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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 8, 2021, at 10 a.m.

## Senate

MONDAY, JUNE 7, 2021

The Senate met at 3 p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

### PRAYER

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

Let us pray.

Eternal God, teach us how to live our lives with wisdom, refusing to deviate from the path of integrity.

Lord, give our lawmakers the wisdom to trust in You and do good, enabling them to help our Nation become safe and secure. As our Senators commit their plans and work to You, bless their efforts with radiant success. Help them to remember the power of godliness, and may they use it to discern the difference between right and wrong.

Remind us all that Your sacred Word continues to be a lamp of wisdom, providing light for our feet and illumination for the road ahead.

We pray in Your righteous Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 7, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### LEGISLATIVE AGENDA

Mr. SCHUMER. Madam President, the Senate returns to session with a busy and consequential work period ahead of it. We will consider landmark legislation to establish paycheck fairness, legislation to boost American innovation in the 21st century, and in the final week of June, legislation to protect voting rights and American democracy. The Senate will consider all three of these issues this month.

We will start by finishing the U.S. Innovation and Competition Act, now known as the USICA Act. The bipartisan legislation will be the largest investment in scientific research and

technological innovation in generations, setting the United States on a path to lead the world in the industries of the future. It includes the input of virtually everyone in this Chamber—a product of over six committees and dozens of amendments from our Republican colleagues.

Tomorrow, the Senate will consider a couple of final amendments before passing this historic legislation. It will be one of the most important things we will have done in a very long time. It will be the largest investment in scientific research and technological innovation in generations—decades.

### JUDICIAL NOMINATIONS

Mr. SCHUMER. Madam President, on judges, in addition, today and tomorrow, the Senate will confirm the first of President Biden's nominees to the Federal bench: Julien Xavier Neals of New Jersey and Regina Rodriguez of Colorado. I also look forward to confirming other highly qualified jurists later this work period, including Ketanji Brown Jackson to serve on the DC Circuit Court of Appeals. These are the first of many jurists that the Democratic Senate will consider to restore the balance to the Federal judiciary.

Under President Trump and Leader MCCONNELL, the Senate became a conveyor belt for nearly 200 judges. Many were woefully inexperienced and far outside the judicial mainstream. Some were so extreme on issues of race and voting rights that even some of our Republican colleagues joined the Democrats in rejecting those nominations.

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



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On the flip side, President Obama appointed 320 judges, and President Biden now has the opportunity to fill more than 80 vacancies. Under this Democratic majority, the Senate will swiftly and consistently confirm President Biden's appointments to the Federal bench, bringing balance, experience, and diversity back to the judiciary. Mr. Neals and Ms. Rodriguez are two great examples, along with Ms. Brown Jackson.

In the same vein, today, I also announced two judicial recommendations to President Biden: Myrna Perez, the director of voting rights at the Brennan Center for Justice, to serve on the prestigious Second Circuit Court of Appeals, and Dale Ho, the leader of the voting rights project at the ACLU, to serve on the Southern District of New York. Ms. Perez and Mr. Ho are two of the foremost voting rights and election experts in the country. With a national focus on voting rights right now, their elevation is timely, and their perspectives will be invaluable. Ms. Perez would also be the first Latina to serve on the Second Circuit Court since now-Justice Sonia Sotomayor.

Diversity on the Federal bench is very important to me, both demographic diversity and diversity of experience. The courts have long been packed with former prosecutors and corporate lawyers. It is about time that civil rights attorneys, voting rights attorneys, and Federal defenders start getting the nod. My recommendations of Ms. Perez and Mr. Ho are part of that effort.

Last month, I also recommended Eunice Lee, an appellate attorney with the Federal Defenders of New York, to serve as a judge on the Second Circuit. Lee could become just the second Black woman to sit on this prestigious appeals court, a court that has never—never—had a former Federal defender on its roster.

Just like Ms. Perez and Mr. Ho, Eunice Lee will bring demographic and professional diversity to the Federal bench. The three of them, in tandem, will bring dynamism, brilliance, and a real diversity of experience to courts in New York.

As a Senator from New York and as majority leader, I am intent on restoring balance to a judiciary that has been thrown out of whack by 4 years of President Trump's selections.

#### PAYCHECK FAIRNESS

Mr. SCHUMER. Madam President, finally, on paycheck fairness, tomorrow, the Senate will decide whether to take up legislation to address the gender pay gap.

Right now in America, women earn, roughly, 82 cents for every dollar a man makes. The gap is even wider for women of color. Even when you account for educational attainment, Black and Latina women earn only 65 to 70 percent of what a White man makes with the same degree, whether

it is a bachelor's degree or an advanced degree. Many women with advanced degrees actually make less than their male counterparts who don't have them. So, looking at the facts, women with the same jobs, the same degrees—sometimes better degrees than their male colleagues—are making less money. That is the very definition of gender discrimination, and it is holding back women in every industry and area of the country.

The pandemic has only made matters worse. Faced with impossible choices between careers and childcare, women have fallen out of the workforce at an alarming rate. By one measure, the COVID-19 pandemic has set women's labor force participation back by more than 30 years, leading some economists to describe the 2020 year not as a recession but as a "she-cession."

So there is a lot of work to do to not only recover from a devastating year for women in the workplace but also establish an equal playing field where women are paid what they deserve.

Senate Democrats have put forward a bill that would make it much easier for women to petition for pay equity. It doesn't mandate that employers set wages at a certain level. It doesn't have the government reach into the private sector. It merely makes it easier for women to overcome pay discrimination.

In my view, this straightforward, unobjectionable piece of legislation should merit bipartisan support and should not require changes. All 50 Democratic Senators are cosponsors of the bill—all 50. Will our Republican colleagues step up to the plate and join us tomorrow to advance this common-sense legislation?

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### ECONOMIC RECOVERY

Mr. MCCONNELL. Madam President, on Friday, the U.S. job market got another monthly checkup. Hiring in May was up from the previous month but still fell short of the level experts and American employers had hoped for.

Of course, the highest expectations for our economic recovery under Democratic control were set by none other than the Democrats themselves.

Back in February, the Biden administration pointed to projections that its

so-called American Rescue Plan would boost job creation in 2021 by 4 million over existing expectations. Meeting that new higher goal meant the economy would have to grow by over 900,000 new jobs a month. Needless to say, the job market is nowhere close—nowhere close—to meeting this target. In fact, hiring is falling short of where nonpartisan experts forecasted it would be even if—even if—Democrats hadn't rammed through a multitrillion-dollar liberal wish list this spring.

I have been clear on the dangers of that bill from the beginning, and the data is now spelling it out very clearly. Democrats' bloated additions to unemployment insurance haven't just failed to help our recovery, they have actually hurt it, and the consequences on Main Street are now in full focus.

As hiring lags, employers are struggling to entice workers to rejoin and keep their facilities staffed. After a year that already tested budgets to the breaking point, small business owners are having to dig even deeper to attract staff, offering bigger bonuses and flexible hours. But even that hasn't been enough. For the fourth straight month, one survey of small businesses came back with record-high reports of unfilled job openings. As one small business owner in London, KY, reported to me, "The current labor shortage is by far the worst" he has ever seen. In fact, his short staff has had such a hard time keeping up with orders that "customers are already considering moving business from this facility to other states."

Unfortunately, this situation isn't unique. As I traveled the State last week, I heard the same story from employers of all sizes. Kentucky's labor force is still 90,000 workers below prepandemic levels. Nationwide, workforce participation has remained stagnant for nearly a year. All the while, prices for consumers are continuing to creep up.

This is exactly what Republicans and nonpartisan experts had warned against months ago. We urged Democrats not to force our country's promising early recovery into a permanent defensive crouch. Now, as States and business owners grapple with the consequences, I hope Democrats in Washington are paying attention and learning from this costly mistake.

#### SENATE AGENDA

Mr. MCCONNELL. Now, Madam President, on another matter, after a week of work with our constituents, the Senate reconvenes with a chance to refocus on the most important issues facing our folks back home.

Already on multiple occasions this year, we have demonstrated that even a narrowly divided Chamber is capable of taking productive, bipartisan steps on serious issues. Wide majorities have come together to extend access to the critical PPP loans, invest in drinking water infrastructure, and equip the justice system to better combat hate

crimes against Asian Americans. This week, the Senate is set to do the same on legislation regarding competition with China, and many of our colleagues are working hard to make further consensus possible on issues that have historically enjoyed bipartisan support, like transportation infrastructure.

Remember, this sort of collaboration on serious priorities is what the American people insisted upon just last November. They elected a 50–50 Senate, shrunk Democrats' majority in the House, and took President Biden up on a promise to unite the country. So the question at the outset of this work period is how Democrats will use their razor-thin majority over the next few weeks. Unfortunately, the Democratic leader already signaled his answer a week ago by laying out a June agenda that is transparently designed to fail.

As I understand it, Senate Democrats intend to focus this month on the demands of their radical base: exploiting the cause of pay fairness to send a windfall to trial lawyers; saddling hospitals, schools, and small businesses with crippling new legal burdens if they fail to keep pace with “woke” social norms; and opening an unprecedented new front in the left's war on the Second Amendment.

As written, these are not proposals aimed at earning bipartisan support. They are not designed to clear the Senate's necessarily high bar for ending debate. Bizarrely, it appears they are being floated in order to illustrate that the bar is too high.

After a spring in which the Senate has repeatedly passed mainstream legislation by wide margins, Democrats have decided that now—now is the time to argue that the legislative process is somehow broken.

Let's not forget the Democrats' poster child for why the Senate should change its rules is a bill that would forcibly change the rules for elections in every State in America.

Let me say that again. Democrats' poster child for why the Senate should change its rules is a bill that would forcibly change the rules for elections in every State in America.

Their marquee bill, S. 1, is such a brazen political power grab that the question isn't whether it could earn bipartisan support; the question is how wide the bipartisan opposition will be. This is the bill the Democratic leader has placed at the vanguard of his campaign to destroy the filibuster, even though multiple Members of his own majority are now on the record objecting to it.

So make no mistake: Failing to sell reckless, wholesale changes to our democracy isn't proof that the guardrails should be removed; it is a reminder that they are there for a reason.

The American people rightly expect a 50–50 Senate to spend its time finding common ground, but our Democratic colleagues seem to believe that the most important expectations are those of their far-left fringe. They put for-

ward an agenda that is designed to fail, and fail it will.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Julien Xavier Neals, of New Jersey, to be United States District Judge for the District of New Jersey.

The ACTING PRESIDENT pro tempore. The Democratic whip.

##### ELECTION PROTESTS

Mr. DURBIN. Madam President, imagine this: In one of the great nations of the world, there is a controversy over transition of power, the peaceful transfer of power. And in this country, those who are about to lose power are concerned—so concerned that their backers are turning to the streets. They plan on demonstrations against the supposed new leadership in their country, and people fear violence.

It was against this background that Nadav Argaman, the director of Shin Bet, Israel's internal security service, made a rare public intervention on Saturday night, warning of discourse that is “liable to be interpreted by certain groups or by individuals as one that permits violent and illegal activity that is liable, heaven forbid, to reach mortal injury.” Without mentioning any politicians directly, Mr. Argaman added, “It is our duty to come out with a clear and decisive call to stop immediately the inciting and violent discourse. The responsibility for calming spirits and reining in the discourse rests on all of our shoulders.”

I bring this matter to the floor of the Senate because it parallels what we endured and experienced just a few months ago. I am sure you remember it well, Madam President. I do. The election last November, which was won by Joseph Biden over Donald Trump, the incumbent President, by some 7 million votes—one of the largest turnouts, if not the largest turnout, in the history of the United States. It was a decisive electoral college victory in the same margin that Trump had triumphed over Hillary Clinton just a few years before. Yet, because of the Big Lie and the denial by Donald Trump,

he inspired his followers to come to Washington, DC, and participate in a rally to protest, and not to come just any day but to come on January 6, 2021, of this year because that is when the electoral college votes would be counted.

We know what followed. We know that mob was turned loose in the streets of Washington and turned loose on the Capitol Building, and those who were here that day will never forget it. I can recall the Vice President of the United States being pulled from that chair you are sitting in, Madam President. He was taken out that door. It was about 2:15 in the afternoon. Then a member of the Capitol Police stood before us and warned us: Stay in your seats. This will be a safe place to be. We are going to gather all the staff around the walls here. Just sit tight.

Ten minutes later, he came back and said: Change of plans. The mob is advancing on this Chamber as we speak. Leave immediately.

Everyone picked up as fast as they could and left.

It was a scene that seemed so unrealistic, you wouldn't imagine it could happen in the Capitol of the United States of America. But the insurrectionist mob inspired by President Donald Trump was here for business. They were here to stop the ordinary course of business in the Senate and the House, which would announce at the end of the day the selection of Joseph Biden as our new President.

Now a parallel is taking place in Israel, and a new coalition to replace Benjamin Netanyahu is being contested by those who are going to march in the streets. The Israeli leaders—at least those in the security services—are begging people not to do it.

I put that in context to think that that idea in the United States somehow has taken root in Israel. I pray that nothing happens. I want nothing to happen there. But we should be forewarned to take this seriously. There are forces at work in the United States and Israel and other countries to stop the orderly transfer of power in a democratic nation. We ought to take that seriously. We ought to take it so seriously that we appoint a bipartisan Commission to investigate what happened here on January 6, 2021.

Just a few weeks ago, Republican Members of the House of Representatives were dismissing the January 6th events, the mob action here in the Capitol, and saying that they were somehow “orderly tourists.” That is what one of the Congressmen said, a Congressman from Georgia, a Republican. Those were “orderly tourists.” Look at those videos and imagine under any circumstance that you would describe them as “orderly tourists.” They weren't orderly tourists when you see five people losing their lives as a result of their actions and 140 of our law enforcement officials being personally attacked, many of them still bearing the scars of that day.

I bring this to the attention of the Senate and the American people because I think the answer is obvious. Israel is taking it seriously. They don't want a Trump-like mob to take control in their country.

We shouldn't be allowing this to happen, nor should we stop with what we have done and say no more will be said. This was a direct attack on our democracy. We cannot find, unfortunately, in the Republican leadership one Republican leader who will support this idea of a bipartisan Commission. When it comes to January 6, the job isn't finished.

The last point I will make is, we received a letter—an anonymous letter—from the Capitol Hill Police asking us to form this Commission and to get to the bottom of it. To think that we walk through this Capitol every day and those men and women are risking their lives for us and we would not even allow a bipartisan Commission to look into that day and the threats to the lives of those policemen on that day is shameful. It is disgraceful. It is unacceptable.

Senator SCHUMER said we will vote on it again. I hope we do, and frequently, so we can remind the American people who is taking this matter very seriously and who is not.

