborate with our Tribal nations. President Biden's nominee to lead the Department of the Interior is just the person for the job, Congresswoman Debra Haaland. She will quickly restore confidence in the Department and reaffirm its mission to manage and conserve our public land and do its part to confront climate change.

Congresswoman Haaland would be the first Native American Cabinet Secretary, and she is no stranger to breaking barriers. Haaland was one of the first two Native women elected to Congress in 2018. Prior to her congressional

tenure, Haaland was the first Chairwoman elected to the Laguna Development Corporation Board of Directors and the first Native woman elected to lead a State party, as chairwoman of the New Mexico Democratic Party. She brought her progressive values of sustainability and environmental protection to each of her positions, and I believe she will do the same for the Department of the Interior.

During her tenure as vice chair of the House Committee on Natural Resources, Haaland led legislative efforts, like the ANTIQUITIES Act and the 30x30 Resolution, to protect and conserve our national monuments, public lands, and oceans. Additionally, the Congresswoman has prioritized environmental justice and Tribal inclusion throughout her career. She introduced

the Environmental Justice in Recreational Permitting Act to increase access to public lands for all communities and fight environmental injustice. Given the Department's history of failing to engage with indigenous communities while enacting harmful public lands policies, Haaland will bring a new era of equity and inclusion to the Department of the Interior.

Last Congress, I worked to enact the Chesapeake WILD Act, which authorizes up to \$15 million annually for a new grant program managed by the U.S. Fish and Wildlife Service to do fish and wildlife habitat restoration in the Chesapeake Bay watershed. I look forward to working with Haaland to see that this program is fully funded and well implemented.

The Department of the Interior manages over 500 million acres of public land, and Haaland's record shows she is prepared to take on this role. For these reasons, I support Debra Haaland's nomination for Secretary of the Interior.

#### AMERICAN RESCUE PLAN ACT OF 2021—BUDGETARY REVISIONS

Mr. SANDERS. Mr. President, section 3001 of S. Con. Res. 5, the fiscal year 2021 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation considered under the resolution's reconciliation instructions.

I find that Senate Amendment No. 1378 fulfills the conditions found in section 3001 of S. Con. Res. 5. Accordingly, I am revising the allocations for the reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

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

#### REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

[Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, The Concurrent Resolution on the Budget for Fiscal Year 2021]

	[\$ in billions]		
	2021	2021–2025	2021–2030
Current Allocation:			
Finance			
Budget Authority .....	3,999.794	15,895.555	35,570.404
Outlays .....	3,917.581	15,824.663	35,477.120
Adjustments:			
Budget Authority .....	–6.335	–6.640	–6.640
Outlays .....	–6.335	–6.640	–6.640
Revised Allocation:			
Budget Authority .....	3,993.459	15,888.915	35,563.764
Outlays .....	3,911.246	15,818.023	35,470.480

#### BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

[Section 3001 of S. Con. Res. 5, The Concurrent Resolution on the Budget for Fiscal Year 2021]

	[\$ in billions]		
	2021		
Current Aggregates:			
Spending:			
Budget Authority .....	5,803.131		
Outlays .....	5,882.835		
Adjustment:			
Budget Authority .....	–6.335		
Outlays .....	–6.335		
Revised Aggregates:			
Budget Authority .....	5,796.796		
Outlays .....	5,876.500		

#### BUDGET AGGREGATES—REVENUES

[Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021]

	[\$ in billions]		
	2021	2021–2025	2021–2030
Current Aggregates:			
Revenue .....	2,503.907	15,284.591	35,074.542
Adjustment:			
Revenue .....	–25.380	25.487	5.524
Revised Aggregates:			
Revenue .....	2,478.527	15,310.078	35,080.066

#### PAY-AS-YOU-GO SCORECARD FOR THE SENATE

[Pursuant to Section 4106 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018]

	[\$ in billions]		
	Balances		
Starting Balance:			
Fiscal Year 2021 .....	1,173.825		
Fiscal Years 2021–2025 .....	1,890.373		
Fiscal Years 2021–2030 .....	1,881.752		
Adjustments:			
Fiscal Year 2021 .....	19.045		
Fiscal Years 2021–2025 .....	18.847		
Fiscal Years 2021–2030 .....	–12.164		
Revised Balance:			
Fiscal Year 2021 .....	1,192.870		
Fiscal Years 2021–2025 .....	1,909.220		
Fiscal Years 2021–2030 .....	1,869.588		

[Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021]

	2021	2021–2025	2021–2030
Current Aggregates:			
Revenue .....	2,523.057	15,314.642	35,075.136
Adjustment:			
Revenue .....	–59.847	–87.702	–27.320
Revised Aggregates:			
Revenue .....	2,463.210	15,226.940	35,047.816

Note: The adjustment for revenues represents the difference between revenues assumed in the budget resolution for budget reconciliation and the revenue impact of H.R. 1319, as passed by the Senate. The total reduction in on-budget revenues resulting from H.R. 1319, as passed by the Senate, is \$75.517 billion in 2021, \$120.218 billion over five years, and \$59.912 billion over ten years.

#### REVISION TO ALLOCATION TO SENATE COMMITTEES

[Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, The Concurrent Resolution on the Budget for Fiscal Year 2021]

	2021	2021–2025	2021–2030
Current Allocation:			
Agriculture, Nutrition, and Forestry:			
Budget Authority .....	240.315	831.870	1,562.654
Outlays .....	202.027	733.208	1,388.412
Adjustments:			
Budget Authority .....	22.602	22.712	22.712
Outlays .....	18.823	22.548	22.712
Revised Allocation:			
Budget Authority .....	262.917	854.582	1,585.366

#### BUDGETARY REVISIONS

Mr. SANDERS. Mr. President, section 3001 of S. Con. Res. 5, the fiscal year 2021 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation considered under the resolution's reconciliation instructions.

I find that H.R. 1319, the American Rescue Plan Act of 2021, as passed by the Senate, meets the conditions found in section 3001 of S. Con. Res. 5. Accordingly, I am revising the allocations for the reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the bill. This adjustment reflects the estimate of the bill provided by the Congressional Budget Office on March 10, 2021.

This adjustment supersedes the adjustments I previously made for the processing of S. Amdts. 891 and 1378 to H.R. 1319 on March 5, 2021.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

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

#### BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

[Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021]

	[\$ in billions]		
	2021		
Current Aggregates:			
Spending:			
Budget Authority .....	5,868.572		
Outlays .....	5,998.437		
Adjustment:			
Budget Authority .....	–82.275		
Outlays .....	–150.829		
Revised Aggregates:			
Budget Authority .....	5,786.297		
Outlays .....	5,847.608		

Note: The adjustment for budget authority and outlays represents the difference between 2021 amounts assumed in the budget resolution for fiscal year 2021 and amounts included in H.R. 1319, as passed by the Senate.

## REVISION TO ALLOCATION TO SENATE COMMITTEES—Continued

[Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, The Concurrent Resolution on the Budget for Fiscal Year 2021]

[\$ in billions]

	2021	2021–2025	2021–2030
Outlays .....	220.850	755.756	1,411.124
Current Allocation:			
Banking, Housing, and Urban Affairs:			
Budget Authority .....	– 463.909	– 378.485	– 269.169
Outlays .....	– 10.918	3.158	6.455
Adjustments:			
Budget Authority .....	92.231	92.231	92.231
Outlays .....	32.544	87.170	88.820
Revised Allocation:			
Budget Authority .....	– 371.678	– 286.254	– 176.938
Outlays .....	21.626	90.328	95.275
Current Allocation:			
Commerce, Science, and Transportation:			
Budget Authority .....	345.609	417.066	507.766
Outlays .....	314.473	381.777	449.022
Adjustments:			
Budget Authority .....	35.882	35.762	36.162
Outlays .....	22.427	35.696	35.155
Revised Allocation:			
Budget Authority .....	381.491	452.828	542.928
Outlays .....	336.900	417.473	484.177
Current Allocation:			
Environment and Public Works:			
Budget Authority .....	68.678	264.412	510.612
Outlays .....	21.964	34.852	55.646
Adjustments:			
Budget Authority .....	3.205	3.205	3.205
Outlays .....	0.812	3.005	3.205
Revised Allocation:			
Budget Authority .....	71.883	267.617	513.817
Outlays .....	22.776	37.857	58.851
Finance:			
Budget Authority .....	2,993.294	14,655.178	34,329.717
Outlays .....	2,980.805	14,587.196	34,246.494
Adjustments:			
Budget Authority .....	986.027	1,221.714	1,224.539
Outlays .....	898.024	1,217.884	1,213.532
Revised Allocation:			
Budget Authority .....	3,979.321	15,876.892	35,554.256
Outlays .....	3,878.829	15,805.080	35,460.026
Current Allocation:			
Foreign Relations:			
Budget Authority .....	51.566	229.018	447.704
Outlays .....	41.156	215.099	433.745
Adjustments:			
Budget Authority .....	10.000	10.000	10.000
Outlays .....	1.159	9.248	9.526
Revised Allocation:			
Budget Authority .....	61.566	239.018	457.704
Outlays .....	42.315	224.347	443.271
Current Allocation:			
Health, Education, Labor, and Pensions:			
Budget Authority .....	17.289	132.371	268.697
Outlays .....	27.594	121.193	244.258
Adjustments:			
Budget Authority .....	304.708	304.695	304.614
Outlays .....	40.725	287.224	303.942
Revised Allocation:			
Budget Authority .....	321.997	437.066	573.311
Outlays .....	68.319	408.417	548.200
Current Allocation:			
Homeland Security and Governmental Affairs:			
Budget Authority .....	155.755	816.524	1,737.240
Outlays .....	154.534	809.992	1,720.393
Adjustments:			
Budget Authority .....	53.647	53.689	53.713
Outlays .....	12.558	42.248	50.542
Revised Allocation:			
Budget Authority .....	209.402	870.213	1,790.953
Outlays .....	167.092	852.240	1,770.935
Current Allocation:			
Indian Affairs:			
Budget Authority .....	0.873	2.868	5.004
Outlays .....	0.968	3.180	4.987
Adjustments:			
Budget Authority .....	8.804	8.804	8.804
Outlays .....	1.976	8.186	8.579
Revised Allocation:			
Budget Authority .....	9.677	11.672	13.808
Outlays .....	2.944	11.366	13.566
Current Allocation:			
Small Business and Entrepreneurship:			
Budget Authority .....	– 144.559	– 144.559	– 144.559
Outlays .....	1.941	2.146	2.146
Adjustments:			
Budget Authority .....	53.600	53.600	53.600
Outlays .....	48.550	49.940	49.940
Revised Allocation:			
Budget Authority .....	– 90.959	– 90.959	– 90.959
Outlays .....	50.491	52.086	52.086
Current Allocation:			
Veterans' Affairs:			
Budget Authority .....	135.958	726.288	1,581.379
Outlays .....	136.349	727.702	1,583.336
Adjustments:			
Budget Authority .....	17.080	17.080	17.080
Outlays .....	10.510	16.642	16.668
Revised Allocation:			
Budget Authority .....	153.038	743.368	1,598.459
Outlays .....	146.859	744.344	1,819.031
Current Allocation:			
Unassigned:			
Budget Authority .....	662.249	– 4,019.387	– 11,161.327
Outlays .....	189.750	– 4,045.408	– 11,073.561
Adjustments:			
Budget Authority .....	– 82.275	– 2.286	– 30.469
Outlays .....	– 150.829	– 9.932	– 53.598
Revised Allocation:			
Budget Authority .....	579.974	– 4,021.673	– 11,191.796

REVISION TO ALLOCATION TO SENATE COMMITTEES—Continued

[Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 5, The Concurrent Resolution on the Budget for Fiscal Year 2021]  
[\$ in billions]

	2021	2021–2025	2021–2030
Outlays .....	38.921	–4,055.340	–11,127.159

Note: The total adjustment amount for reconciled committees is \$1,825.660 billion in budget authority and \$1,802.621 billion in outlays over ten years.

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

[Pursuant to Section 4106 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018]  
[\$ in billions]

	Balances
Starting Balance:	
Fiscal Year 2021 .....	0
Fiscal Years 2021–2025 .....	0
Fiscal Years 2021–2030 .....	0
Adjustments:	
Fiscal Year 2021 .....	1,163.625
Fiscal Years 2021–2025 .....	1,900.009
Fiscal Years 2021–2030 .....	1,862.533
Revised Balance:	
Fiscal Year 2021 .....	1,163.625
Fiscal Years 2021–2025 .....	1,900.009
Fiscal Years 2021–2030 .....	1,862.533

ADDITIONAL STATEMENTS

RECOGNIZING NORTH DAKOTA'S DELEGATES TO THE SENATE YOUTH PROGRAM

● Mr. CRAMER. Mr. President, one of the outstanding programs offered in the U.S. Senate recognizes the best of America's high school juniors and seniors. Since 1963, the U.S. Senate Youth Program has selected two students from each State who rank high academically, excel in leadership and volunteerism, and have a passion for public service. They also receive a \$10,000 college scholarship.

These young delegates have come to Washington, DC, every spring for a week of education and tours highlighting all three branches of government. This year's 59th annual Washington Week gathering last week was conducted in a virtual online format, and I know it was a memorable experience for the 104 student delegates from across the Nation who attended.