#### FARM WORKERS

Madam President, on another issue, on another topic, when the pandemic was first declared in March of last year, we entered a world of uncertainty. We were confronted with the reality that our schools and our workplaces were going to be shut down in the foreseeable future, family gatherings and get-togethers were going to be restrained, and our favorite places for relaxing and fun—restaurants and stores—were basically closed. But amid all these uncertainties, one thing remained constant and dependable: our domestic food supply. Despite the disruptions, panic buying, and supply chain bottlenecks that arose during the pandemic, our domestic food supply remained fundamentally intact every step of the way.

Over the past year, most of us had the assurance that when we stopped at a grocery store, there was plenty of food for our family, and when grocery store shelves started to run empty, we could always trust that more food was on the way because farmers were doing their job and distributors of food supply were doing the same. It goes to show that, thanks to American agriculture, we are blessed by abundance.

As we come together to commend the courageous doctors, nurses, and other frontline workers who have cared for our loved ones, there is another group of essential workers who have toiled alongside our farmers and ranchers to keep our families fed: farm workers.

I am sure most Americans know very little about the farm workers who supply the food we eat every day. In Illinois, we have 20,000 of these farm workers. They plant, harvest, and pick our State's most lucrative crops.

Across the country, we have 2.5 million farm workers. Roughly half of these 2.5 million are undocumented. These undocumented farm workers are part of our communities, and many are parents of American children. But despite the essential work they do to keep our families fed, their second-class status in America means that they are often subject to harassment, untenable working conditions, substandard housing, and they live under constant threat of deportation.

Last month, The Guardian news service published a piece on the working and living conditions for farm workers in southern Texas. I want to share a few passages about one worker in particular. Her name is Linda. Nina Lakhani writes that Linda "works six days a week, sometimes seven, putting food on Americans' tables but earns barely enough to cover the bills and depends on food stamps to feed her [own] family," her children.

After long days in the fields, [Linda] sleeps on an old couch in the kitchen-lounge as part of the house was left uninhabitable by a fire and a hurricane.

But she calls it home.

Her 11-year-old son [who has some learning disorders] sleeps on the other couch . . . two daughters share a bedroom where water leaks through a mouldy roof. The eldest, a 16-year-old . . . and her 6-month-old baby sleep in a room with cindered walls.

Last summer, [Linda] and her three teenage daughters contracted Covid-19. . . . Rather than risk going to an emergency room, a relative with legal immigration status crossed the border to Reynosa and purchased a small tank of oxygen [for Linda].

Linda has lived in the United States of America for more than 25 years. She is one of the many undocumented farm workers who keep my family and our families fed. Yet she herself can barely feed her own family. Her experience is not an isolated one.

I want to share one last passage from the article in The Guardian: "Even before the pandemic, farms were among the most dangerous workplaces in the country, where low-paid workers have little protection . . . long hours, repetitive strain injuries, exposures to pesticides, dangerous machinery, extreme heat and animal waste."

Now add this contagious virus that these workers face too.

According to the Environmental Working Group, more than a dozen States don't provide any form of PPE or COVID testing for farm workers, and there are no social distancing guidelines in place on these farms. In some cases, workers arrive to the fields in tightly packed trucks, and the crews reportedly share cups of water from the same cup during the day.

I think it would be accurate to classify these working conditions as dangerous, but these essential workers don't have the luxury of being able to advocate for themselves—because they are always under the shadow and risk of deportation.

We in the Senate can change that. We can pass a piece of bipartisan legis-

lation that has already passed the House. It is called the Farm Workforce Modernization Act. This legislation would fundamentally change the lives of hundreds of thousands of these farm workers who came to our rescue during the darkest days of the pandemic, who kept working despite the threat of COVID-19 and the fact that they had few creature comforts of their own.

This is legislation that has been in the making for years. It would provide a path to lawful, permanent residency for undocumented farm workers and their family members. That means they would be able to do the essential work they have already been doing without living in fear of being deported and losing their kids. It also means these workers could advocate for higher wages, safer working conditions, which would make our Nation's farm labor workforce more stable and strengthen the durability of our food supply chain.

Offering these farm workers a path to permanent residency is the least that we could do to acknowledge their tireless, back-breaking work during this pandemic. Over the past year, we have heard a lot of praise for the essential workers of America. I join them, of course. At our time of need, they did their job, sometimes at great personal cost. Now it is time to do our job and pass the Farm Workforce Modernization Act.

Enacting this legislation is not just about doing the right thing for workers; it is about doing the right thing for our economy and doing the right thing, period.

When the pandemic hit last year, it caused the worst economic crisis since the Great Depression. Twenty-two million jobs vanished in America. Millions of working families lost their source of income, and some, for the first time in their lives, struggled to put food on the table. Can you imagine how much worse this crisis would have been if our Nation was saddled with a food scarcity crisis as well? Thanks to our farmers and these farm workers I am speaking for today, we never faced it. It is one of the many examples of how immigrants make our country stronger. We take them for granted. They go to work every day and do the dirtiest, most dangerous jobs in America. Now we have to do something for them.

According to last year's census, America's population grew at the slowest rate since the 1930s. That is a warning sign for the future of our economy. If our population growth continues to slow, our Nation's tax base will shrink. It means we will have fewer working-age adults who can help support elderly Americans—a population that is expected to double over the next few decades. To grow our economy, we need to bring people out of the shadows so they can continue to contribute to America for years to come. So when we vote on legislation like the Farm Workforce Modernization Act, we are really voting for our economic future.

I would like to remind my colleagues that America didn't build the world's greatest economy by closing our doors, crossing our fingers, and doing one another's laundry. We did it by welcoming the workers of the world, by offering them a home where they can earn an honest living, pay their fair share, and secure a brighter future for their children.

Many people say: Well, we want to get those Ph.D.s from India, China, and Asia. We want them living here. They are going to be good for our economy, and they are going to create businesses.

That is all true. I stand behind that as well. But there are also many workers who don't have that level of education but have a determination and a work ethic that have always been part of success in the American economy.

This unique American promise, build a brighter future for their children as well as ours, is the bedrock of our Nation. No other country in the world can deprive us of it. We can only deprive ourselves by refusing to fix a broken immigration system that leaves millions of hard-working families in the shadows of our society. If we want to continue leading in the 21st century, if we want America to be in first place and not second place, we need to keep the American promise alive, and we need to do it by passing the Farm Workforce Modernization Act, joining together in support of comprehensive immigration reform.

Madam President, the issue of immigration, as you probably know, is a point of passion of mine. I know it is one of yours. You mentioned to me the other day in passing that you are the only true immigrant in the Senate, and it is, I guess, historic that I would give this speech and you would be presiding over the Senate as I do. I am sure you feel as I do. These people go to work every single day. They do the dirtiest, hardest, most dangerous work in America, and they do it without any hope of a great future because they are undocumented. They have no future. The person they are working for this week may decide on Friday night not to pay them anything. Are they going to go to court to fight for their rights as workers? Probably not. They don't feel they have any rights because they are undocumented.

But a good thing happened here years ago when a coalition of Senators, Democrats and Republicans, put together a farm worker provision. Now the House has done it for us again. They have led the way with the Farm Workforce Modernization Act and passed it and sent it here. It is time for us to take up this measure.

I have talked to a number of our Republican friends, and many of them are from agricultural States. They understand it, and they support it. They want to be a part of it. You would be surprised if I told you their names on the floor, but I am careful not to. They are worried because this issue of immi-

gration is controversial. But they understand the fairness of it all.

I want to salute MICHAEL BENNET, the Senator from Colorado, who has been a leader on this subject from the start. Years ago, we had a coalition effort, the Gang of 8 effort. He was the person who put together the farm worker provision. I think DIANNE FEINSTEIN was a great contributor in that effort as well.

MICHAEL BENNET is back again working for this bill. We ought to take this up. We ought to do it this week. We ought to pass it out of the Senate, the bill that passed the House, and, in so doing, we would be doing a favor for essential workers—some of the lowest paid, hardest working people in America. It is only right, and I hope we do it soon.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

#### ECONOMIC RECOVERY

Mr. TUBERVILLE. Madam President, I spoke recently about a serious crisis facing our economy, the workforce shortage. This has been brought on by many things that my colleagues from the left have spent and asked questions and brought about policies.

Today, I want to discuss another looming challenge to our economy, one where Democratic policies are adding fuel to the fire, if not starting the fire itself. I am talking about inflation.

Inflation is not an abstract idea thrown around by finance gurus. Inflation is a real threat to the pocketbooks of hard-working Americans throughout our great country. We haven't hit the inflation levels of Jimmy Carter's days yet, but the warning signs are here.

I recently spoke with a group of homebuilders from across my home State of Alabama. They told me how they are seeing prices increase that are even higher than the ballooning national average. As an example, in Alabama and across much of the South, homebuilding materials, such as brick, are up 10 percent. Insulation prices are up 15 percent. Sheetrock prices are up nearly 50 percent. Lumber prices are up 300 percent. And particle board prices, which are used in most homes across the country, the price is up almost 600 percent.

Although demand for houses went up during the height of the pandemic, the Commerce Department reported that U.S. homebuilding actually declined in April of this year. With the demand for housing so high right now, you would think new construction would be taking place everywhere you turn, but that is not the case. Builders are actually delaying construction projects because material prices have hit record

highs. Prices are rising so rapidly that a project costing \$300,000 at the beginning ends up costing more than \$350,000 at the time of completion. This eats into builders' margins and discourages them from starting new projects, therefore, putting people out of work.

Folks back home can rest assured that I will be monitoring this closely. I will be listening to my constituents and other companies about their costs and supply chain experiences. But I shouldn't be the only one taking all these concerns into account. These price jumps should be concerning to all of us in this building because the national numbers don't paint a rosy picture.

In April, consumer prices jumped by 4.2 percent, the highest rise in over a decade. Energy prices went up 25 percent overall, with gas prices increasing nearly 50 percent. According to the Philadelphia Federal Reserve, price increases by one metric were the highest since 1980.

This level of inflation doesn't just affect a select few; it affects all American families. For many folks, a 4-percent hike on grocery bills takes a serious toll. Rising prices like these are the definition of a kitchen table issue. Paying 50 percent more for gas or having a costlier electric bill forces families to make a hard choice on what they can and cannot afford for that month.

We must get our fiscal house in order before inflation gets totally out of control and reverses the economic progress we made under President Trump's leadership.

You know there are different ways to combat inflation—a lot of different ways—but we know what makes inflation worse: massive government spending, and that is exactly what we are getting as we speak.

President Biden and congressional Democrats spent \$1.9 trillion on a stimulus bill that flooded the economy with cash just 2 months ago. Think about that—1.9 trillion. Now we want to spend trillions on a package in disguise of an infrastructure bill. And they are following this up by trillions more to fund items on the progressive priority list in the future.

Well, they are being confronted by the old truth: There is no such thing as a free lunch. Simple economics show that when the supply of something goes up, the value goes down. Money is no different.

President Biden's policies are pumping our economy with money we simply don't have to spend, and that is the definition of inflation: making money lose its value. It is the natural result of the policies that we passed in this Chamber in the last few months.

That is why Larry Summers, a former Treasury Secretary and adviser to Presidents Clinton and Obama, warned that the Biden stimulus would be "the least responsible macroeconomic policy we've had in the last 40 years." Remember, he worked for

two Democratic Presidents. I couldn't agree more with Mr. Summers.

Democrats learned the wrong lesson from the financial crisis in 2008. They thought the recovery was slow because the government spent too little. They have been determined to spend much more this time around. The economic recovery from the pandemic was already well underway when the Democrats passed their massive stimulus in March—\$1.9 trillion.

Thanks to the bipartisan emergency relief bills passed under President Trump, the economy had stabilized by yearend. We were in the middle of the most rapid economic recovery on record, but the Democrats' out-of-control spending is putting the recovery at risk, and it is the American families who will pay the price in the end.

In addition to a reckless monetary policy, they want to raise taxes on all of us, including small businesses and family farms, to fund this spending spree. They want to undo the Tax and Jobs Cuts Act passed by the Senate Republicans and signed into law by President Trump.

These Republican tax cuts helped create the best economy in a generation. They created countless opportunities for hard-working Americans. Unemployment was at historic lows. Blue-collar wages rose faster than white-collar wages for the first time in history.

If they repeal the Republican tax cuts, Democrats will be encouraging American companies to move overseas. Job creators will have to pay more taxes at the same time as they are recovering from the pandemic, and the tax increases being proposed will be passed on to working Americans in the form of higher prices and lower wages.

In fact, the only people Democrats want to lower taxes for are the people who are high earners in New York, California, and New Jersey. Higher taxes, combined with the Democrats' inflation, would be a one-two knockout punch of our Nation's economic recovery.

It only takes one match to start a brush fire. Rather than taking commonsense steps to fight inflation, Democrats are preparing for it by dumping lighter fluid on the entire field. President Biden styles himself as the second coming of FDR, but he is looking more like Jimmy Carter every day.

Americans my age will remember Carter's Presidency and how tough those times were for working families. I hope we can avoid repeating history, but that means we need to take action, and we need to take action now. I urge my Democratic colleagues to reexamine their misplaced priorities and keep pro-worker tax and spending policies in place.

Let's work together on practical ways to get our economy and our country back to work.

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. Madam 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. CORNYN. Madam President, during the first 4 months of 2021, more than half a million migrants have crossed our southern border—a half a million—including more than 50,000 unaccompanied children. Now, nobody really believes that those children got there all by themselves. The truth is, they have been smuggled to the border and crossed the border only to be picked up by Border Patrol, taken care of, as we would all hope they would be, and ultimately be placed with U.S. sponsors. I will have more to say about that in a moment.

In the same period of time last year, there were fewer than 125 migrants who crossed our border, including just over 10,000 children—half a million so far this year, 125,000 last year, 50,000 children so far this year, 10,000 last year during the same period of time. Put simply, this is not normal, nor should it be the standard operating procedure for the U.S. Government. The truth is, our country lacks the facilities, the personnel, the resources, and the policies to handle this sort of influx of humanity in a humane way.

Back in March, the President tapped Vice President HARRIS to handle the border crisis, but we have seen no progress to date. In fact, the Vice President, I believe, is in Guatemala today, and she hasn't even been to our southern border. She hasn't visited the facilities where tens of thousands of migrant children have been cared for. And she hasn't listened to the migrants' horrifying stories of how they were treated by the human smugglers that brought them to the border.

We do know the Vice President is finally hitting the trail this week to talk about the border crisis. But that seems to be all it is, is talk. The only problem is, she is not visiting the border. She is not even in her home State of California, which has a border with Mexico. She is in Guatemala.

As law enforcement, nongovernmental organizations, and border communities are being overwhelmed by the surge of migration, the Vice President is meeting with foreign leaders. Now, there is nothing inherently wrong about meeting with foreign leaders, but, surely, she can't think that a conversation with the President of Guatemala is going to solve the human crisis at our border.