As one of the eight Senators serving on the Senate Youth Program's Advisory Committee, I congratulate all who were selected to be delegates this year. I had the recent opportunity to have an online conversation with North Dakota's two delegates, Athalia Haughton and Micah Schlittenhardt.

Athalia is a junior at Century High School in Bismarck and is the local chair and State programs director of the High School Democrats of America. She is an AP Scholar with honor, a student council representative, student congress member, and is the cofounder and president of Student Advocates of North Dakota. She was a semifinalist in State debate, nationally qualified in the Lincoln Douglas debate, is a two-time State qualifier in speech, a One Act Play State champion, and was a member of the first-ever North Dakota team to become a World Schools Debate national qualifier. She crafts blankets for local immigrants, volunteers at Heaven's Helpers soup kitchen, and raises money for the Alzheimer's

Association. Athalia has prepared testimony advocating for international cultural diversity classes in North Dakota public schools and is passionate about reducing the stigma surrounding mental health, especially for students. After graduation, Athalia intends to attend Howard University to pursue political science and law degrees. She would like to become a politician and a policy writer at either a State or national level.

Micah, a senior at Legacy High School in Bismarck, is president of the North Dakota Association of Student Councils. She ranks first in her class of 320 students, is an AP Scholar, and a Presidential Citizenship Award recipient. She is president of the Legacy Concert Choir and a member of the National Honor Society and the Bismarck-Mandan Student Chamber. She is involved in varsity cheerleading, All-State Jazz Choir, Central Dakota Children's Choir, and Academic Allstate. She has been an advocate for Parkinson's disease and Alzheimer's awareness and support within her community and has partnered with a locally-owned bakery to pioneer an annual fundraiser to raise money for respite care. She has been recognized as the 2021 Distinguished Young Woman of North Dakota and Miss North Dakota's Outstanding Teen 2018. After graduation, Micah plans to attend the University of Mary in Bismarck to study philosophy. She would like to study abroad in Vatican City and eventually pursue a career in academia.

I congratulate both Athalia and Micah for this honor and welcome them to an alumni group of Senate Youth Program delegates, which is 5,500 individuals strong. Many of them have gone on to distinguish themselves in every area of public service. I fully expect that we will hear much more about Athalia and Micah in the future as they continue to excel in academic and professional arenas throughout their lives.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

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-619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluindapyr; Pesticide Tolerances" (FRL No. 10019-19-OCSPP) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quazalofop ethyl; Pesticide Tolerances" (FRL No. 10020-34-OCSPP) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Picarbutrazox; Pesticide Tolerances" (FRL No. 10019-99-OCSPP) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-622. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 10019-76-Region 6) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-623. 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; Ohio; Base Year Emission Inventories and Emissions Statement Rule Certification for the 2015 Ozone Standard" (FRL No. 10020-89-Region 5) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-624. 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 Air Quality State Implementation Plans; California; Plumas County; Moderate Area Plan for the 2012 PM2.5 NAAQS" (FRL No. 10020-36-Region 9) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-625. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances (20-4.B)" (FRL No. 10016-51-OCSPP) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-626. 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; Georgia; Non-Interference Demonstration and Maintenance Plan Revision for the Removal of Transportation Control Measures in the Atlantic Area" (FRL No. 10019-92-Region 4) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-627. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination to Defer Sanctions; Arizona; Pinal County Air Quality Control District" (FRL No. 10020-94-Region 9) received in the Office of the President of the Senate on March 9, 2021; to the Committee on Environment and Public Works.

EC-628. 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; Kansas; Removal of Kansas City, Kansas Reid Vapor Pressure Fuel Requirement" (FRL No. 10021-10-Region 7) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Environment and Public Works.

EC-629. 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; Missouri; Missouri Reid Vapor Pressure Requirement" (FRL No. 10021-11-Region 7) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Environment and Public Works.

EC-630. 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; Washington: Inspection and Maintenance Program; Correction" (FRL No. 10020-98-Region 10) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Environment and Public Works.

EC-631. 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; State of Maryland; Control of Emissions from Existing Sewage Sludge Incineration Units; Correction" (FRL No. 10020-90-Region 3) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Environment and Public Works.

EC-632. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "March 2021 Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-633. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2021-0040-2021-0043); to the Committee on Foreign Relations.

EC-634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-592, "Non-Public Student Educational Continuity Temporary Amendment Act of 2021"; to the Committee on Homeland Security and Governmental Affairs.

EC-635. A communication from the Yeoman First Class Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled "Security Zone; Atlantic Intracoastal Waterway, Horry County, South Carolina" ((RIN1625-AA00) (Docket No. USCG-2021-0130)) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Commerce, Science, and Transportation.

EC-636. A communication from the Yeoman First Class Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Ohio River, New Richmond, Ohio" ((RIN1625-AA00) (Docket No. USCG-2021-0098)) received in the Office of the President of the Senate on March 11, 2021; to the Committee on Commerce, Science, and Transportation.

## 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 Mrs. FEINSTEIN (for herself and Mrs. BLACKBURN):

S. 752. A bill to amend the Internal Revenue Code of 1986 to provide for an election to expense certain qualified sound recording costs otherwise chargeable to capital account; to the Committee on Finance.

By Mr. MURPHY (for himself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. CASEY):

S. 753. A bill to reauthorize the Highlands Conservation Act, to authorize States to use funds from that Act for administrative purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. BALDWIN (for herself, Ms. ERNST, Mr. BROWN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mr. MARSHALL, Mrs. SHAHEEN, Mr. WICKER, Mr. WHITEHOUSE, Mr. TILLIS, Ms. STABENOW, Mr. CRAMER, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. PETERS, Ms. COLLINS, Mr. MARKEY, Mrs. CAPITO, Mr. BOOKER, Mr. GRAHAM, Ms. SMITH, Mr. GRASSLEY, Ms. SINEMA, Mr. MORAN, Mr. MURPHY, Mr. DAINES, Mr. BLUMENTHAL, Mr. BRAUN, and Mr. REED):

S. 754. A bill to provide health insurance benefits for outpatient and inpatient items and services related to the diagnosis and treatment of a congenital anomaly or birth defect; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HYDE-SMITH:

S. 755. A bill to require the Administrator of the Environmental Protection Agency to provide additional assistance for public water systems damaged by Winter Storms Uri and Viola, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 756. A bill to amend the Patient Protection and Affordable Care Act to ensure that preexisting condition exclusions with respect to enrollment in health insurance coverage and group health plans continue to be prohibited; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 757. A bill to amend the Black Lung Benefits Act to ease the benefits process for survivors of miners whose deaths were due to pneumoconiosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Ms. LUMMIS, Mrs. HYDE-SMITH, Mr. CRUZ, Mr. HOEVEN, Mr. HAGERTY, Mr. CORNYN, and Mr. INHOFE):

S. 758. A bill to support financing of affordable and reliable energy projects by inter-

national financial institutions, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOEVEN (for himself and Mr. CRAMER):

S. 759. A bill to amend the Internal Revenue Code of 1986 to extend the credit for production of refined coal; to the Committee on Finance.

By Ms. ERNST (for herself, Mr. SCOTT of Florida, Mr. PAUL, and Mr. BRAUN):

S. 760. A bill to require recipients of Federal funds to disclose information relating to programs, projects, or activities carried out using the Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ERNST (for herself, Mr. COTTON, Mrs. CAPITO, and Mr. SCOTT of Florida):

S. 761. A bill to require the publication of fossil-fuel powered travel by the President, the Vice President, and political appointees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCOTT of South Carolina (for himself and Ms. CORTEZ MASTO):

S. 762. A bill to provide the National Credit Union Administration Board flexibility to increase Federal credit union loan maturities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. VAN HOLLEN, Mr. MARKEY, Ms. SMITH, Mrs. SHAHEEN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. SANDERS, Mr. WYDEN, Ms. BALDWIN, Mr. MENENDEZ, Mr. CASEY, Mr. COONS, Mrs. MURRAY, Ms. WARREN, Mr. BOOKER, Ms. HIRONO, and Mrs. GILLIBRAND):

S. 763. A bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. CASEY, Ms. SMITH, Mrs. FEINSTEIN, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 764. A bill to amend title XIX of the Social Security Act to encourage State Medicaid programs to provide community-based mobile crisis intervention services, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Ms. MURKOWSKI, Mr. MERKLEY, Ms. ROSEN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. CARDIN, Mr. COONS, Mrs. SHAHEEN, Mr. KAINE, Mr. SCHATZ, Ms. COLLINS, and Mr. REED):

S. 765. A bill to improve United States consideration of, and strategic support for, programs to prevent and respond to gender-based violence from the onset of humanitarian emergencies and to build the capacity of humanitarian actors to address the immediate and long-term challenges resulting from such violence, and for other purposes; to the Committee on Foreign Relations.

By Ms. CORTEZ MASTO (for herself, Mr. BROWN, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. MARKEY, and Mr. VAN HOLLEN):

S. 766. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards; to the Committee on Finance.

By Ms. CORTEZ MASTO (for herself, Ms. SMITH, Mr. DURBIN, Mr. BROWN,

Ms. CANTWELL, Mr. MENENDEZ, Ms. WARREN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Mrs. FEINSTEIN):

S. 767. A bill to amend the Home Mortgage Disclosure Act of 1975 to modify the exemptions from certain disclosure requirements; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CORTEZ MASTO:

S. 768. A bill to amend section 5303 of title 49, United States Code, to consider housing in metropolitan transportation planning, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CORTEZ MASTO (for herself, Mrs. GILLIBRAND, Mr. SANDERS, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. KAINE, and Mrs. FEINSTEIN):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VAN HOLLEN (for himself, Mr. BLUMENTHAL, and Mr. MURPHY):

S. 770. A bill to authorize for a grant program for handgun licensing programs, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mrs. MURRAY, Ms. WARREN, Mr. DURBIN, Mr. SANDERS, Mr. CARDIN, Ms. HIRONO, Mr. BLUMENTHAL, and Mr. VAN HOLLEN):

S. 771. A bill to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. LANKFORD, and Mr. CARPER):

S. 772. A bill to clarify responsibilities related to unaccompanied alien children, to provide additional protections and tracking mechanisms for such children, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Ms. STABENOW, Mr. PORTMAN, Ms. BALDWIN, Mrs. CAPITO, and Mr. CARDIN):

S. 773. A bill to enable certain hospitals that were participating in or applied for the drug discount program under section 340B of the Public Health Service Act prior to the COVID-19 public health emergency to temporarily maintain eligibility for such program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TILLIS (for himself, Mr. PORTMAN, Mr. INHOFE, Mr. HAWLEY, Mr. BURR, Mr. SCOTT of Florida, Mr. BOOZMAN, Mr. BRAUN, Mr. MORAN, Mrs. CAPITO, Mr. DAINES, Mrs. BLACKBURN, Mr. THUNE, Mr. CRAMER, Mr. WICKER, Mr. COTTON, and Ms. COLLINS):

S. 774. A bill to amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, and for other purposes; to the Committee on the Judiciary.

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

S. 775. A bill to require institutions of higher education to disclose hazing-related misconduct, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 776. A bill for the relief of Rebecca Trimble; to the Committee on the Judiciary.

By Mr. MARSHALL (for himself, Mr. BRAUN, Mr. COTTON, Mrs. BLACKBURN, Mr. LEE, and Mrs. HYDE-SMITH):

S. 777. A bill to prohibit taxpayer-funded gender reassignment medical interventions, and for other purposes; to the Committee on Finance.

By Mr. MARSHALL (for himself, Mr. BRAUN, Mrs. BLACKBURN, and Mrs. HYDE-SMITH):

S. 778. A bill to amend chapter 110 of title 18, United States Code, to prohibit gender reassignment medical interventions on minors, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mrs. SHAHEEN, Mr. CARDIN, Ms. BALDWIN, Mr. CARPER, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. DUCKWORTH, Mr. KAINE, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. SMITH, Mr. MERKLEY, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. BOOKER, Mr. DURBIN, Mr. LUJÁN, Mr. MARKEY, Ms. WARREN, Ms. ROSEN, Ms. KLOBUCHAR, Ms. STABENOW, Mr. CASEY, Mrs. MURRAY, Mr. WYDEN, Mr. TESTER, and Mr. PADILLA):

S. 779. A bill to provide that certain rules and guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect; to the Committee on Finance.

By Mr. HEINRICH (for himself, Mr. PADILLA, Mr. WYDEN, and Mr. SCHATZ):

S. 780. A bill to provide for the admission of the State of Puerto Rico into the Union; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Ms. DUCKWORTH, Ms. ERNST, Mr. CRUZ, Mr. BRAUN, Mr. KING, Mrs. SHAHEEN, and Ms. STABENOW):

S. 781. A bill to provide for the continuation of paid parental leave for members of the Armed Services in the event of the death of the child; to the Committee on Armed Services.

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

S. 782. A bill to amend titles XVIII and XIX of the Social Security Act to modernize Federal nursing home protections and to enhance care quality and transparency for nursing home residents and their families; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. PADILLA, Mr. MARKEY, Ms. SMITH, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 783. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2021, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW (for herself and Ms. SINEMA):

S. Res. 115. A resolution supporting the goals and ideals of Social Work Month and World Social Work Day on March 16, 2021; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 116. A resolution commemorating the 60th anniversary of the Bay of Pigs operation and remembering the members of Brigada de Asalto 2506 (Assault Brigade 2506); to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Ms. COLLINS, Mr. MURPHY, Mr. LEAHY, Mr. MARKEY, Mr. COONS, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mr. CASEY, Mr. BOOKER, Mr. KAINE, Mrs. SHAHEEN, Mr. CARDIN, and Mr. REED):

S. Res. 117. A resolution expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements and arrangements for implementation to support peace on the island of Ireland; to the Committee on Foreign Relations.