The Border Patrol will tell you, as they have told me, mass migration like this is a product of two different actions. One is the so-called push factors, which means people who lack economic opportunity; maybe they are fleeing violence; maybe they just want to come to America to be reunited with some other relatives; and certainly the

human smugglers are more than happy at \$5,000, and more, a head to help them. But these smugglers, as I intimated a moment ago, are a part of transnational criminal organizations that care nothing for these migrants. They just care about the money. And what they do is they flood the border with unaccompanied children, for example, taking as many as 40 percent of the Border Patrol off the frontlines in the war against illegal drugs coming across the border. And when the Border Patrol is not there—surprise, surprise—the very drugs that contributed to the loss of about 80,000 lives last year in America alone come flowing across, whether it is heroin or cocaine or artificial opioids. You name it, it is coming across the border by the same people who are moving the migrants across the border. Again, they are commodity agnostic. They will do anything for a buck, and they care nothing about the migrants at all.

Well, imagine calling 9-1-1 when your home is on fire and watching as they hose down your neighbor's house instead. That is what it feels like watching the Vice President down in Central America.

For years, the United States has tried to address the crime and corruption in Central America with very limited success. Do they have some modest role in the crisis? Well, yes, but that is hardly where the Vice President's attention should be focused right now. Particularly, she should be focused—and the President focused—on working with us on policies that Congress would pass that would mitigate this humanitarian crisis.

Former Senator HARRIS's list of legislative accomplishments and her experience solving complex policy problems is not particularly deep. But rather than be critical, I would like to offer a suggestion.

In April, Senator SINEMA—the Senator from Arizona—and I introduced the Bipartisan Border Solutions Act to address this unfettered flow of migration. She is concerned about Arizona; I am concerned about Texas. But the truth is, I am concerned about America writ large.

We have been proud to work in a bicameral way, too, with two of our friends on the other side of the Capitol: Congressman HENRY CUELLAR, a Democrat from Laredo, TX; and TONY GONZALES, from the 23rd congressional district. The four of us live in and represent border States and districts. We have spent time—a lot of time—listening and learning from the men and women who are committed to safeguarding our border and those who care for the migrants and those who live in these border communities.

There are a lot of people out there who will talk about what is happening at the border who have never actually been there, so how in the world would they possibly know? They inaccurately characterize border communities as unsafe, lawless places. That is not true.

They villainize the Border Patrol and other law enforcement Agencies like ICE, Immigration and Customs Enforcement. Remember the “Abolish ICE” slogan? They are criticizing these public servants for actually enforcing the laws that Congress has passed. Congress passed those laws. These brave men and women are simply executing the laws that Congress itself has passed.

Well, unfortunately, there is a lot of talk here in Washington by people who offer blanket solutions that have nothing to do, or very little, with solving the complex problems that exist. The fact of the matter is, my State of 29 million people has a beautiful, safe, and vibrant border region. I was there last Wednesday, last. The men and women who lead and protect these communities are doing everything they can to fairly and humanely respond to the crisis. But they are being overwhelmed, and they are not getting much help from the Federal Government.

The same is true across our entire southern border. At her invitation, I visited Tucson last Tuesday, a very different border region than we visited on Wednesday, where Senator SINEMA came to McAllen, at my request, in the Rio Grande Valley.

I appreciate her and her staff taking the time to learn more about the differences in the border in my State from her State. And I certainly learned a lot by traveling to Tucson and meeting with her constituents.

In Arizona, we visited a soft-sided Customs and Border Protection facility where migrants are processed, and the Tucson sector chief talked about the broad responsibilities his agents have in these facilities.

As I suggested a moment ago, normally, the Border Patrol is responsible for patrolling the border. That is why they call them the Border Patrol. But now they are encountering unaccompanied children and have to leave those frontlines—about 40 percent of them—just to take care of them at these CBP, Customs and Border Protection, facilities.

Well, we need the Border Patrol on the border, patrolling the border so they can deal with everything from encountering a child abandoned by human smugglers to a tractor full of human trafficking victims. They might, and will and do, interdict drugs, weapons, money, or any of a number of contraband being smuggled across the border. Again, as some wise person coined the phrase “commodity agnostic,” these transnational criminal organizations that really bring people into the United States from worldwide locations but principally from Mexico and Central America—all they care about is the money.

In the Tucson sector alone, 103 agents were pulled from the field because somebody needed to take care of the migrants. Now they are doing everything from changing diapers to

serving meals, to supervising playtime for the children—103 law enforcement officers in the Tucson sector alone who should be stopping dangerous people and dangerous substances from entering our country instead of acting as caretakers and not creating serious gaps in our border security.

Of course, the cartels—these criminal organizations—are pretty smart. This is actually part of their business model. They know that if they flood the border with unaccompanied children, for example, the Border Patrol is going to leave huge gaps that are then going to be exploited by the drug smugglers.

They know about the vulnerabilities that exist on our border. They know about our laws and policies, and they are actively exploiting them. And we are basically letting them. Shame on us.

In the Rio Grande Valley last week, we spoke with a number of law enforcement and community leaders, including the National Border Patrol Council president, Brandon Judd. Brandon told us that, this year, individuals from 151 different countries were processed at the Donna Processing Facility. This is one processing facility in Donna, TX, in the Rio Grande Valley. Last year, they processed people from 151 different countries.

A couple of weeks ago, Customs and Border Protection at the Laredo Port of Entry made a seizure of hard narcotics worth more than \$3.5 million of street value. This wasn't from an entire week's worth of drug interdictions; this came from two vehicles that they stopped. One had 20 pounds of cocaine in it; the other had more than 167 pounds of methamphetamine.

This strain on law enforcement poses serious risks to our entire country. The criminals, the drugs, the weapons, and other illegal goods that cross our border are heading to every corner of the United States. And if you think they are stopping at the border, think again. They are traveling to all 50 of the United States.

And while unaccompanied children have become the face of this crisis, there is a ripple effect that extends far and wide. Border Patrol, ultimately, doesn't have the capacity to provide safe and thorough care for these children and patrol our borders and interdict dangerous substances and enforce our laws. Agents are spread a mile wide and an inch deep, and something has got to change.

This is where the Bipartisan Border Solutions Act comes in. We provide for two major changes in the way that migrants are processed to alleviate the strain on law enforcement and improve the way we process and care for migrants when they are in our custody. One, the bill establishes at least four regional processing centers in high-traffic areas. It is, in effect, a “one stop shop” for the various government Agencies involved in processing migrants. CBP, Customs and Border Pro-

tection; ICE, Immigration and Customs Enforcement; FEMA, the Federal Emergency Management Agency; the USCIS, U.S. Customs and Immigration Service; and the Office of Refugee Resettlement will all be housed under a single roof.

Migrants can receive medical screenings, have their identities verified, and go through a criminal history check all in one place. And then they will begin the legal process of seeking asylum if, in fact, that is what they are doing. They will complete their asylum interviews, go through legal orientation so they know their rights, and receive the documents and information they need to appear for their future court date in front of an immigration judge.

Our bill also addresses the staffing shortages that have made this situation much more challenging. It requires the hiring of hundreds of CBP officers and Border Patrol processing coordinators so agents can get back on the frontlines. In other words, these processing coordinators aren't going to be Border Patrol agents who are highly trained law enforcement officers. We want them back on the frontlines. But if it comes to processing the migrants and preparing the paperwork, we believe these processing coordinators can help.

Our legislation also calls for 150 new immigration judge teams, 300 asylum officers, ICE litigation teams, and other personnel to help adjudicate these asylum claims.

Right now, the system is completely overwhelmed, and that is exactly what the human smugglers—what we call the coyotes—are planning on. Everybody in Texas along the border, everybody in Arizona, and everybody who lives or works along the border understands what is happening. Again, that is why it would be so instructive for Vice President HARRIS to actually go to the border.

In order to gain a handle on the mass movement of migrants, we need to make these commonsense changes. When it comes to children, it is not enough to ensure they are safely processed by Border Patrol and then transferred to Health and Human Services' custody. We also need to make sure these children are safe after they have been placed with sponsors in the United States and told to appear for a future court hearing. In most cases, children are released to parents or other relatives, but not always.

HHS reports that in 2021, more than 1,000 children have been released to unrelated individuals or distant relatives they don't even know. While these may be legitimate caretakers, it can also open the door for these children to be exploited or trafficked.

In 2014, the Office of Refugee Resettlement placed eight children with members of a human trafficking ring who posed as family or friends. These children were forced to work on an egg farm in Ohio for no pay for 12 hours a



day, 6 or 7 days a week. They lived in deplorable conditions, and they were threatened with violence if they didn't comply. These distant relatives, unbeknownst to these children, and these unrelated individuals are a big cause for concern, but not the only one.

Before a child is released into the custody of anyone—a parent, grandparent, aunt, or uncle—this person must be thoroughly vetted by the Federal Government because we simply can't hand a child over to somebody who is going to be a danger to them. There is no vetting requirement, though, for other people who live in the same home. And those of us who have dealt with the scourge of child abuse know that about anybody living in the same home with a minor child—particularly, an unaccompanied child who has undergone the trauma of moving from Central America to the United States is going to be a potential victim.

You can have a trustworthy individual identified as taking care of the child, but abuse could be happening under the roof by another person who lives there. Why do we say that? Because, sadly, it happens all the time. Or, heaven forbid, the parent or the relative is the one who decides to exploit the child themselves.

What is being done to prevent this abuse? As it turns out, not a lot by the Federal Government. The Health and Human Services Department requires safety and well-being check-in calls to be made to sponsors within 30 days after a child has been released. But in 2021 alone, the data shows that 18 percent, nearly one in five children, could not be reached after 30 days. Phone calls were not answered. Door knocks were not responded to. And that means that hundreds of children released to the care of these adults in the United States on our watch are lost to the system. We don't know if they are in a safe home or if they are a victim of trafficking or abuse, or whether they have simply disappeared, whether they have been recruited into a gang. The U.S. Government simply does not know where they are and what is happening to them. This is a national scandal.

Senator SINEMA and I are committed to passing this legislation that provides these critical protections for these children who already have endured a lot of pain and suffering—a lot more than any child should.

Our bill would require criminal background checks, not only for the child's sponsor but for any other adult living in the household. It will bar children from being placed in the custody of anyone who has been convicted of sex offenses, domestic violence, human trafficking, child abuse, or other serious crimes. The U.S. Government simply can't check a box once they have placed a child with a sponsor in the United States. After the initial 30-day checkup, we require another 60-day checkup—as a matter of fact, every 60 days.

Protections for children, streamlined processes, more personnel—these are commonsense reforms that will address the most urgent issues currently on our southern border.

Bipartisanship, as we know, is in short supply these days, especially when it comes to the debate surrounding immigration and border security. We have folks in both parties and in both Chambers of Congress lined up behind this particular bill. I hope we can add more bipartisan cosponsors.

Our bill has already been endorsed by a broad range of law enforcement, immigration, and business groups—for example, the National Border Patrol Council, National Immigration Forum, and U.S. Hispanic Chamber of Commerce. I could go on and on.

As I have said before, and I will say again in closing, if anybody has a better idea, I am all ears. But, right now, all we hear is crickets. No one is offering any bipartisan, bicameral solutions—anything close to what we have described here. This isn't meant to be comprehensive immigration reform. It is a targeted solution to the most urgent problems at hand.

I would be happy to offer this legislation to Vice President HARRIS or President Biden as a solution to the crisis on our southern border. I am happy to meet with them. Senator SINEMA, I am sure, feels the same, and Congressman CUELLAR and Congressman GONZALEZ.

We are interested in fixing the problem, not scoring political points, and we can't afford to wait years or maybe even decades to see the circumstances in Central America change. After all, then-Vice President Biden was tapped to solve this identical problem by President Obama. Let me say that again: Vice President Biden was tapped to solve this identical problem by President Obama. Not only was he unsuccessful, but, as we know, it has gotten worse since that time.

We need urgent action to address the crisis we are experiencing today at our Nation's border and the Bipartisan Border Solutions Act is an important first step.

The PRESIDING OFFICER. The senior Senator from Iowa.

#### INFLATION

Mr. GRASSLEY. Madam President, when I was first elected to Congress in the 1970s, I ran as "Grassley, the inflation fighter." Inflation was about 12 or 13 percent at that time. When I ran for the Senate, it was 12 or 13 percent again, and it hasn't been a major problem since then.

Those who remember that time of high inflation know that it is a time period when inflation was a real problem. It kneecaps middle-class prosperity and causes severe hardships for those already struggling. Inflation is nothing short of a regressive tax, as it hurts Americans more the less money that they have.

It is a stealth tax. With the income tax, you can see how much the government is taking out of your paycheck.

With a sales tax, you can see on your receipt what the government took for its cut. With inflation, the value of the dollar in your pocket is reduced without even leaving your billfold.

When Americans suddenly notice that it costs more to buy the same groceries, it can be hard to know whom to blame. Did the store just decide to raise prices or is inflation caused by mysterious economic forces beyond anyone's control?

In reality, the Federal Government can directly cause inflation by printing too much money to feed its spending habits. Politicians like to promise freebies that someone else will pay for—maybe "the rich" will pay.

Who is "the rich," you might ask. "Don't worry; it is not you," the big spenders assure us.

Well, don't be so sure. President Biden suggested that if rich people pay their fair share of taxes, we can afford to spend another \$4 to \$6 trillion. Now, in reality, if the government confiscated all the wealth of all the U.S. billionaires, it wouldn't cover that bill. Just asking them to pay a little bit more, as the President suggests, will barely make a dent.

So who is going to pay the bill? Don't be fooled. Each American is going to pay that bill. Hard-working Americans will be shouldering the costs of Biden's spending plans in the form of lower wages or higher prices at the gas pump or the checkout lines at Hy-Vee in Cedar Falls, IA.

Remember, prior to the pandemic, tax reform and a more predictable regulatory environment contributed to the best economy America had seen in decades. Yes, prior to the pandemic, as a result of the policies of regulatory reform and of the tax bill of 2017, we did end up with the best economy America had seen in 50 years. Unemployment reached a 50-year low. Family incomes and workers' wages experienced robust gains. In fact, wage growth was strongest for low-wage workers. As a result, income inequality actually declined.

My colleagues across the aisle like to repeat the falsehood that tax reform was just "tax cuts for the rich"—not true. We eliminated loopholes that allowed some favored corporations to avoid millions in taxes. By having more corporations paying their fair share, we were able to lower the overall corporate rate to be more in line with other countries, like Sweden or Denmark.

Tax reform meant more investments in America, creating good-paying jobs for hard-working Americans.

The pre-pandemic thriving economy is poised now to come roaring back if the government just gets out of the way. Raising tax rates while adding new giveaways for Democrats' favored corporations that sign onto the Green New Deal will kill the goose that laid the golden egg.