By Mr. MARSHALL (for himself, Mr. MORAN, Mr. BLUNT, and Mr. HAWLEY):

S. Res. 118. A resolution honoring Army chaplain Emil J. Kapaun; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 96

At the request of Mr. REED, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 96, a bill to provide for the long-term improvement of public school facilities, and for other purposes.

S. 107

At the request of Mr. ROUNDS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 107, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate sale of State-inspected meat and poultry, and for other purposes.

S. 138

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 138, a bill to waive certain pay limitations for Department of Agriculture and Department of the Interior employees engaged in emergency wildland fire suppression activities, and for other purposes.

S. 278

At the request of Mr. WARNOCK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 278, a bill to require the Secretary of Agriculture to provide assistance for socially disadvantaged farmers and ranchers and socially disadvantaged groups, and for other purposes.

S. 377

At the request of Mr. COTTON, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 408

At the request of Mr. TOOMEY, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 408, a bill to require the Secretary of Health and Human Services to publish guidance for States on strategies for maternal care providers participating in the Medicaid program to reduce maternal mortality and severe morbidity with respect to individuals receiving medical assistance under such program.

S. 452

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 452, a bill to award a Congressional Gold Medal to Willie O'Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 480

At the request of Mr. DAINES, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 480, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified business income.

S. 506

At the request of Ms. CORTEZ MASTO, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Ms. SMITH), the Senator from Oregon (Mr. MERKLEY), the Senator from Nevada (Ms. ROSEN), the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 506, a bill to establish the Clean School Bus Grant Program, and for other purposes.

S. 563

At the request of Mr. CRAMER, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 563, a bill to amend the Federal Reserve Act to prohibit certain financial service providers who deny fair access to financial services from using taxpayer funded discount window lending programs, and for other purposes.

S. 586

At the request of Mrs. CAPITO, the names of the Senator from Iowa (Ms. ERNST) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 586, a bill to amend title XVIII of the Social Security Act to combat the opioid crisis by promoting access to non-opioid treatments in the hospital outpatient setting.

S. 608

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 608, a bill to help small business broadband providers keep customers connected.

S. 617

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 617, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 623

At the request of Mr. RUBIO, the names of the Senator from Washington

(Mrs. MURRAY), the Senator from California (Mr. PADILLA) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 623, a bill to make daylight saving time permanent, and for other purposes.

S. 625

At the request of Mr. TESTER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 625, a bill to amend title 10, United States Code, to eliminate the enrollment fee requirement for TRICARE Select for members of the Armed Forces who retired before January 1, 2018.

S. 665

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 665, a bill to allow Federal funds appropriated for kindergarten through grade 12 education to follow the student.

S. 723

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 723, a bill to amend the Small Business Act and the CARES Act to extend the covered period for the paycheck protection program, and for other purposes.

S. 730

At the request of Mr. BRAUN, the names of the Senator from Florida (Mr. SCOTT) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 730, a bill to amend title VI of the Social Security Act to remove the prohibition on States and territories against lowering their taxes.

At the request of Mr. CRAPO, his name was added as a cosponsor of S. 730, supra.

S. 743

At the request of Mr. CRAPO, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 743, a bill to amend title VI of the Social Security Act to remove the prohibition on States and territories against lowering their taxes.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. RES. 34

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 34, a resolution recognizing the 200th anniversary of the independence of Greece and celebrating democracy in Greece and the United States.

S. RES. 87

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 87, a resolution recognizing that the United States needs a Marshall Plan for Moms in order to revitalize and restore mothers in the workforce.

S. RES. 97

At the request of Mr. RISCH, the name of the Senator from Arizona (Ms. SINEMA) 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. 103

At the request of Mr. SCOTT of Florida, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. Res. 103, a resolution condemning military aggression and use of force by the Chinese Coast Guard against peaceful foreign vessels that purportedly violate the unlawful maritime sovereignty of China.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mrs. FEINSTEIN (for herself and Mrs. BLACKBURN):

S. 752. A bill to amend the Internal Revenue Code of 1986 to provide for an election to expense certain qualified sound recording costs otherwise chargeable to capital account; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the "Help Independent Tracks Succeed (HITS) Act," which Senator BLACKBURN and I introduced today. Representatives LINDA SANCHEZ (D-CA) and RON ESTES (R-KS) have introduced companion legislation in the House of Representatives.

Since the start of the COVID-19 pandemic, I have consistently heard from independent musicians and producers in California who have lost a large percentage of their incomes due to concerts, festivals, and other events being cancelled.

With many live performance stages and venues across the Nation closed for months as a result of the pandemic, independent musicians and music makers such as technicians and creators have suffered significant loss of income.

According to a survey by the Copyright Alliance, 88 percent of creators have lost income due to the coronavirus pandemic, which is more than double the national average. Approximately half of survey respondents had lost 90 percent or more of their income.

Our bill would provide some relief to music creators by allowing independent musicians, technicians, and music producers to deduct the cost of producing new musical recordings, putting them on a level playing field with other arts productions.

The U.S. Tax Code allows film, television, and theater productions to fully deduct production expenses in the year they are incurred.

However, recording artists are not given the same treatment, and are forced instead to amortize their production expenses over a number of years.

The HITS Act would allow qualified sound recording producers to deduct 100% of recording production expenses—up to \$150,000—in the year they are incurred, rather than in later years.

Because this change would simply accelerate a tax deduction that already exists, the bill's expected cost would be minimal.

In addition, because the deduction would be capped at \$150,000 per production, our legislation would benefit smaller, independent musicians and music producers rather than large companies.

The coronavirus pandemic has had a dramatic impact on music creators around the Nation. Our bill would help create parity between musical creators and other creative producers, stimulate the economy, and get music makers back to work.

I hope my colleagues will join me in support of this bill. Thank you, Mr. President, and I yield the floor.

By Mr. THUNE (for himself, Ms. STABENOW, Mr. PORTMAN, Ms. BALDWIN, Mrs. CAPITO, and Mr. CARDIN):

S. 773. A bill to enable certain hospitals that were participating in or applied for the drug discount program under section 340B of the Public Health Service Act prior to the COVID-19 public health emergency to temporarily maintain eligibility for such program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ELIGIBILITY EXCEPTION FOR THE DRUG DISCOUNT PROGRAM DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.**

(a) IN GENERAL.—Notwithstanding any other provision of law, a hospital described in subsection (b) that, for an applicable calendar quarter, otherwise meets the requirements for being a covered entity under subparagraph (L), (M), or (O) of subsection (a)(4) of section 340B of the Public Health Service Act (42 U.S.C. 256b) and is in compliance with all other requirements of the program under such section, but that, for such calendar quarter, does not meet the applicable requirement for the disproportionate share adjustment percentage described in subsection (c), shall be deemed a covered entity under such respective subparagraph for such applicable calendar quarter.