While President Biden talks a good game about everyone paying their fair share, he is proposing an unprecedented spending binge. This will only



fuel inflation. The burden will fall hard on the middle class and be devastating to low-income Americans.

There are already signs that inflation is starting to kick in. Have you ordered a hamburger at a restaurant lately? I heard from an Iowan in Sioux City that at one furniture store, a particular recliner that sold for \$199 last year now sells for \$249. A leather reclining sofa that sold for \$1,899 last year, today costs \$2,599. Price increases of 25 percent to 37 percent for furniture are impacting the lifestyle of Iowa families and doing it right now.

Many homebuilding supplies have doubled or even tripled in price. This is partly due to the shortage of lumber. I have called on the administration to take action to address this, but the price increases are not limited just to wood products.

President Biden's economic advisers assure us that this inflation Iowans are seeing with their own eyes is just temporary and really nothing to worry about, but it is real and it is happening.

Economists from across the political spectrum are starting to raise alarms. Larry Summers—whom you know as the former president of Harvard, former outstanding economic professor at Harvard, President Obama's chief economist, and also Secretary of Treasury under President Clinton—warned that the \$2 trillion Biden stimulus that was rammed through Congress on a partisan basis was way too big.

Larry Summers is quoted as saying:

I think this is the least responsible macroeconomic policy we've had in the last 40 years.

More recently, in a Time Magazine interview conducted after the release of the President's budget, he expressed concerns this way: "that we are injecting more demand into the economy than the potential supply . . . and that will generate overheating."

When a longtime Democratic economist of the stature of Larry Summers sounds the inflation alarm, the President would be well advised to listen to that alarm. The President's spending plans would dump fuel on an inflation fire that the Fed has ignored in favor of easy money policies geared toward propping up Wall Street.

In the end, the poor and the middle class will pay. Income inequality will rise. For all of their lip service about taking from the rich and giving to the poor, the Democrats' big spending policies may stimulate stock prices for the wealthiest Americans, while everyone else pays more for less.

I suggested in a speech about excess unemployment benefits that politicians should emulate doctors, and you know what doctors are taught: "First, do no harm." That applies to big spending plans when there are signs of inflation. Once inflation starts to run away, it is difficult to stamp out. Remember the decade of the seventies. The Fed would have no choice but to aggressively hike interest rates, which could trigger a recession.

In coming out of a pandemic that has caused so many hardships for American families, the last thing they need is more economic hardship caused by either inflation or a recession. That should give Congress pause.

First, do no harm.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, it appears the White House had good reason to wait until the Friday before Memorial Day to release their budget proposal. They couldn't afford a full week's news cycle any more than the American people can afford to fulfill the wish list items President Biden is asking them to pay for. It is a very long list.

I think it is safe to say my Democratic colleagues are trying to make the most of the next year and a half. They know that time is not on their side nor are the American people. There really is something for every faction of the left. Here are a few of the items that are contained in this Biden boondoggle of a budget.

The environmental lobby did a great job these past few months. They are more than taken care of with more electric car subsidies and a \$936 million payout toward environmental justice initiatives.

We also have more funding to expand the Department of Education. If you think that more government is what your child's educational experience has been missing, well, this is the budget for you. Yet, if you are fed up with the way teachers unions have treated children in the classroom, if you are fed up with schools that have been in lockdown, you will want to pay close attention to what I am talking about today.

Apparently, the good people over at the Department of Health and Human Services have time on their hands. Bear in mind, it is your money that is paying them to do the job at which they have time on their hands. Now, they will be switching gears from pandemic response to a new focus on environmental extremism, reparations, and gutting the Second Amendment.

What is in this budget? Bigger government, a higher deficit, and runaway inflation.

What is out? According to this budget, national defense is no longer a priority for the Biden administration or for the Department of Defense. Border security is also on the back burner along with the family-friendly tax policies we implemented under President Trump.

President Biden and the Democrats are doubling down on every mistake they have made so far. Instead of doing their jobs, they are paying lip service to struggling businesses, to struggling stores on Main Street in your hometown, to crumbling bridges—like in Memphis, TN—and roadways, and to future generations of Americans who will come into this world owning their own, personal chunk of our sky-

rocketing national debt. That is right. If you have a child or a grandchild born this year, their share of the national debt is going to be about \$80,000. Think about that.

Think about what has happened to this debt. From President Washington to President George Bush, it was about \$10.6 trillion. During the Obama-Biden years, that debt doubled. Then it was added to through the pandemic. Now one would be led to believe that this administration had decided it was going to take the credit cards and swipe them so many times they would run the numbers off of them.

Yes, this is the Biden surcharge at work—forcing the American people to pay a premium just to live. Cradle to grave, daylight to dark, they have got a list of tax hikes and increased fees for you. You hard-working Americans, you cannot escape it, and what a world they have decided they want to leave for future generations. I think it is awful.

I will tell you what—this budget is such a terrible representation of what America actually needs that, back home in Tennessee, as I was home last week, people would come up to me and ask me if this was really a serious budget. It is so extreme. It is so huge.

They would say: Surely, your Democratic colleagues are not serious about this. Surely, President Biden is not serious about this budget.

Still, my colleagues across the aisle are so eager to get this done that they are prepared to, once again, throw regular order out the window.

My Democratic colleagues are living in an alternate reality. It is the only explanation for why they continue to insist that this country will be better off under a government that strips away your freedoms rather than guarantees them and one that tries to tell you how to live your life every minute of every day—from the time your feet hit the floor in the morning until the time you brush your teeth and get in bed at night.

FOR THE PEOPLE ACT OF 2021

No, Madam President, when it comes to the Biden administration, Big Government is its theme not only of the day but of every day. It is the theme when it comes to spending, to regulations, and even to intrusions into constitutionally mandated State authority.

Before the State work period, the majority leader indicated that he intended to use this month to shove through yet another wish list item. My Democratic colleagues have tried several times to skip debate and sneak through various provisions of their S. 1 election takeover bill. They tried to do this for the same reason President Biden released his disastrous budget on a Friday after everyone had already left town. It is because the bill could not survive a fair news cycle once the American people knew what was in it.

To my Democratic colleagues, remember the American people know—

after we went through ObamaCare and the Affordable Care Act—that the current Speaker of the House had then said: Well, we have to pass this bill so we can read it and find out what is in it.

They know that this is the way you like to operate.

I am sure many of my colleagues on the other side of the aisle would dispute my characterization of the bill. So, for the benefit of the record, let's go through a few of the provisions they are absolutely convinced will somehow expand freedom and secure our elections. This is what you will find in their S. 1 election takeover bill:

It would require States to allow ballot harvesting and no-excuse mail-in balloting, which we know from experience will open the door to fraud. We know this. So are they intentionally trying to open the door to fraud? You are right; people are correct in asking that question.

It would also overrule State-level voter ID laws—another great way to guarantee rampant fraud. So, yes, you heard me correctly. They want the Federal Government to tell your State that you cannot require someone to prove his identity, to show an ID in order to—what?—vote in an election. How about that?

It would weaponize the FEC against minority parties, mandate donor disclosure, and require the Federal Government to match private contributions. You heard me right. They want your tax dollars to fund people who are running for office even if you don't agree with their opinions. Your money would be going to them to match the contributions that they are raising. By the way, it is a 6-to-1 match. Pretty convenient, isn't it?

I call it insanity, and anyone who has ever staffed a polling place or has helped to count ballots knows this. Yet here we are, staring down yet another attempt to put this bill on the fast track—taking away the States' authority to run elections in their States.

Here is what I say to my Democratic colleagues: You are not going to get the benefit of a quiet news cycle on this. America is watching and listening, and they are paying attention.

Your attempts to whip the Senate into a state of partisan warfare over a bill you don't have the votes to pass will not go unnoticed.

Your attempts to make another run at the filibuster and invent a mandate the voters refuse to give you will not go unnoticed.

Your attempt to sneak through this unconstitutional, partisan power grab is not going to go unnoticed. People are paying attention, and my Republican colleagues and I are going to stand up against it. Members of your own caucus have said they will not stand for it.

Most importantly, the American people are watching, they are listening, they are paying attention, and they do not stand for what you are seeking to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF JULIEN XAVIER NEALS

Mr. BOOKER. Madam President, I rise today with a lot of joy. I get a chance to speak about someone I have known for decades. I am rising to speak about Julien Neals and my hope that he gets to serve on the U.S. District Court of the great State of New Jersey.

I have spoken to many of my colleagues on the Senate Judiciary Committee about Julien Neals. He is someone I have not just known for a long time, but even though he is not quite my height, I look up to him. We worked together when I was mayor of the city of Newark. So today what I really want to speak about is not simply his impressive career, his distinguished resume, but I really want to talk a bit about who he is.

I am not sure how many of my colleagues know this about the city of Newark, NJ, but when I became mayor in 2006, we inherited a lot of very complex, very serious challenges, and for the sake of our residents, we needed to make change quickly and very urgently. So I brought in this guy named Julien Neals, whom I didn't quite know that well, but he was so well highly recommended.

He moved from the private sector, where he was with a very prestigious New Jersey law firm, and decided to lead the transformation in New Jersey's largest municipal court. He knew that it was a court system that had to change, and he stepped up. He changed it. He changed the way our court operated. He centered it in common community values and made sure that everyone who came before that court was treated in a way that affirmed their dignity, no matter what the matter was.

He pioneered innovations that the whole State—in fact, many places in our Nation—took notice of. He created the first community court in the State of New Jersey, the first youth court, and the first veterans court. He realized that citizens all have, often, different needs, especially folks like our young people and our veterans, and that there is a different way to achieve a larger standard and a larger ideal of justice.

Well, the problem is, when you do so well in one job, you get pushed to another opportunity. I quickly moved him from being my chief judge of New Jersey's largest municipal court to come in and be my corporation counsel in my mayoral administration.

In the wake of the recession in 2008, he became the business manager, the person who runs the city day to day, and under the most difficult, savage of circumstances, he made challenging changes that helped us get through that very difficult period.

Cities all over New Jersey were being crushed financially, making massive amounts of layoffs, and in those financial times, he was able to get our city

to be dramatically more efficient, to bring in new ideas that helped us to create everything from environmental sustainability to expanding access to municipal services to the public. He brought in innovations that became really par for the course all over New Jersey, but Newark did them first.

Today, now, Julien serves as the counsel for the largest county in New Jersey—a county that is bigger than some of our States.

I have had the privilege of knowing Julien, as I have said, now for the past couple decades, and I have watched him handle challenge after challenge, from a global recession to Hurricane Sandy. He has stood in the saddle and helped with calmness, with coolness, with an equipoise that is enviable to all, including me. I have watched him lead. I have watched him care. I have watched his love of others be reflected in the decisions he made under the most difficult of circumstances. I have seen him in crisis after crisis rise not just to meet the challenge but to, in most circumstances, have us come out better off than we were before.

He, in so many ways, is one of the great leaders I have had the privilege of working with in my life. Julien Neals is brilliant. He is thoughtful. He is deliberate in his decision making. He has all of the ideals that I think we want in a Federal judge.

I have to tell you, most importantly to me, I know him. I know his parents. I know his family. I know his kids. He is one of those people who would make you proud not just in knowing but in ascending to a position like a judge. I know he will make us proud in the way that he leads from the bench.

I want to thank President Biden for nominating him. I want to encourage all of my colleagues in a bipartisan way, as I said in the Judiciary Committee, to consider supporting him.

I have had many privileges as a U.S. Senator. God, this is one of those jobs where you have to, like, give glory to God every day for just having the privilege of standing on this floor and getting to be a part of some things that, as much as we rancor back and forth, we should all be proud of, whether it is a global pandemic or just making sure we are funding critical parts of the government where public servants serve. But of all the privileges I have, I have to say this is one of the great ones, the chance to make a man whom I look up to in every way—make him a Federal judge, to try to encourage my colleagues to make him a Federal judge.

I see that my senior Senator, my friend—another guy I look up to even though I got him by an inch or two—has come to the floor, and if the Presiding Officer would allow me, I would like to yield to the senior Senator of the State of New Jersey—more handsome than I am, but I think we are an equal tag team when it comes to serving our State.

I yield the floor with the fear that he does have the microphone last.

The PRESIDING OFFICER. The senior Senator from New Jersey.

Mr. MENENDEZ. Madam President, it is a fear that one should have as to who gets the microphone last, but nonetheless, no need to fear. I think that statement about better looking is a Pinocchio on your part, in any event. But I will stop before I get called out of order.

Madam President, it is with great urgency that I come to the floor to urge support for the confirmation of Julien Xavier Neals to be a U.S. district court judge in New Jersey. My distinguished colleague, who knows Mr. Neals extraordinarily well, can speak to all the elements of him as a human being, as a lawyer, and as someone who was a judge at one level and, in fact, can be and will be an extraordinary district court judge.

We are known in New Jersey as having one of the busiest courts in the entire country. As of last year, more than 46,000 cases were pending before it, many of them among the most complex and challenging cases in the Nation. Yet multiple judicial vacancies on the court have led the Judicial Conference of the United States to declare a judicial emergency. The court is short-staffed by a third, leaving each of our seated judges with a mind-boggling caseload of 2,700 pending cases. That is a caseload more than three times higher than the national average.

Fortunately, this week, the Senate has an opportunity to begin alleviating this judicial emergency by confirming Julien Neals to the U.S. District Court in New Jersey. Mr. Neals is an outstanding nominee who has devoted his entire career to the practice of law in my home State of New Jersey. Throughout his three decades in the legal profession, he has served in many diverse roles. Every step of the way, he has impressed those around him with his integrity, sound judgment, and commitment to equal justice and fair administration of the law.

He clerked on the Superior Court of New Jersey, practiced civil rights, employment discrimination, and intellectual property law as an associate and partner of a Secaucus-based firm. He served the city of Newark during my distinguished colleague Senator BOOKER's time as the mayor of that great city of Newark and since 2015 has worked as counsel for Bergen County, the most populous county in all of New Jersey.

As you heard, my colleague still speaks glowingly of Mr. Neals' achievements during his time as chief judge of the Newark Municipal Court, how he improved the efficiency and the culture of the institution, created the first community court in the State of New Jersey, and in less than 2 years presided over more than 6,000 cases, while supervising 11 full-time judges.

There is no doubt in my mind that Mr. Neals will be an asset to the U.S. District Court in New Jersey as it emerges from this pandemic and works

to reduce its backlog of pending cases. He is qualified, and he was qualified to serve on the Federal bench back in 2015 when President Obama first nominated him to the U.S. District Court in New Jersey. Unfortunately, the politics of the time didn't get him a vote, and he is even more qualified today.

Mr. Neals already commands enormous respect in our legal community. From serving on the Supreme Court of New Jersey's Committee on Character and Fitness to serving as chairman for the Volunteer Lawyers for Justice, he personifies the meaning of public service. His tremendous breadth of experience, even temperament, and sound judgment make him a superb candidate to serve on the Federal bench. Clearly our colleagues on the Judiciary Committee here in the Senate came to the same conclusion when they reported him out of committee by a large bipartisan margin.

New Jerseyans have waited too long for the Senate to fill this vacancy, and I urge my colleagues on both sides of the aisle to confirm Mr. Julien Neals without further delay. I am thrilled to join my colleague from New Jersey in advocating for him and especially thankful to the junior Senator from New Jersey for advancing his name so that justice can be realized in the State of New Jersey.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, is there a pending vote now on the cloture vote?

The PRESIDING OFFICER. The Senate is in a quorum call.

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

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

The vote is to occur in 3 minutes.

Mr. BOOKER. Madam President, I appreciate the 180 seconds, and I will be patient and wait.

I am sorry. There is a quorum call, correct?

The PRESIDING OFFICER. No.

The senior Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent to waive all existing time and move towards the vote.

The PRESIDING OFFICER. Is there objection?

Mr. BOOKER. Reserving the right to object, I would just like to say that is why he is the senior Senator.

The PRESIDING OFFICER. Duly noted.

#### 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 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. 130, Julien Xavier Neals, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Sherrod Brown, Jon Ossoff, Alex Padilla, Jacky Rosen, Tammy Duckworth, Brian Schatz, Chris Van Hollen, Catherine Cortez Masto, Robert Menendez, Richard Blumenthal, Patty Murray, Martin Heinrich, Michael F. Bennet, Sheldon Whitehouse.

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 Julien Xavier Neals, of New Jersey, to be United States District Judge for the District of New Jersey, 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 Maine (Mr. KING) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Montana (Mr. DAINES), the Senator from Iowa (Ms. ERNST), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Nebraska (Mr. SASSE) would have voted "nay."

The yeas and nays resulted—yeas 66, nays 28, as follows:

[Rollcall Vote No. 219 Ex.]

#### YEAS—66

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

#### NAYS—28

Barrasso	Hawley	Paul
Blackburn	Hoeven	Risch
Blunt	Inhofe	Romney
Boozman	Johnson	Scott (FL)
Braun	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Lummis	Sullivan
Crapo	Marshall	Tuberville
Cruz	McConnell	
Hagerty	Moran	

#### NOT VOTING—6

Daines	King	Sasse
Ernst	Rubio	Thune

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 66, the nays are 28.

The motion is agreed to.  
The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Mr. President, I rise to ask that the Senate be given the chance to consider and vote on the Military Justice Improvement and Increasing Prevention Act.

Before I discuss the bill, I would like to first acknowledge that we have just returned from Memorial Day recess and to recognize the men and women who made the ultimate sacrifice to protect our country and to protect our freedom. They got on a plane or they got on a ship; they went to countries they may never have been to before; they fought for our country; and they didn't come home.

We ask so much of our servicemembers and their families, and we owe it to them to take action when they are in danger. That is why I want to talk about this bill right now.

Sexual assault in the military is an epidemic. Year after year, reports of sexual assault have gone up, but conviction rates and prosecution rates have actually come down. This stems from a fundamental problem which has to be addressed: There is bias in our military justice system.

Right now, if you are a victim of sexual assault or another serious crime, the decision to prosecute goes to a commander, not to a trained military prosecutor. And while our commanders are exceptional leaders and exceptional warfighters, they are not legal experts, nor should they be asked to be. Nor can commanders be truly independent when considering charges against a subordinate or charges made by a subordinate.

This bill removes the decision of whether to prosecute sexual assaults or any other serious crime out of the chain of command and gives it to trained military prosecutors, where it belongs. This would establish something fundamental to our justice system: blind justice. It is a simple change. It is a change that is supported by legal experts, by JAGs, by commanders, by generals, by admirals, by veterans.

Opponents of this bill—and their numbers are dwindling—claim that this one change would somehow undermine good order and discipline. Well, I will tell you, I have heard that one before. It is the same weak argument they have made time and time again.

Many people stood on this floor and said that we could not repeal don't ask, don't tell because it undermined good order and discipline. When we wanted to integrate the military and have Black servicemembers serve, we were told we couldn't possibly do that; it would undermine good order and discipline. We made the case that LGBTQ members should be able to serve openly, that trans members should be able to serve openly. We were told: You can't possibly do that; it would undermine good order and discipline. When we asked for women to be able to serve

in combat, something they had been doing for a very long time but not necessarily getting credit for it, we were told: You can't possibly do that; it will undermine good order and discipline.

But each of those times Congress rose to the occasion and did the right thing and did the thing that was necessary to make our military stronger, and each time our military became stronger.

Further undermining this argument is the fact that this system, or versions very similar to it, are being used today by our allies that we fight side by side, allies like the UK or Israel or Germany or Netherlands or Australia or Canada. They did not see a degradation of good order and discipline. They told us so.

Finally, in addition to the opposition to this bill being a weak argument, the support for this bill is strong, and that support continues to grow. How many bills have you heard of in this Congress, or the last, or the last, or the last that have 66 cosponsors? Widely bipartisan. How many bills have LIZ WARREN and TED CRUZ on them or MITCH MCCONNELL and CHUCK SCHUMER in support of? It doesn't happen very often.

But this is something that I and many Senators in this Chamber have been working on for 8 years, holding hearings on for 8 years, making amendments in the NDAA for 8 years, making the case that this change is needed for 8 years. And through all that work and through all that advocacy, we now have 66 cosponsors—a majority of the Senate, a majority of the Armed Services Committee. This bill deserves a vote. This bill deserves to have the Senate vote on it now. It is time to pass this law, and it is time to do our jobs.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving the right to object, first of all, let me commend Senator GILLIBRAND. No one has been as relentless in terms of trying to improve the Uniform Code of Military Justice, particularly with respect to sexual assault. And I agree: These crimes involving sexual assault can be properly moved out, done so in a way that does not impede good order and discipline in the U.S. military.

The issue that is emerging is an issue of the scope. The Senator's bill includes felonies like burglary and larceny that do not involve sexual assault. The Senator has pointed out, and

I think correctly, that Congress has risen to the occasion. In fact, I was with people who wanted to repeal "don't ask, don't tell." I was fighting for those things, along with other provisions that she cited.

But Congress has done the right thing only after careful consideration, and we have that opportunity in the committee. That is the way we have done every piece of major legislation since I have been here over a couple decades. There will be an opportunity to vote on all these issues in the committee with men and women who have great insight and knowledge—combat veterans, others who have served for a very long time. And they have invested, as I know the Senator has invested, time and effort and can perhaps improve the bill and perhaps point out areas of the bill that have not been thoroughly analyzed.

So I think it is incumbent upon us to move forward to consider this bill in committee and then to bring it to the floor of the Senate. There will be opportunities for amendments, and at the end of the day, we will have, I think, one, a better bill, perhaps. But, two, we will have a bill that people can embrace because it has been thoroughly vetted by the committee of jurisdiction.

So for those reasons, I would object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, while the chairman does agree that the serious crime of sexual assault should be taken out of the chain of command, our bill requests and requires that all serious crimes be taken out of the chain of command because of the existence of bias. And we have two data points that prove that bias. One is the poor results we have seen for survivors of sexual assaults over the last 10 years that data has been collected, and the second data point we have, which has been developed over the last 3 years, is the existence of racial bias.

Protect Our Defenders did a serious report in 2017, and it determined that across all services, looking at all punishments, Black and Brown servicemembers were punished approximately two times more often than White servicemembers, looking at both non-judicial and court-martials. And that show of bias means that the military justice system isn't working for many people. It is not working for plaintiffs, and it is not working for defendants.

And, in fact, when our allies looked at this same issue, particularly defendants' rights over the last 40 years, they determined that bias in the system was incompatible with their views of justice, and they decided that for defendants' rights, specifically, all serious crimes should be decided by trained military prosecutors.

So this solution is one we have been debating in the committee for 8 years, and, in fact, we have used compromises

and smaller steps and small-ball measures over the last 8 years to address this problem. Unfortunately, despite putting in place approximately 250 new measures over the last 8 years, the rate of conviction and the rate of prosecution is still going down, but the rate of sexual assault has stayed persistent at approximately 20,000 incidents a year.

So while I appreciate that my colleague is coming to the conclusion that one serious crime should be taken out of the chain of command, military experts disagree that a line should be drawn around only one crime because they believe that that will result in unfair systems of justice—two systems of justice and one that does not meet the needs of bias that we see in the current system.

Second, we have many combat veterans on this legislation. JONI ERNST is one of our lead sponsors, who is the only female Republican combat veteran and who has also experienced sexual assault. MARK KELLY is on our bill. TAMMY DUCKWORTH is on our bill. GARY PETERS is on our bill. JOSH HAWLEY is on our bill. And we also have many of our attorneys general on this bill, people who have looked at the law from a perspective of civil rights and civil liberties, such as RICHARD BLUMENTHAL.

This matters, and I believe that we have given the committee 8 years to solve this problem.

Third, when we have given the opportunity to the committee to solve this problem and pass meaningful—meaningful—reforms, if the DOD disagreed with those reforms, despite passing in the House and in the Senate, they have seen fit to make sure those reforms have been taken out in conference. One such example was legislation we passed in 2019 creating a “safe to report” provision, which would have allowed survivors of sexual assault to come forward to report the crime but not be prosecuted for related smaller crimes, such as drinking or being off base.

That language passed the Senate. It passed the House. And, miraculously, because the DOD didn’t approve, it was taken out in conference. In 2020, the Senators who worked on that provision, Senator ERNST and I, made very clear that we did not appreciate staff members taking out work and provisions that had been considered and voted on by Senators as part of their responsibility. And we were able to pass it the second time.

So, unfortunately, Mr. President, I don’t have faith that if we allow the committee to look at this bill and pass it in the Senate and the House, that it will not be watered down or taken out in conference without the consent of all the Senators who voted for it.

Therefore, I urge this body to allow for an up-or-down vote on this Senate floor. That is a privilege that was given “don’t ask, don’t tell” repeal because of similar filibusters by members of the Armed Services Committee. When we voted on “don’t ask, don’t tell,” it was an up-or-down Senate vote. This deserves the same opportunity.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

#### 77TH ANNIVERSARY OF D-DAY

Mr. PORTMAN. Madam President, I am here on the floor of the Senate this evening to commemorate the 77th anniversary of D-day. This was a huge turning point in World War II, of course. The invasion of Normandy occurred 77 years ago yesterday.

Historian Douglas Brinkley wrote that D-day was the single most important moment in the 20th century and one of the most tragic, too, in terms of loss of life. I think he was right. There were 160,000 soldiers who crossed the Channel that day to begin the campaign to recapture Europe from Hitler’s rule. On their backs were rucksacks with 80 pounds of gear, but so too was the fate of all of us—our allies in Europe and, really, the fate of the free world.

Many of our best and brightest young Americans did fall that day. We lost more than 10,000 men in 1 day. The Nazis had spent 2 years fortifying the coast to prepare for this moment. It was Hitler’s so-called Atlantic Wall. The beautiful coastline of Northern France was covered in barbed wire, land mines, and bunkers, but at the end of the largest amphibious invasion in history, we stood victorious, battered but not broken. On we marched through France, through Belgium, and, finally, into Germany itself.

But even today, amid the flowers and fields of Normandy—I have been there, and many of you have been there who are listening tonight—you can feel, even today, the lingering presence of those who died that day in the service of liberating Europe, and you can see it in the stark, orderly U.S. military cemeteries, where row after row of white crosses and Stars of David commemorate those brave souls who were lost—representing lives lost in a noble cause. Though much has happened in the following 77 years, we can never lose sight of the valor and the sacrifice by our Armed Forces on that 1 day.

On Memorial Day, about a week ago, I spoke at the National Veterans Memorial and Museum in Columbus, OH. It was a hopeful day for me not just to have so many people together as we emerged from COVID-19—really the first big public event they have had—but also to see the generations of veterans and family members there to honor the fallen: World War II veterans, Gulf war veterans, Korean war veterans, Vietnam veterans, and veterans, of course, from Afghanistan and Iraq. They represented the living embodiment of the stories we ought to be

remembering from a war that recedes further into the past with every passing year.

They are the stories of valor like that displayed by Jim “Pee Wee” Martin from Dayton, OH. On that day, he and the rest of the 506th Parachute Infantry Regiment parachuted behind German lines in the dark of pre-dawn. Jim was wounded but fought bravely, earning both the Purple Heart and the Bronze Star for his efforts.

They are the stories of sacrifice like that of the Napier brothers of Warren County in southwest Ohio, the county my mom is from. All five of the brothers served in the war, and two of the five brothers landed at D-day. One died there on the beaches, never to return to his Ohio home.

These are stories to be preserved for generations to come. The memory of D-day and, indeed, of all of World War II must never be lost.

Since I have been here in the U.S. Senate, I have often come to the floor on D-day to recite the special prayer that was given that day by Franklin Delano Roosevelt. It was expected, of course, that FDR would give a speech when the invasion took place—one of his fireside chats from the White House—but for some reason, FDR was moved to prayer. The famous prayer that he gave that day has become known as the D-day Prayer. It is a powerful statement, my favorite Presidential statement and one that deserves to be remembered for generations to come.

In 2013, I introduced legislation, called the World War II Memorial Prayer Act, which directs the Secretary of the Interior to install a plaque to be placed at the World War II Memorial, on the National Mall, with the words of the D-day Prayer. It is a beautiful memorial, but, frankly, some more interpretation wouldn’t be a bad thing, and having that prayer there, as you will see in a moment when we recite it, would be an appropriate way to pay tribute to those who lost their lives that day.

It was the Ohio Christian Alliance President, Chris Long, who first came to me with the idea of a plaque to display this historic prayer. That legislation was actually signed into law with the help of Senator Joe Lieberman. On a bipartisan basis, we got it passed in 2014.

The friends of the National World War II Memorial and the National Park Service, since that time, have worked with us to develop and refine the final permanent plaque design. Most recently, they received design approvals from the Commission of Fine Arts and the National Capital Planning Commission.

It takes a while to get things done on the National Mall, I found. There is quite a process. It has now been 7 years, longer than World War II itself. Despite the hurdles, we have yet to see the final plaque installed, but it will be done, by the way, not at any cost to

the taxpayers, meaning private fundraising, not taxpayer dollars, will be used. We had hoped to have the final plaque in place for the 75th anniversary. In the meantime, in 2019, we were able to have a temporary plaque in place with the words of the prayer at the permanent location for the permanent plaque, which is at the Circle of Remembrance, next to the World War II Memorial.