(b) HOSPITALS.—A hospital described in this subsection is—

(1) an entity that, on the day before the first day of the COVID-19 public health emergency, was a covered entity described in

subparagraph (L), (M), or (O) of subsection (a)(4) of section 340B of the Public Health Service Act participating in the drug discount program under such section; or

(2) an entity that—

(A) prior to the COVID-19 public health emergency, submitted an application for participation in such program as a covered entity described in subparagraph (L), (M), or (O) of section 340B(a)(4) of the Public Health Service Act;

(B) prior to or during such emergency, was approved for such participation; and

(C) during such emergency, began participating in such program.

(c) APPLICABLE REQUIREMENT FOR DISPROPORTIONATE SHARE ADJUSTMENT PERCENTAGE.—The applicable requirement for the disproportionate share adjustment percentage described in this subsection is—

(1) in the case of a hospital described in subsection (a) that otherwise meets the requirements under subparagraph (L) or (M) of section 340B(a)(4) of the Public Health Service Act, the requirement under subparagraph (L)(ii) of such section; and

(2) in the case of a hospital described in subsection (a) that otherwise meets the requirements under subparagraph (O) of such section 340B(a)(4), the requirement with respect to the disproportionate share adjustment percentage described in such subparagraph (O).

(d) DEFINITIONS.—In this section:

(1) APPLICABLE CALENDAR QUARTER.—The term “applicable calendar quarter” means a calendar quarter for which eligibility for the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) is based on a cost reporting period for which the COVID-19 public health emergency is in effect for all or part of such cost reporting period.

(2) COVERED ENTITY.—The term “covered entity” has the meaning given such term in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)).

(3) COVID-19 PUBLIC HEALTH EMERGENCY.—The term “COVID-19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 115—SUPPORTING THE GOALS AND IDEALS OF SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY ON MARCH 16, 2021

Ms. STABENOW (for herself and Ms. SINEMA) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 115

Whereas, for decades, social workers have dedicated their work to improving human well-being and enhancing the basic needs of all people, especially the most vulnerable;

Whereas the theme for Social Work Month 2021, “Social Workers Are Essential”, embodies the heroic contributions social workers have made to the United States, including the work social workers have done to heal the United States during the COVID-19 pandemic, racial unrest, economic uncertainty, and political divisiveness;

Whereas social workers have always been present to help in times of crisis, including by—

(1) helping people overcome issues such as death and grief; and

(2) helping people and communities recover from natural disasters, including fires, hurricanes, and earthquakes;

Whereas social workers have helped the United States live up to its value of equality by successfully advocating for equal rights for all people, no matter their race, sexual identity, gender, gender expression, culture, or religion;

Whereas the social work profession is one of the fastest growing professions in the United States, with nearly 800,000 people expected to be employed as social workers by 2028;

Whereas social workers work in all parts of society to empower people to live to their fullest potential;

Whereas school social workers have worked with families and schools throughout the COVID-19 pandemic to ensure students reach their full academic and personal potential;

Whereas social workers play a crucial role in the United States health care system and have played a key role in the response of the United States to the COVID-19 pandemic, including by helping individuals, families, and communities cope with the epidemic;

Whereas, for generations, social workers have advocated for positive changes that have made the United States a better place to live, including by—

(1) urging policymakers to adopt the minimum wage;

(2) improving workplace safety; and

(3) enacting social safety net programs that help ameliorate hunger, homelessness, and poverty;

Whereas social workers, one of the largest groups of mental health care providers in the United States, work daily to help people, whether in person or remotely, overcome substance use disorders and mental illnesses, including depression and anxiety; and

Whereas social workers stand ready to assist the United States in overcoming present and future challenges, including by—

(1) providing sufficient access to mental health and social care services;

(2) ensuring that all individuals in the United States can meet their basic human needs; and

(3) advancing racial equity and the dignity of all individuals: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Social Work Month and World Social Work Day on March 16, 2021;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and observe Social Work Month and World Social Work Day;

(3) encourages individuals to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role that social workers play; and

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work.

### SENATE RESOLUTION 116—COMMEMORATING THE 60TH ANNIVERSARY OF THE BAY OF PIGS OPERATION AND REMEMBERING THE MEMBERS OF BRIGADA DE ASALTO 2506 (ASSAULT BRIGADE 2506)

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 116

Whereas April 17, 2021, marks the 60th anniversary of the first day of the Bay of Pigs operation, an event held dear in the hearts of many who long for the return of freedom, democracy, and justice to Cuba;

Whereas the Communist dictatorship in Cuba that resulted from the January 1, 1959, revolution in Cuba has systematically denied the Cuban people their most basic human rights and fundamental freedoms;

Whereas, from 1959 until his death in 2016, dictator Fidel Castro, who promised to implement a revolution against tyranny, systematically violated the human rights of the Cuban people, curtailed freedom of the press, arbitrarily imprisoned and killed an untold number of members of the political opposition in Cuba, and confiscated the properties of citizens of Cuba and the United States;

Whereas the men and women participating in the Bay of Pigs operation assumed the title of Brigada de Asalto 2506 (Assault Brigade 2506), which was named after the serial number (2506) of Carlos Rodriguez Santana, a founding member of the brigade who died during training exercises in September 1960;

Whereas Assault Brigade 2506 consisted of individuals, primarily Cuban exiles in the United States, from diverse backgrounds, including doctors, nurses, engineers, architects, priests, cooks, musicians, actors, business owners, barbers, bankers, construction workers, office clerks, students, pilots, and many other individuals representing different sectors in Cuba;

Whereas, on April 17, 1961, approximately 1,400 individuals selflessly volunteered to free the Cuban people from tyranny;

Whereas, in the ensuing days, and in the course of a battle against the Cuban military, which was superior in manpower and firepower, more than 100 men lost their lives;

Whereas the events of April 17 through April 20, 1961, ended with the capture and imprisonment of 1,204 members or more than 75 percent of Assault Brigade 2506;

Whereas a large number of the 1,204 captured members of Assault Brigade 2506 were imprisoned in deplorable conditions for close to 18 months, subjected to harsh and inhumane treatment, and later sentenced without due process to 30 years of imprisonment;

Whereas, in September 1961, the Cuban regime executed 5 members of Assault Brigade 2506 who had been captured during the operation;

Whereas 67 members of Assault Brigade 2506 died in combat, including 4 American pilots and 10 Cuban pilots and navigators, 10 members died while trying to flee Cuba on a fishing boat that drifted in the Gulf of Mexico for almost 15 days, 10 members died while being transported to prison by their Cuban captors inside a sealed truck with limited oxygen, 9 members were executed by firing squads, and 3 members died while in prison due to lack of medical attention;

Whereas one of the most heinous acts relating to the operation was ordered by then Captain Osmany Cienfuegos, who forced nearly 100 male prisoners into a closed trailer in which they were transported for 8 hours with limited oxygen;

Whereas the Cuban regime is a party to the Geneva Conventions of 1949, which require the humane treatment of prisoners of war;

Whereas, in March 1962, as the trial of the captured fighters approached, the President of the International Committee of the Red Cross (ICRC) appealed to Cuban dictator Fidel Castro, asking that the provisions of Article 3 of the Geneva Convention relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949, be fully applied, and for permission to visit the prisoners, but all the requests went unanswered;

Whereas the 1,113 members of Assault Brigade 2506 who finally returned to the United States after the operation have made significant and valuable contributions to the United States, while never forgetting their beloved homeland;

Whereas, on December 29, 1962, President John Fitzgerald Kennedy was presented with the banner of Assault Brigade 2506 that had reached the shores of Cuba during the operation, and the President pledged, "I can assure you that this flag will be returned to this brigade in a free Havana.";

Whereas, on April 24, 1986, a joint resolution (Public Law 99-279; 100 Stat. 398) was approved "Commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.";

Whereas Cuba's authoritarian regime continues to arbitrarily detain thousands of critics, activists, and opponents; and

Whereas the Cuban people continue to struggle and demand respect for democratic values, civil liberties, freedom, and justice: Now, therefore, be it

*Resolved*, That the Senate—

(1) remembers and pays tribute to the brave and courageous members of Brigada de Asalto 2506 (Assault Brigade 2506), both living and deceased;

(2) calls on the Government of the United States to continue to support policies that promote the respect for democratic principles, civil liberties, freedom, and justice in Cuba, in a manner consistent with the aspirations of the Cuban people;

(3) recognizes that individual members of Assault Brigade 2506 later joined the United States Armed Forces and fought in the Vietnam war; and

(4) recognizes that many veterans of the Bay of Pigs operation settled across the United States to become productive members of the society of the United States, including public officials and industry leaders.

#### SENATE RESOLUTION 117—EXPRESSING SUPPORT FOR THE FULL IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT, OR THE BELFAST AGREEMENT, AND SUBSEQUENT AGREEMENTS AND ARRANGEMENTS FOR IMPLEMENTATION TO SUPPORT PEACE ON THE ISLAND OF IRELAND

Mr. MENENDEZ (for himself, Ms. COLLINS, Mr. MURPHY, Mr. LEAHY, Mr. MARKEY, Mr. COONS, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mr. CASEY, Mr. BOOKER, Mr. KAINE, Mrs. SHAHEEN, Mr. CARDIN, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 117

Whereas, on April 10, 1998, the Government of Ireland and the Government of the United Kingdom signed the Good Friday Agreement, also known as the "Belfast Agreement";

Whereas the goals of the Good Friday Agreement were to bring a new era of devolved government and democracy to Northern Ireland, end violence, and ensure peace for the people of the island of Ireland;

Whereas the successful negotiation of the Good Friday Agreement stands as a historic and groundbreaking success that has proven critical to the decades of relative peace that have followed;

Whereas the return to power sharing in 2020 after the collapse of power-sharing institutions in 2017 creates new opportunities for strengthening peace and reconciliation in Northern Ireland;

Whereas the agreement between the United Kingdom and the European Union on the withdrawal of the United Kingdom from the European Union, and the protocol to that agreement on Northern Ireland preserving an open border on the island of Ireland (in this preamble referred to as the "Northern Ireland Protocol"), are intended to protect the peace forged under the Good Friday Agreement;

Whereas, despite the historic progress of the Good Friday Agreement and subsequent agreements, including the Stormont House Agreement agreed to in December 2014, important issues remain unresolved in Northern Ireland, including the passage of a Bill of Rights, securing justice for all victims of violence, including state-sponsored violence, and reducing sectarian divisions and promoting reconciliation;

Whereas section 6 of the Good Friday Agreement ("Rights, Safeguards and Equality of Opportunity") recognizes "the importance of respect, understanding and tolerance in relation to linguistic diversity" as part of "the cultural wealth of the island of Ireland" and declares the Government of the United Kingdom will seek ways to encourage the use of and education in the Irish language and provide opportunities for Irish language arts;

Whereas the reintroduction of barriers, checkpoints, or personnel on the island of Ireland, also known as a "hard border", including through the invocation of Article 16 of the Northern Ireland Protocol, would threaten the successes of the Good Friday Agreement;

Whereas the United States Congress played a prominent role in support of negotiations of the Good Friday Agreement and has taken a leading role in promoting peace on the island of Ireland more broadly; and

Whereas Congress greatly values the close relationships the United States shares with both the United Kingdom and Ireland and stands steadfastly committed to supporting the peaceful resolution of any and all political challenges in Northern Ireland: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the United Kingdom and the European Union to support peace on the island of Ireland and the principles, objectives, and commitments of the Good Friday Agreement, also known as the "Belfast Agreement";

(2) expresses support for the full implementation of the Good Friday Agreement and subsequent agreements, including the Stormont House Agreement agreed to in December 2014, as well as the protocol on Northern Ireland to the agreement on the withdrawal of the United Kingdom from the European Union (in this resolution referred to as the "Northern Ireland Protocol");

(3) congratulates all parties in Northern Ireland for the return in January 2020 to a power-sharing agreement;

(4) urges all parties in Northern Ireland to work collectively to ensure the implementation of all commitments of the Good Friday Agreement and subsequent agreements so that all of the institutions of the Good Friday Agreement can operate successfully and sustainably and that ongoing political challenges can be overcome;

(5) calls for continuing attention and action to resolve the injustices of past violence, including state-sponsored violence;

(6) supports the passage of a Bill of Rights for Northern Ireland and the right of all the people on the island of Ireland to self-determine their future as provided for in the Good Friday Agreement;

(7) encourages renewed attention to educational and cultural efforts that will ensure the rich language, literature, and arts of

Northern Ireland endure and are not diminished;

(8) expresses support for the Northern Ireland Protocol and its full implementation, which ensures through international agreement that no "hard border" will be reintroduced on the island of Ireland; and

(9) will insist that any new or amended trade agreements and other bilateral agreements between the Government of the United States and the Government of the United Kingdom take into account, as relevant, conditions requiring that obligations under the Good Friday Agreement be met.