If you are on The Mall and you are coming from the Capitol, it will be on your right. It is north of the World War II Memorial but right next to it. In this very beautiful place, the Circle of Remembrance—a good place to sit and reflect—you will see, right now, the plaque is there, and you can read the prayer. The permanent plaque will be even bigger and will allow even more people to have access to it. I encourage people to go see that plaque. By the way, I think it is the only prayer on display on our National Mall.

The temporary plaque, by the way, was generously donated by the Friends of the National World War II Memorial. We are very hopeful that the permanent plaque will be placed at the circle next year. I want to thank the Lilly Endowment for its generous support of this project, by the way. Last October, it provided a \$2 million grant for the construction and installation of the permanent plaque. This committed financial support will be critical to finally bringing the project across the line.

The fact that a prayer was offered that day by our Commander in Chief is historic in and of itself, but it is the content of the prayer that makes it so worthy of remembrance. I would now like to read this World War II D-day Prayer, if I may.

My fellow Americans [FDR began]: Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard, for the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will [prevail].

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violence of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

A powerful prayer. I love the part about they come not to conquer; they come to liberate. The same can be said for our Armed Forces throughout the ages.

I look forward to seeing these words of prayer permanently displayed on the National Mall to help us memorialize such a noble day we must never forget.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SCHUMER. Madam 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.

### CONFIRMATION OF ERIC S. LANDER

Mr. LEE. Madam President, per an agreement that was reached with my colleagues, Dr. Eric Lander, the President's nominee for the Director of the Office of Science and Technology Policy was not subject to a rollcall vote on the Senate floor, but was instead considered under a voice vote.

I would like to be on the record that I am opposed to the nomination of Dr. Lander. As OSTP Director, Dr. Lander will advise the President and the administration on all the scientific, technological, and engineering aspects of Federal policy, including Federal research. Dr. Lander should receive even further scrutiny for this position after President Biden has chosen to elevate the Director of the OSTP to a Cabinet-level position.

This nomination comes at a critical time as the Senate seeks to pass the Endless Frontier Act, which would increase Federal scientific research and development funding—imprudently in my opinion—by over \$100 billion. As I have weighed the nomination of Dr. Lander both in the Senate Commerce Committee and in the weeks leading up to his consideration by the full Senate, Dr. Lander has failed to provide the guarantees that he supports appropriate guardrails around federally funded research, including protections for unborn life through the prohibition of experimenting with aborted fetal tissue, embryonic stem cells, or live embryos.

With the consideration of the Endless Frontier Act and the greater role that OSTP will take in directing the direction of our Federal research and development, I am very concerned that Dr. Lander has not assured me that he will put in place protections for the unborn or institute appropriate ethical guardrails to protect such life.

For these reasons, I opposed the nomination of Dr. Lander.

### TRIBUTE TO BRIGADIER GENERAL NEIL R. RICHARDSON

Mr. INHOFE. Madam President, today I honor a servant leader, liaison, and combat warrior. After 2 years of service as Director of the Air Force Senate Liaison Office, Brig. Gen. Neil Richardson is deservedly moving on and assuming the responsibilities of Deputy Director of Operations of Air Mobility Command at Scott Air Force Base, IL. On this occasion, I believe it is fitting to recognize General Richardson's distinguished service and dedication to fostering the relationship between the U.S. Air Force and this Chamber.

A C-130 weapons officer and navigator by designation, General Richardson has led our Nation's men and women in combat, overseas, and at home. He has led at every level with highlights as an instructor navigator at the C-130 Weapons Instructor Course, the commander of the 447th Expeditionary Operations Support Squadron, leading joint and coalition airfield operations at Baghdad International Airport, Iraq, and the 87th Air Base Wing commander at Joint Base McGuire-Dix-Lakehurst in New Jersey, the Defense Department's only triservice joint base. The Air Force has consistently relied upon General Richardson's exceptional leadership and unparalleled work ethic.



General Richardson has excelled in numerous other leadership positions in the Air Force, most recently as the Director, Air Force Senate Liaison. In the Russell Senate Office Building and around the globe, General Richardson facilitated communications between the Chamber and the Department of the Air Force in establishing the U.S. Space Force. He supported the Department of the Air Force in twice gaining confirmation of the Secretary of the Air Force and the Chief of Staff of the Air Force.

General Richardson and his team twice supported successful legislation of the National Defense Authorization Act despite challenges resulting from the unprecedented coronavirus pandemic and heightened security on Capitol Hill. His team facilitated 200 congressional engagements with Air Force and Space Force senior leaders to include seven Air Force Caucus events and the establishment of our new Space Force Caucus. Furthermore, his team escorted congressional delegations for more than 84 Members of Congress on visits both stateside and abroad to include our annual trip to the Ronald Reagan National Defense Forum.

Next month, General Richardson departs Washington for Scott Air Force Base, IL, to serve as the deputy director of the greatest airlift, aerial refueling, and aeromedical evacuation logistical force in the world. This Chamber will feel General Richardson's absence. I join many past and present Members of Congress in my gratitude and appreciation to General Richardson for his outstanding leadership and unwavering support of the missions of the U.S. Air Force and especially recognize his patient and supportive family, Mrs. Melissa Richardson, their daughter Megan, her husband Air Force SSgt Nathan Brock, along with the rest of his children; Katie, Garrett, and Gage. I wish this Air Force family safe travels and endless gratitude for their dedicated service to our Nation.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. HEBER SIMMONS, JR.

• Mrs. HYDE-SMITH. Madam President, the American Academy of Pediatric Dentists, AAPD, last month named Dr. Heber Simmons, Jr., of Jackson, MS, as its 2021 Pediatric Dentist of the Year. I commend him for his decades of service and for the significant contributions he has made to the dental profession. His lifetime commitment to the specialty of pediatric dentistry has helped advance children's health in Mississippi and around the country. Dr. Simmons' many years of clinical practice, his dedication to improving academic dentistry, and his passion for public policy make him a deserving recipient of the Pediatric Dentist of the Year honor.

Dr. Simmons received his dental degree from the University of Tennessee and completed his pediatric dentistry training there after serving our Nation for 3 years in the U.S. Army Dental Corps. Following his training and military service, Dr. Simmons practiced for 57 years in Jackson before retiring recently from active practice. His passion and dedication have made him a national leader in dentistry, proven by his past presidencies of the AAPD, the American Academy of Dental Practice Administration, the Pierre Fauchard Academy, and the Mississippi Dental Association. Furthermore, he received the AAPD Distinguished Service Award in 1994 and the Ann Page Griffin Humanitarian Award in 2011. For many years, he served on the Board of Trustees of the American Dental Association, ADA, serving as a spokesperson for the ADA from 1981 to 2019. In this role, he was featured on nationally televised programs such as "60 Minutes" and "Good Morning, America."

Dr. Simmons currently serves as a special consultant to the AAPD Board of Trustees after serving as the academy's congressional liaison since 1997. As AAPD Congressional Liaison, he helped educate Members of Congress and their staffs concerning oral health issues for children, testified before Congress, and served in a key leadership role in AAPD advocacy efforts. This includes helping to allocate more than \$158 million for pediatric dentistry to the title VII program at the Health Resources and Services Administration. For this work, Heber was awarded an AAPD Presidential Citation in 2001, and more recently, his alma mater, the College of Dentistry at the University of Tennessee Health Science Center, recreated an endowed professorship in his name. Last year, at the AAPD Pediatric Oral Health Advocacy Conference, Dr. Simmons was the keynote speaker and received another Presidential citation in recognition of and appreciation for his tireless and dedicated national advocacy for his profession and the oral health of America's children.

I commend Dr. Heber Simmons, Jr., for his many accomplishments and well-deserved recognition of his advocacy, dedication, and leadership. My State is fortunate to have him as a leader focused on the health and wellness of all Mississippians. I congratulate him on being recognized for his many years of service by being named the 2021 Pediatric Dentist of the Year. •

#### MESSAGES FROM THE PRESIDENT ON MAY 27, 2021

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED ON MAY 27, 2021

As 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 on May 27, 2021 are printed at the end of the Senate proceedings.)

#### TEXT OF AMENDMENTS ON MAY 28, 2021

**SA 2110.** Mr. SCHUMER (for Ms. STABENOW (for herself, Mr. BOOZMAN, and Mr. GRASSLEY)) proposed an amendment to the bill S. 409, to provide for the availability of amounts for customer education initiatives and non-awards expenses of the Commodity Futures Trading Commission Whistleblower Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. COMMODITY FUTURES TRADING COMMISSION WHISTLEBLOWER PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, there is established in the Treasury a separate account (referred to in this section as the "account"), the amounts in which shall be available for the sole purposes of—

(1) carrying out the activities described in section 23(g)(2)(B) of the Commodity Exchange Act (7 U.S.C. 26(g)(2)(B)) (referred to in this section as "customer education initiatives"); and

(2) funding the administrative, programmatic, and personnel expenses of the Whistleblower Office and the Office of Customer Education and Outreach of the Commodity Futures Trading Commission (referred to in this section as the "Commission") in carrying out section 23 of the Commodity Exchange Act (7 U.S.C. 26) (referred to in this section as "non-awards expenses").

(b) TRANSFERS FROM FUND INTO ACCOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall transfer up to \$10,000,000 from the Commodity Futures Trading Commission Customer Protection Fund established under section 23(g)(1) of the Commodity Exchange Act (7 U.S.C. 26(g)(1)) (referred to in this section as the "Fund") into the account.

(2) AVAILABILITY.—Amounts transferred under paragraph (1) shall be available for obligation without further appropriation and remain available until October 1, 2022.

(3) REMAINING AMOUNTS.—Amounts remaining in the account that are unobligated on October 1, 2022, shall be returned to the Fund.

(c) REQUIREMENT FOR OBLIGATIONS.—The Commission may make obligations from the account only when the unobligated balance of the Fund is insufficient to pay non-awards expenses and expenses for customer education initiatives due to awards that the Commission has ordered under section 23(b) of the Commodity Exchange Act (7 U.S.C. 26(b)).

(d) REPORTS TO CONGRESS.—The Commission shall include in each report required under section 23(g)(5) of the Commodity Exchange Act (7 U.S.C. 26(g)(5)) the same information with respect to the account as the Commission includes in the report with respect to the Fund, to the extent the information is relevant to the account.



**SA 2111.** Mr. SCHUMER (for Ms. STABENOW (for herself, Mr. BOOZMAN, and Mr. GRASSLEY)) proposed an amendment to the bill S. 409, to provide for the availability of amounts for customer education initiatives and non-awards expenses of the Commodity Futures Trading Commission Whistleblower Program, and for other purposes; as follows:

Amend the title so as to read: "A bill to provide for the availability of amounts for customer education initiatives and non-awards expenses of the Commodity Futures Trading Commission Whistleblower Program, and for other purposes."

### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. RASKIN) has signed the following enrolled bill:

H.R. 2523. An act to amend the American Rescue Plan of 2021 to improve the COVID-19 Veteran Rapid Retraining Assistance program, to make certain technical corrections to the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

### PRIVILEGED NOMINATION REFERRED TO COMMITTEE

On request by Senator RON WYDEN, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Finance: Jonathan Davidson, of Maryland, to be Under Secretary of Treasury, vice Brian McGuire, resigned.

### 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-1107. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "C10-23 Alkyl Group-containing Alkali-Soluble Acrylic Emulsion Polymer; Exemption from the Requirement of a Tolerance" (FRL No. 10023-33-OCSP) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1108. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Holding Foreign Companies Accountable Act Disclosure" (RIN3235-AM84) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-1109. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of

a rule entitled "Final Rule amending the OFAC Narcotics Trafficking Sanctions Regulations, and Foreign Narcotics Kingpin Sanctions Regulations" (31 CFR Parts 536 and 598) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-1110. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; Western Nevada County, California" (FRL No. 10022-39-Region 9) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1111. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Utah; Logan, Utah-Idaho PM2.5 Redesignation to Attainment, Maintenance Plan, and Rule Revisions" (FRL No. 10023-84-Region 8) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1112. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Nebraska; Revisions to Title 115 of the Nebraska Administrative Code; Rules of Practice and Procedure" (FRL No. 10023-93-Region 7) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1113. 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; ID: Logan Utah-Idaho PM2.5 Redesignation to Attainment and Maintenance Plan" (FRL No. 10023-66-Region 10) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1114. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2021 Season" (RIN1018-BF08) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1115. A communication from the Acting Director, Human Resources Management Division, Environmental Protection Agency, transmitting, pursuant to law, seven (7) reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on May 25, 2021; to the Committee on Environment and Public Works.

EC-1116. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Dependent Care Benefits Available Pursuant to an Extended Claims Period or Carryover" (Notice 2021-26) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Finance.

EC-1117. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; COVID-

19 Vaccine Requirements for Long-Term Care (LTC) Facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID) Residents, Clients, and Staff" (RIN0938-AU57) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Finance.

EC-1118. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary of Health and Human Services, received in the Office of the President of the Senate on May 25, 2021; to the Committee on Finance.

EC-1119. A communication from the Senior Legal Advisor for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coronavirus State and Local Fiscal Recovery Funds" (RIN1505-AC77) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Finance.

EC-1120. A communication from the Regulations Coordinator, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Coal Workers' Surveillance Program; Autopsy Payment" (RIN0920-AA68) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-1121. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary, Department of Homeland Security, received in the Office of the President of the Senate on May 25, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-1122. A communication from the Executive Director, Council of the Inspectors General on Integrity and Efficiency, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Regulations" (RIN3219-AA03) received in the Office of the President of the Senate on May 25, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-1123. A communication from the Supervisory Workforce Analyst, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Immigrants and Non-Immigrants in the United States; Delay of Effective and Transition Dates" (RIN1205-AC00) received in the Office of the President of the Senate on May 18, 2021; to the Committee on the Judiciary.

EC-1124. A communication from the Yeoman Second Class Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; San Diego Bay, San Diego, CA" (RIN1625-AA87) (Docket No. USCG-2021-0133) received in the Office of the President of the Senate on May 25, 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. MURRAY:

S. 1958. A bill to amend the Public Health Service Act to reauthorize the program of payments to teaching health centers that operate graduate medical education programs;

to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 1959. A bill to amend the Internal Revenue Code of 1986 to increase the age for required mandatory distributions from retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY:

S. 1960. A bill to restrict the ability of the Administrator of the Federal Emergency Management Agency to adjust the rates for flood insurance coverage under the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY:

S. 1961. A bill to amend the Internal Revenue Code of 1986 to increase IRA contribution limits for individuals without an employer retirement plan; to the Committee on Finance.

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

S. 1962. A bill to amend the Public Health Service Act to provide grant funding to States for mental health and substance use disorder parity implementation; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 40

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

S. 56

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 56, a bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia.

S. 75

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 75, a bill to amend title 18, United States Code, to prohibit discrimination by abortion against an unborn child on the basis of Down syndrome.

S. 150

At the request of Ms. CORTEZ MASTO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 150, a bill to amend title XVIII of the Social Security Act to require the inclusion of certain audio-only diagnoses in the determination of risk ad-

justment for Medicare Advantage plans, and for other purposes.

S. 168

At the request of Mr. MURPHY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 168, a bill to provide temporary licensing reciprocity for telehealth and interstate health care treatment.

S. 346

At the request of Mr. BOOKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 346, a bill to end preventable maternal mortality and severe maternal morbidity in the United States and close disparities in maternal health outcomes, and for other purposes.

S. 377

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 452

At the request of Ms. STABENOW, the name of the Senator from Tennessee (Mrs. BLACKBURN) 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. 497

At the request of Mr. SULLIVAN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 497, a bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes.

S. 611

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 611, a bill to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

S. 659

At the request of Mr. YOUNG, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 659, a bill to require the Secretary of Transportation to promulgate regulations relating to commercial motor vehicle drivers under the age of 21, and for other purposes.

S. 674

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 674, a bill to support public health infrastructure.

S. 692

At the request of Mr. TESTER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 692, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the "Hello Girls".

S. 747

At the request of Mr. PADILLA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 747, a bill to amend the Immigration and Nationality Act to provide for the adjustment of status of essential workers, and for other purposes.

S. 952

At the request of Mrs. GILLIBRAND, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 952, a bill to amend title 38, United States Code, to provide for a presumption of service connection for certain diseases associated with exposure to toxins, and for other purposes.

S. 1019

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1019, a bill to amend the Federal Food, Drug, and Cosmetic Act to limit the presence of toxic elements in, and otherwise regulate, infant and toddler food, and for other purposes.

S. 1061

At the request of Mr. PORTMAN, the names of the Senator from Arizona (Mr. KELLY) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1061, a bill to encourage the normalization of relations with Israel, and for other purposes.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1298

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 1298, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for increased investment in clean energy.

S. 1383

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1383, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.

S. 1385

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1385, a bill to amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

S. 1520

At the request of Mrs. GILLIBRAND, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor

of S. 1520, a bill to reform the disposition of charges and convening of courts-martial for certain offenses under the Uniform Code of Military Justice and increase the prevention of sexual assaults and other crimes in the military.

S. 1710

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1710, a bill to amend title 23, United States Code, to ensure that Federal-aid highways, bridges, and tunnels are more resilient, and for other purposes.

S. 1788

At the request of Ms. WARREN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1788, a bill to provide appropriations for the Internal Revenue Service to overhaul technology and strengthen enforcement, and for other purposes.

S. 1813

At the request of Mr. COONS, the names of the Senator from Maine (Mr. KING) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 1825

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1825, a bill to amend the Consumer Product Safety Act to direct the Consumer Product Safety Commission to establish consumer product safety standards for firearm locks and firearm safes, and for other purposes.

S. 1848

At the request of Mrs. GILLIBRAND, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1848, a bill to prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

S. 1887

At the request of Mr. BLUMENTHAL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1887, a bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by non-resident telecommuters and other multi-State workers.

S. 1912

At the request of Mr. PADILLA, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Ms. DUCKWORTH),

the Senator from Vermont (Mr. SANDERS) and the Senator from Nevada (Ms. ROSEN) were added as cosponsors of S. 1912, a bill to clarify the rights of certain persons who are held or detained at a port of entry or at any facility overseen by U.S. Customs and Border Protection.

S. CON. RES. 9

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution supporting the Local Radio Freedom Act.

At the request of Mr. HEINRICH, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. Con. Res. 9, supra.

S. RES. 67

At the request of Mr. CORNYN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 67, a resolution calling for the immediate release of Trevor Reed, a United States citizen who was unjustly found guilty and sentenced to 9 years in a Russian prison.

S. RES. 134

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 134, a resolution expressing the sense of the Senate that the President should work with the Government of the United Kingdom to conclude negotiations for a comprehensive free trade agreement between the United States and the United Kingdom.

S. RES. 182

At the request of Mr. WICKER, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. Res. 182, a resolution recognizing the late Gilbert Metz, the last Holocaust survivor who lived in Mississippi, and commending all educators who teach about the Holocaust and all genocide.

S. RES. 224

At the request of Mr. HEINRICH, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate that the United States must seize the opportunity to create millions of jobs, become a net exporter of clean energy, and secure a better, more equitable future by accelerating the electrification of households, buildings, and businesses in the United States, modernizing the United States electricity grid, and continuing on the path towards decarbonizing electricity generation in the United States by 2035.

S. RES. 250

At the request of Mr. RISCH, the names of the Senator from Arkansas (Mr. COTTON), the Senator from North Dakota (Mr. CRAMER), the Senator from Idaho (Mr. CRAPO) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. Res. 250, a resolution condemning the rise in anti-Semitism incidents globally since terrorists in the Gaza Strip triggered several days of violence against Israel on May 10, 2021.

S. RES. 252

At the request of Ms. ROSEN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. Res. 252, a resolution unequivocally condemning the recent rise in antisemitic violence and harassment targeting Jewish Americans, and standing in solidarity with those affected by antisemitism, and for other purposes.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2112. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table.

SA 2113. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 2114. Mr. CORNYN (for himself, Mr. KELLY, Mr. RUBIO, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 2115. Mr. SCHUMER (for Ms. CORTEZ MASTO) proposed an amendment to the bill S. 1502, to make Federal law enforcement officer peer support communications confidential, and for other purposes.

## TEXT OF AMENDMENTS

SA 2112. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, on line 20, insert "Appointment as a program director under this section shall be voluntary." after "tor."

Beginning on page 113, strike line 24 and all that follows through line 3 on page 115 and insert the following:

(3) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3304(b), and 3328 of that title, a qualified candidate described in subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

(i) earned a doctoral degree in a STEM field from an institution of higher education; and

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) **LIMITATION.**—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(D) **NUMBER.**—The number of employees appointed and retained by the Federal Government under this paragraph shall not exceed 10 at any time.

Strike section 2204 and insert the following:

**SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.**

(a) **STUDY.**—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(1) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(2) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(3) make recommendations for the management of the Foundation's business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in section 2103.

(b) **REVIEW.**—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

Strike section 2665 and insert the following:

**SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PROGRAM.**

(a) **DEFINITION OF COVERED PROVISIONS.**—In this section, the term “covered provisions” means—

(1) section 2301 of title 5, United States Code;

(2) section 2302 of that title;

(3) chapter 71 of that title;

(4) chapter 72 of that title; and

(5) chapter 73 of that title.

(b) **ESTABLISHMENT.**—There is established a 3-year pilot program under which the Administrator may—

(1) appoint and manage not more than 3,000 designated personnel of the Administration; and

(2) notwithstanding section 20113(b) of title 51, United States Code—

(A) notwithstanding any provision of title 5, United States Code, except the covered provisions, appoint and manage not more than 500 of the personnel appointed and managed under paragraph (1); and

(B) fix the compensation of the personnel appointed and managed under paragraph (1) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) **ADMINISTRATOR RESPONSIBILITIES.**—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

(d) **REPORT.**—Not later than 2 years after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes in detail—

(A) the use of the pilot program hiring authority under this section, including pay, qualifications, and classification of individuals hired under such authority;

(B) the methods for recruitment under the program; and

(C) efforts being made by the NASA to address any compensation equity issue that may arise as a result of the program;

(2) analyzes the impact of the program on participants, disaggregated by demographic factors including age, race, ethnicity, gender, education, compensation, and job classification;

(3) compares the demographics of the program participants with the demographics of NASA employees outside the program;

(4) assesses the morale and engagement of the NASA workforce participating in the program, as compared to the morale and engagement of the NASA workforce outside the program; and

(5) makes recommendations with respect to the continuation, modification, or permanent codification of the program.

Strike section 2669 and insert the following:

**SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.**

(a) **VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**—

Subchapter II of chapter 35 of title 5, United States Code, is amended—

(1) in section 3521—

(A) by striking paragraph (1) and inserting the following:

“(1) ‘agency’—

“(A) means an Executive agency as defined under section 105 (other than the Government Accountability Office); and

“(B) includes the National Aeronautics and Space Administration; and”;

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “and” at the end;

(ii) in subparagraph (B)(vi)(III), by striking the period at the end and inserting “; and”;

and

(iii) by adding at the end the following:

“(C) shall include an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b).”;

(2) in section 3523(b)(3)(B), by inserting “(or, during the 7-year period beginning on the date of enactment of the United States Innovation and Competition Act of 2021, with respect to an employee of the National Aeronautics and Space Administration, including an employee described in section 3521(2)(C), not to exceed \$40,000)” after “\$25,000”.

(b) **EARLY RETIREMENT.**—Title 5, United States Code, is amended—

(1) in section 8336(d), in the matter preceding paragraph (1), by inserting “(including, for the purposes of paragraph (2), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any

other provision of such section 20113(b))” after “An employee”; and

(2) in section 8414(b)(1), in the matter preceding subparagraph (A), by inserting “(including, for the purposes of subparagraph (B), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b))” after “an employee”.

**SA 2113.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. TRADING PROHIBITION FOR 2 CONSECUTIVE NON-INSPECTION YEARS.**

Section 104(i) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(i)) is amended—

(1) in paragraph (2)(A)(ii), by striking “the foreign jurisdiction described in clause (i)” and inserting “a foreign jurisdiction”; and

(2) in paragraph (3)—

(A) in the paragraph heading, by striking “3” and inserting “2”; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking “3” and inserting “2”.

**SA 2114.** Mr. CORNYN (for himself, Mr. KELLY, Mr. RUBIO, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, strike line 11 and insert the following:

(1) For Exploration, \$6,555,400,000.

On page 497, strike line 13 and insert the following:

(3) For Science, \$7,301,000,000.

On page 497, strike lines 15 through 17 and insert the following:

(5) For Space Technology, \$1,100,000,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, \$127,000,000.

On page 497, strike line 21 and insert the following:

pliance and Restoration, \$390,278,000.

On page 503, strike lines 6 and 7 and insert the following:

gress that next-generation advanced spacesuits and associated EVA technologies are critical technologies for human space exploration and use of

On page 503, line 12, insert “and associated EVA technologies” after “advanced spacesuits”.

On page 510, line 9, insert “THE” before “INTERNATIONAL SPACE STATION”.

On page 512, between lines 7 and 8, insert the following:

**SEC. 2621A. TRANSITION STRATEGY FOR THE INTERNATIONAL SPACE STATION.**

(a) IN GENERAL.—Not later than 300 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a strategy that—

(1) describes the manner in which the Administration will ensure a stepwise transition to an eventual successor platform consistent with the ISS Transition Principles specified in the International Space Station Transition Report issued pursuant to section 50111(c)(2) of title 51, United States Code, on March 30, 2018;

(2) includes capability-driven milestones and timelines leading to such a transition;

(3) takes into account the importance of maintaining workforce expertise, core capabilities, and continuity at the centers of the Administration, including such centers that are primarily focused on human spaceflight;

(4) considers how any transition described in paragraph (1) affects international and commercial partnerships;

(5) presents opportunities for future engagement with—

- (A) international partners;
- (B) countries with growing spaceflight capabilities, if such engagement is not precluded by other provisions of law;
- (C) the scientific community, including the microgravity research community;
- (D) the private sector; and
- (E) other United States Government users; and

(6) promotes the continued economic development of low-Earth orbit.

(b) IMPLEMENTATION PLAN.—The strategy required by subsection (a) shall include an implementation plan describing the manner in which the Administration plans to carry out such strategy.

(c) REPORT.—Not less frequently than biennially, the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the strategy required by subsection (a).

On page 523, line 8, strike “2626” and insert “2625”.

On page 526, line 16, strike “2626” and insert “2625”.

On page 527, line 11, strike “2627” and insert “2626”.

On page 535, between lines 15 and 16, insert the following:

**SEC. 2628A. HUMAN SPACE FACILITIES IN AND BEYOND LOW-EARTH ORBIT.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that human space facilities play a significant role in the long-term pursuit by the Administration of the exploration goals under section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)).

(b) REPORT ON CREWED AND UNCREWED HUMAN SPACE FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report on the potential development of 1 or more human space facilities.

(2) CONTENTS.—With respect to the potential development of each human space facility referred to in paragraph (1), the report required under such paragraph shall include a description of the following:

(A) The capacity of the human space facility to advance, enable, or complement human exploration of the solar system, including human exploration of the atmosphere and the surface of celestial bodies.

(B) The role of the human space facility as a staging, logistics, and operations hub in exploration architecture.

(C) The capacity of the human space facility to support the research, development, testing, validation, operation, and launch of space exploration systems and technologies.

(D) The importance of workforce expertise and core capabilities at NASA centers, including NASA centers that are primarily focused on human spaceflight, in the development of structures and systems for each human space facility.

(E) Opportunities and strategies for commercial operation or public-private partnerships with respect to the human space facility that protect taxpayer interests and foster competition.

(F) The role of the human space facility in encouraging further crewed and uncrewed exploration investments.

(G) The manner in which the development and maintenance of the International Space Station would reduce the cost of, and time necessary for, the development of the human space facility.

On page 551, strike lines 17 and 18 and insert the following:

2640(b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2021.

On page 583, between lines 2 and 3, insert the following:

(e) REPORT ON RESEARCH AND DEVELOPMENT RELATING TO LIFE-SUSTAINING TECHNICAL SYSTEMS AND PLAN FOR ACHIEVING POWER SUPPLY.—Not later than 1 year after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress—

(1) a report on the research and development of the Administration relating to technical systems for the self-sufficient sustainment of life in and beyond low-Earth orbit; and

(2) a 10-year plan for achieving a power supply on the Moon that includes—

(A) a consideration of the resources necessary to accomplish such plan;

(B) collaboration and input from industry and the Department of Energy;

(C) the use of a variety of types of energy, including solar and nuclear; and

(D) a detailed description of the resources necessary for the Administration to build a lunar power facility with human-tended maintenance requirements during the subsequent 10-year period.

**SA 2115.** Mr. SCHUMER (for Ms. CORTEZ MASTO) proposed an amendment to the bill S. 1502, to make Federal law enforcement officer peer support communications confidential, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

**SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICATIONS.**

(a) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

(2) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given the term “Federal law enforcement officer” in section 115 of title 18, United States Code.

(3) PEER SUPPORT COMMUNICATION.—The term “peer support communication” includes—

(A) an oral or written communication made in the course of a peer support counseling session;

(B) a note or report arising out of a peer support counseling session;

(C) a record of a peer support counseling session; or

(D) with respect to a communication made by a peer support participant in the course of a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

- (i) another peer support specialist;
- (ii) a staff member of a peer support counseling program; or
- (iii) a supervisor of the peer support specialist.