## SENATE RESOLUTION 118—HONORING ARMY CHAPLAIN EMIL J. KAPAUN

Mr. MARSHALL (for himself, Mr. MORAN, Mr. BLUNT, and Mr. HAWLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 118

Whereas Chaplain (Captain) Emil J. Kapaun was born to parents of German-Bohemian ancestry in the rural farming community of Pilsen, Kansas on April 20, 1916;

Whereas Chaplain Kapaun studied classics and philosophy and graduated from Conception College in Conception, Missouri in June 1936 and Kenrick Seminary in St. Louis, Missouri in 1940;

Whereas Chaplain Kapaun was ordained a Catholic priest of the Diocese of Wichita in 1940;

Whereas Chaplain Kapaun was appointed auxiliary chaplain in 1943 at the Herington Army Airfield near Herington, Kansas;

Whereas, in 1944, Chaplain Kapaun entered the Army Chaplain Corps and, following Army Chaplaincy School at Fort Devens, Massachusetts, and a post at Camp Wheeler Georgia, Chaplain Kapaun served the troops in World War II in the Burma and India Theater until 1946;

Whereas, in 1948, Chaplain Kapaun returned to active duty in the Army Chaplain Corps;

Whereas Chaplain Kapaun mobilized in support of the Korean conflict in 1950, and served as a chaplain with the 1st Cavalry Division in Japan and Korea;

Whereas Chaplain Kapaun was taken as a prisoner of war by Chinese forces on November 2, 1950, during the Battle of Unsan;

Whereas during the fight, which started on November 1, 1950, Chaplain Kapaun moved repeatedly under enemy direct fire to rescue wounded soldiers outside the perimeter of his battalion and successfully—

(1) negotiated with the enemy for the safety of wounded soldiers of the United States;

(2) knocked aside the rifle of a Chinese soldier who was about to execute Staff Sergeant Herbert Miller; and

(3) rejected multiple opportunities for escape and instead volunteered to stay and care for the wounded;

Whereas, during the time Chaplain Kapaun spent in captivity, Chaplain Kapaun frequently risked his life by sneaking around the camp after dark, foraging for food, building fires, caring for the sick, and encouraging his fellow soldiers to sustain their faith and their humanity, and Chaplain Kapaun risked punishment by leading prayers and spiritual services for the other prisoners of war;

Whereas Chaplain Kapaun died of illness and maltreatment on May 23, 1951;

Whereas, in 1953, Chaplain Kapaun's surviving fellow prisoners of war were released and began to share stories of the role of Chaplain Kapaun in their survival;

Whereas, in 1956, Chaplain Kapaun Memorial High School (now known as Kapaun Mt.

Carmel Catholic High School) was opened and named after Chaplain Kapaun;

Whereas, in 1993, Pope John Paul II declared Chaplain Kapaun a Servant of God, the first stage on the path to canonization and the Holy See continues investigations into possible canonization;

Whereas, in 2013, President Barack Obama posthumously awarded Chaplain Kapaun the Medal of Honor;

Whereas, upon bestowing the highest award for valor in the United States military, President Obama stated that Chaplain Kapaun was "an American soldier who didn't fire a gun, but who wielded the mightiest weapon of all: the love for his brothers so powerful that he was willing to die so that they might live";

Whereas, in addition to the Medal of Honor, Chaplain Kapaun has been awarded the—

- (1) Distinguished Service Cross;
- (2) Bronze Star Medal with "V" Device;
- (3) Legion of Merit;
- (4) Prisoner of War Medal;
- (5) Asiatic-Pacific Campaign Medal with 1 Bronze Service Star for Central Burma Campaign;
- (6) World War II Victory Medal;
- (7) Army of Occupation Medal with Japan Clasp;
- (8) Korean Service Medal with 2 Bronze Service Stars;
- (9) National Defense Service Medal; and
- (10) United Nations Service Medal;

Whereas there are more than 7,800 service members who served in the Korean War who remain unaccounted for;

Whereas, in 1956, 867 sets of unidentified remains were interred as Unknowns at the National Memorial Cemetery of the Pacific in Honolulu, Hawaii;

Whereas, in 2019, the Defense POW/MIA Accounting Agency began disinterring 652 sets of unknown Korean War remains at the National Memorial Cemetery of the Pacific; and

Whereas, in 2021, the remains of Chaplain Kapaun were exhumed from the National Memorial Cemetery of the Pacific and identified using dental records and DNA: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes Chaplain (Captain) Emil J. Kapaun for—

(A) his heroic service to the United States of America and the United States Army;

(B) his heroism, patriotism, and selfless service; and

(C) the extraordinary courage, conviction, and faith with which he provided comfort and reassurance to his fellow soldiers;

(2) expresses condolences to the family of Chaplain Emil Kapaun;

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of Chaplain Emil Kapaun; and

(4) will never cease in the task of recovering and remembering all prisoners of war and soldiers missing in action from World War II, the Korean conflict, the Vietnam era, hostilities during the Cold War, the Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, and other contingency operations taking place in the Middle East since September 11, 2001.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. COONS. 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, March 16, 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, March 16, 2021, at 2 p.m., to conduct a hearing.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, March 16, 2021, at 9:30 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, March 16, 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, March 16, 2021, at 10 a.m., to conduct a hearing on a nomination.

### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, March 16, 2021, at 2:30 p.m., to conduct a closed briefing.

## HONORING ARMY CHAPLAIN EMIL J. KAPAUN

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 118, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 118) honoring Army chaplain Emil J. Kapaun.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PETERS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")



ORDERS FOR WEDNESDAY, MARCH 17, 2021

Mr. PETERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10:30 a.m., Wednesday, March 17; further, that following the prayer and pledge, 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 the nomination of Katherine Tai to be Trade Representative; and finally, that the postcloture debate time with respect to the Tai nomination expire at 11:30 a.m.

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

Mr. PETERS. For the information of Senators, we expect two rollcall votes

during Wednesday's session of the Senate in relation to the Tai and Becerra nominations.

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RECESS UNTIL 10:30 A.M.  
TOMORROW

Mr. PETERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 5:53 p.m., recessed until Wednesday, March 17, 2021, at 10:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

JANIE SIMMS HIPPI, OF ARKANSAS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE STEPHEN ALEXANDER VADEN.

DEPARTMENT OF COMMERCE

LESLIE B. KIERNAN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE PETER B. DAVIDSON.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

CHRISTOPHER CHARLES FONZONE, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE JASON KLITENIC, RESIGNED.

DEPARTMENT OF JUSTICE

TODD SUNHWAE KIM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JEFFREY BOSSERT CLARK.

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CONFIRMATION

Executive nomination confirmed by the Senate March 16, 2021:

SMALL BUSINESS ADMINISTRATION

ISABELLA CASILLAS GUZMAN, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.