(4) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling services from a peer support specialist to a law enforcement officer of the agency.

(5) PEER SUPPORT COUNSELING SESSION.—The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

(6) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

(7) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a law enforcement officer who—

- (A) has received training in—
- (i) peer support counseling; and
- (ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and
- (B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

(b) PROHIBITION.—Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

(c) EXCEPTIONS.—Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

- (i) shares—
- (I) an intent to die by suicide; and
- (II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and
- (ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

- (i) relating to the abuse or neglect of—
- (I) a child; or
- (II) an older or vulnerable individual; or
- (ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

(B) the peer support counseling session out of which the peer support communication arose;

(C) the peer support counseling session of which the peer support communication is a record; or

(D) the communication made in the course of a peer support counseling session that the peer support communication is regarding;

(3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the peer support communication; or

(4) the peer support communication contains information that is required by law to be disclosed.

(d) **RULE OF CONSTRUCTION.**—Nothing in subsection (b) shall be construed to prohibit the disclosure of—

(1) an observation made by a law enforcement officer of a peer support participant outside of a peer support counseling session; or

(2) knowledge of a law enforcement officer about a peer support participant not gained from a peer support communication.

(e) **DISCLOSURE OF RIGHTS.**—Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement under subsection (b) and the exceptions to the requirement under subsection (c).

### SEC. 3. BEST PRACTICES AND SUPPORT.

(a) **DEFINITIONS.**—In this section:

(1) **FIRST RESPONDER.**—The term “first responder” has the meaning given the term “public safety officer” in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).

(2) **FIRST RESPONDER AGENCY.**—The term “first responder agency” means a Federal, State, local, or Tribal agency that employs or otherwise engages the services of a first responder.

(3) **PEER SUPPORT COUNSELING PROGRAM.**—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) **PEER SUPPORT PARTICIPANT.**—The term “peer support participant” means a first responder who receives counseling services from a peer support specialist.

(5) **PEER SUPPORT SPECIALIST.**—The term “peer support specialist” means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

(b) **REPORT ON BEST PRACTICES.**—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) **IMPLEMENTATION.**—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

### SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

## RECOGNIZING THE DEVASTATING ATTACK ON A GIRLS' SCHOOL IN KABUL, AFGHANISTAN, ON MAY 8, 2021, AND EXPRESSING SOLIDARITY WITH THE AFGHAN PEOPLE

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 67, S. Res. 229.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 229) recognizing the devastating attack on a girls' school in Kabul, Afghanistan, on May 8, 2021, and expressing solidarity with the Afghan people.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I know of no further debate on the measure.

The PRESIDING OFFICER. If there is no further debate, the question is on adoption of the resolution.

The resolution (S. Res. 229) was agreed to.

Mr. SCHUMER. Madam President, I ask unanimous consent that 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 preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 24, 2021, under “Submitted Resolutions.”)

## HELPING AMERICAN VICTIMS AFFLICTED BY NEUROLOGICAL ATTACKS ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1828 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1828) to amend the Central Intelligence Agency Act of 1949 to authorize the provision of payment to personnel of the Central Intelligence Agency who incur qualifying injuries to the brain, to authorize the provision of payment to personnel of the Department of State who incur similar injuries, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1828) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1828

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping American Victims Afflicted by Neurological Attacks Act of 2021” or the “HAVANA Act of 2021”.

### SEC. 2. AUTHORITY TO PAY PERSONNEL OF CENTRAL INTELLIGENCE AGENCY FOR CERTAIN INJURIES TO THE BRAIN.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” mean—

(A) the congressional intelligence committees (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) **COVERED DEPENDENT.**—The term “covered dependent” has the meaning given such term in subsection (d)(1) of section 19 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519), as added by subsection (b).

(3) **COVERED EMPLOYEE.**—The term “covered employee” has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

(4) **COVERED INDIVIDUAL.**—The term “covered individual” has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

(5) **QUALIFYING INJURY.**—The term “qualifying injury” has the meaning given such term in subsection (d)(1) of section 19 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519), as added by subsection (b).

(b) **PAYMENT AUTHORIZED.**—Section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b) is amended by adding at the end the following:

“(d) **AUTHORITY TO MAKE PAYMENTS FOR QUALIFYING INJURIES TO THE BRAIN.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **COVERED DEPENDENT.**—The term ‘covered dependent’ has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

“(B) **QUALIFYING INJURY.**—The term ‘qualifying injury’ has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

“(2) **AUTHORITY.**—Notwithstanding any other provision of law but subject to paragraph (3), the Director may provide payment to a covered dependent, a covered employee, and a covered individual for a qualifying injury to the brain.

“(3) **LIMITATIONS.**—

“(A) **APPROPRIATIONS REQUIRED.**—Payment under paragraph (2) in a fiscal year may only



be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

“(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

“(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Director shall prescribe regulations to carry out this subsection.

“(B) ELEMENTS.—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).”.

(c) APPLICABILITY.—Payment under subsection (d) of such section, as added by subsection (b) of this section, may be made available for a qualifying injury to the brain that occurs before, on, or after the date of the enactment of this Act as the Director of the Central Intelligence Agency considers appropriate.

(d) REPORTS.—

(1) REPORT ON USE OF AUTHORITY.—

(A) IN GENERAL.—Not later than 365 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report on the use of the authority provided by section 19A(d) of such Act, as added by subsection (b) of this section.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) A budget or spend plan for the use of the authority described in subparagraph (A) for the subsequent fiscal year.

(ii) Information relating to the use of the authority described in subparagraph (A) for the preceding year, including the following:

(I) The total amount expended.

(II) The number of covered dependents, covered employees, and covered individuals for whom payments were made.

(III) The amounts that were provided to each person described in subclause (II).

(iii) An assessment of whether additional authorities are required to ensure that covered dependents, covered employees, and covered individuals can receive payments for qualifying injuries, such as a qualifying injury to the back or heart.

(C) FORM.—The report submitted under subparagraph (A) shall be submitted in classified form.

(2) REPORT ON ESTIMATED COSTS FOR FISCAL YEAR 2023.—Not later than March 1, 2022, the Director shall submit to the appropriate congressional committees a report detailing an estimate of the obligation that the Director expects to incur in providing payment under section 19A(d) of such Act, as added by subsection (b) of this section, in fiscal year 2023.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall prescribe regulations required under section 19A(d)(4)(A) of such Act, as added by subsection (b) of this section.

(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).

(f) CLARIFYING AMENDMENT.—Section 19A(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(b)) is amended, in the subsection heading, by inserting “TOTAL

DISABILITY RESULTING FROM” before “CERTAIN INJURIES”.

### SEC. 3. AUTHORITY TO PAY PERSONNEL OF DEPARTMENT OF STATE FOR CERTAIN INJURIES TO THE BRAIN.

(a) DEFINITIONS.—In this section:

(1) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) COVERED DEPENDENT.—The term “covered dependent” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(3) COVERED EMPLOYEE.—The term “covered employee” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(4) COVERED INDIVIDUAL.—The term “covered individual” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(5) QUALIFYING INJURY.—The term “qualifying injury” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(b) IN GENERAL.—Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b) is amended—

(1) in subsection (f), by striking “subsection (a) or (b)” both places it appears and inserting “subsection (a), (b), or (i)”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “IN GENERAL.—This section” and inserting “ADJUSTMENT OF COMPENSATION PROVISION.—Subsections (a) and (b)”; and

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) OTHER PAYMENT PROVISION.—Payment under subsection (i) may be made available for a qualifying injury (as defined in such subsection) that occurs before, on, or after the date of the enactment of the Helping American Victims Afflicted by Neurological Attacks Act of 2021.”; and

(3) by adding at the end the following new subsection:

“(i) OTHER INJURIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED DEPENDENT.—The term ‘covered dependent’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(B) COVERED EMPLOYEE.—The term ‘covered employee’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(C) COVERED INDIVIDUAL.—The term ‘covered individual’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(D) QUALIFYING INJURY.—The term ‘qualifying injury’ has the meaning given such

term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(2) AUTHORITY.—Notwithstanding any other provision of law but subject to paragraph (3), the Secretary of State or other agency head with an employee may provide payment to a covered dependent, a dependent of a former employee, a covered employee, a former employee, and a covered individual for a qualifying injury to the brain.

“(3) LIMITATIONS.—

“(A) APPROPRIATIONS REQUIRED.—Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

“(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

“(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Secretary or other agency head described in paragraph (2) that provides payment under such paragraph shall prescribe regulations to carry out this subsection.

“(B) ELEMENTS.—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).”.

(c) REPORTS.—

(1) REPORTS ON USE OF AUTHORITY.—

(A) IN GENERAL.—Not later than 365 days after the date of the enactment of this Act, the Secretary of State and each other agency head that makes a payment under subsection (i) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall submit to the appropriate congressional committees a report on the use of the authority provided by such subsection (i).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A budget or spend plan for the use of the authority described in subparagraph (A) for the subsequent fiscal year.

(ii) Information relating to the use of the authority described in subparagraph (A) for the preceding year, including the following:

(I) The total amount expended.

(II) The number of covered dependents, covered employees, and covered individuals for whom payments were made.

(III) The amounts that were provided to each person described in subclause (II).

(iii) An assessment of whether additional authorities are required to ensure that covered dependents, covered employees, and covered individuals can receive payments for qualifying injuries, such as a qualifying injury to the back or heart.

(C) FORM.—The report submitted under subparagraph (A) shall be submitted in classified form.

(2) REPORTS ON ESTIMATED COSTS FOR FISCAL YEAR 2023.—Not later than March 1, 2022, the Secretary of State and each other agency head that makes a payment under subsection (i) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall submit to the appropriate congressional committees a report detailing an estimate of the obligation that the Director expects to incur in providing payment under such subsection (i) in fiscal year 2023.



## (d) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and each other agency head that makes a payment under subsection (i)(2) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall prescribe regulations required under subsection (i)(4)(A) of such Act.

(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary of State and the agency heads described in paragraph (1) shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).

## CONFIDENTIALITY OPPORTUNITIES FOR PEER SUPPORT COUNSELING ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1502 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1502) to make Federal law enforcement officer peer support communications confidential, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Cortez Masto substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2115), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

### SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICATIONS.

(a) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

(2) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given the term “Federal law enforcement officer” in section 115 of title 18, United States Code.

(3) PEER SUPPORT COMMUNICATION.—The term “peer support communication” includes—

(A) an oral or written communication made in the course of a peer support counseling session;

(B) a note or report arising out of a peer support counseling session;

(C) a record of a peer support counseling session; or

(D) with respect to a communication made by a peer support participant in the course of

a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

(i) another peer support specialist;

(ii) a staff member of a peer support counseling program; or

(iii) a supervisor of the peer support specialist.

(4) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling services from a peer support specialist to a law enforcement officer of the agency.

(5) PEER SUPPORT COUNSELING SESSION.—The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

(6) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

(7) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a law enforcement officer who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

(b) PROHIBITION.—Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

(c) EXCEPTIONS.—Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

(i) shares—

(I) an intent to die by suicide; and

(II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and

(ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

(i) relating to the abuse or neglect of—

(I) a child; or

(II) an older or vulnerable individual; or

(ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

(B) the peer support counseling session out of which the peer support communication arose;

(C) the peer support counseling session of which the peer support communication is a record; or

(D) the communication made in the course of a peer support counseling session that the peer support communication is regarding;

(3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the peer support communication; or

(4) the peer support communication contains information that is required by law to be disclosed.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to prohibit the disclosure of—

(1) an observation made by a law enforcement officer of a peer support participant outside of a peer support counseling session; or

(2) knowledge of a law enforcement officer about a peer support participant not gained from a peer support communication.

(e) DISCLOSURE OF RIGHTS.—Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement under subsection (b) and the exceptions to the requirement under subsection (c).

### SEC. 3. BEST PRACTICES AND SUPPORT.

(a) DEFINITIONS.—In this section:

(1) FIRST RESPONDER.—The term “first responder” has the meaning given the term “public safety officer” in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).

(2) FIRST RESPONDER AGENCY.—The term “first responder agency” means a Federal, State, local, or Tribal agency that employs or otherwise engages the services of a first responder.

(3) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a first responder who receives counseling services from a peer support specialist.

(5) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

(b) REPORT ON BEST PRACTICES.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) IMPLEMENTATION.—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

#### SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

The bill (S. 1502), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### SUPPORTING THE DESIGNATION OF MAY 2021 AS NATIONAL CANCER RESEARCH MONTH

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration and the Senate now proceed to S. Res. 253.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 253) supporting the designation of May 2021 as "National Cancer Research Month".

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 27, 2021, under "Submitted Resolutions.")

#### ORDERS FOR TUESDAY, JUNE 8, 2021

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that upon the conclusion of morning business, the Senate resume consideration of the Neals nomination postcloture; that at 11:30 a.m., all postcloture time expire; that following the cloture vote on the Rodriguez nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; further, that the postcloture time on the Rodriguez nomination expire at 3 p.m.; that the order of Friday, May 28, with respect to S. 1260 be executed immediately following the disposition of the Rodriguez nomination; that the cloture motion on the motion to proceed to H.R. 7 ripen following the disposition of S. 1260; and finally, that if any of the nominations are confirmed, that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Tuesday, June 8, 2021, at 10 a.m.

#### NOMINATIONS

Executive nominations received on May 27, 2021 by the Senate:

##### DEPARTMENT OF THE TREASURY

BRIAN EDDIE NELSON, OF CALIFORNIA, TO BE UNDER SECRETARY FOR TERRORISM AND FINANCIAL CRIMES, VICE SIGAL MANDELKER, RESIGNED.

ELIZABETH ROSENBERG, OF VERMONT, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE MARSHALL BILLINGSLEA.

##### DEPARTMENT OF COMMERCE

ARUN VENKATARAMAN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE IAN PAUL STEFF.

##### EXECUTIVE OFFICE OF THE PRESIDENT

SARAH BIANCHI, OF VIRGINIA, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR, VICE JEFFREY GERRISH.

##### DEPARTMENT OF EDUCATION

ELIZABETH MERRILL BROWN, OF MARYLAND, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE CARLOS G. MUNIZ, RESIGNED.

##### NATIONAL LABOR RELATIONS BOARD

GWYNNE A. WILCOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2023, VICE MARK GASTON PEARCE, TERM EXPIRED.

##### DEPARTMENT OF JUSTICE

MATTHEW G. OLSEN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN C. DEMERS.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 7037, AND 7064:

##### *To be brigadier general*

COL. ALISON C. MARTIN  
COL. DAVID E. MENDELSON  
COL. GEORGE R. SMAWLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. EUGENE D. COX  
COL. CLINTON K. MURRAY  
COL. DEYDRE S. TEYHEN