



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 118<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 169

WASHINGTON, WEDNESDAY, JUNE 7, 2023

No. 99

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

### PRAYER

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

Let us pray.

Eternal God, we acknowledge that You have been our help in ages past. You are our hope for the years to come. You are our shelter in the time of storms. Thank You for the seasons of sowing and reaping, for color and fragrance. Thank You for the time of harvest when our labors and dreams are rewarded.

Today, bless our lawmakers. Illumine their lives to keep them on the right path. May the creative power of Your word produce in them a stronger faith and brighter hope. Keep them from stumbling. Fill them with courage as You show them Your unfailing love.

We pray in Your precious 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 (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 7, 2023.

To the Senate:

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

appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### 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 senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.

Thereupon, the Senate proceeded to consider the nomination.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### CLIMATE CHANGE

Mr. SCHUMER. Mr. President, this morning, our Nation's Capital and much of the Northeast, including almost the whole of my State of New York, woke up once again under a veil of smog. As we speak, wildfires of unnatural strength continue blazing in Canada, sending toxic air and smoke over the border and over American cities. Today, I am sad to say, New York

City, which usually has good air quality, has some of the lowest air quality in the world thanks to these wildfires, and the problem is even worse in Upstate New York.

I urge every single American and Canadian impacted by the smog to take precautions to stay safe and to follow public safety guidelines in their communities.

These Canadian wildfires are truly unprecedented, and we cannot ignore that climate change continues to make these disasters worse. Warmer temperatures and severe droughts mean forests burn faster, burn hotter, and burn bigger. And the warming is happening at a faster pace in countries with higher latitudes. None of this—none of this—is a coincidence.

This smoke and fog over New York and the rest of the Northeast is a warning from nature that we have a lot of work to do to reverse the destruction of climate change. Every time we see a wildfire in Canada or in the West or a monstrous hurricane in the Southeast or a blizzard in Texas, it is a reminder that time is short to reverse the impacts of a warming planet.

Democrats are proud of the progress we have made to accelerate America's transition to clean energy through the Inflation Reduction Act, but both parties—both parties—have an obligation to do more. The work to protect our climate is far from over, and we are dangerously behind.

Again, I am proud of the historic work Democrats did last year to move us in the right direction, but I implore my colleagues on both sides of the aisle to look up at the smog today and recognize we must—we must—do more.

At the top of the list is a good transmission bill, which will greatly enhance our Nation's ability to bring clean energy, like wind and solar, to large population centers and reduce the carbon that is thrown into the atmosphere.

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



Printed on recycled paper.

S1987

## RAIL SAFETY

Now, Mr. President, on trains and safety on the tracks, after the tragic derailment in East Palestine in February and several other derailments in recent months, I called on the FRA to launch an investigation into the safety practices of all class I freight railroads.

I have good news. The FRA has just announced that they will heed my call and do a thorough investigation of safety practices within all class I freight railroads. They will investigate the culture of misconduct within the class I rail companies and issue a report on their findings just as they did for Norfolk Southern.

I thank them for their attention on this very critical issue. These assessments by the FRA will be a good first step to identifying the problems in individual rail companies as well as the endemic problems permeating across the industry. In the last 5 years alone, there have been over 26,500 accidents and incidents, almost 13,000 injuries, and over 2,750 fatalities attributed to rail incidents—2,750 fatalities. That is close to 10 a day. But instead of prioritizing—no, it is not close to 10 a day, because it is over the last 5 years, but it is a lot. OK.

But, instead of prioritizing safety, the rail industry has cut over 30,000 employees from the workforce—roughly 20 percent. Instead of prioritizing safety, the rail industry has prioritized stock buybacks to wealthy stock shareholders and lobbied for loosened regulations—billions of dollars in stock buybacks instead of money going to safety, instead of money going to hire the necessary employees to keep the rails safe.

So it is clear that there is an alarming trend of the rail industry's putting profits over people, which reinforces the need for a full audit of industry practice. I hope that the rail companies will take heed of the FRA's assessment and make the changes needed to protect our communities.

In the meantime, I want to thank my colleagues Senators BROWN and VANCE, as well as Senators CASEY and FETTERMAN, for their work on the bipartisan Railway Safety Act. This legislation was reported out of committee last month, and I look forward to working with colleagues on both sides to move it forward.

## NOMINATION OF DAVID CRANE

Now, Mr. President, on nominations, later this morning, the Senate will vote to confirm David Crane to be the Under Secretary for Infrastructure at the Department of Energy—a crucial post for implementing the historic clean energy investments secured through the infrastructure bill and the Inflation Reduction Act.

The Undersecretary for Infrastructure is a new role at the Department of Energy, created by the Biden administration with a very important mission: ensure our infrastructure, make sure the dollars translate to lower energy costs, new clean energy manufacturing jobs, and a more resilient energy grid.

Once confirmed, Mr. Crane will be especially important for overseeing programs that help Americans lower their energy bills. To take just one example, he will lead the implementation of a \$9 billion consumer rebate program to help Americans better afford energy-efficient appliances for their homes. Mr. Crane will also manage the investments we have made to update America's electric grid, which after recent blackouts like the ones in Texas, is absolutely crucial.

Mr. Crane is more than up to the job. He has a wealth of knowledge from the private sector as a former CEO of a leading energy company and is one of America's leading voices in the fight for clean energy. He received strong bipartisan support in committee, and I expect that to continue here on the floor.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

## RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

## JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, for someone who campaigned as a moderate and promised to unify our country, President Biden has chosen to staff his administration with a roster—a roster—of alarmingly radical or unqualified personnel.

In recent weeks, the President's nominees who have made the biggest headlines have been the ones so far outside the mainstream that even a Democratic Senate majority would not confirm them, like the appeals court nominee who defended a school against a teenage victim of sexual assault or the traffic safety nominee whose real passion turned out to be extreme environmental regulations. This week, the Senate is considering yet another slate of radical nominations that are entirely unworthy of confirmation.

First, is the nomination of David Crane, a self-described "climate activist." President Biden would like him to serve as Undersecretary for Infrastructure at the Department of Energy.

Mr. Crane's nomination is bad news for Kentucky, for coal country, and for any American who enjoys making their own choices about which cars to drive, which products to consume, and how to earn a living.

This nominee has been outspoken about his so-called "green dream" to force a massive chunk of the world's economy to go carbon free in 8 years—8 years—and then use their influence to "compel society" to follow suit.

He even observed that Democratic Presidential nominees hadn't made extreme climate policy enough of a pri-

ority in their campaigns. In other words, Hillary Clinton, who once bragged that "we're going to put a lot of coal miners and coal companies out of business," was not radical enough—not radical enough—for David Crane. So we are talking about an unabashed, top-down social planner. As we have learned over the past 2 years, that is exactly what the Biden administration ordered when it handed the keys to the American energy policy to the radical left.

Unfortunately, Mr. Crane is not the only nominee on this week's agenda with a reputation for wearing his radical liberal sympathies on his sleeve. The Senate will also vote on the nomination of David Ho to serve on the Federal bench in the Southern District of New York.

Mr. Ho has described himself—listen to this—as a "wild-eyed leftist." Let me say that again. President Biden would like a self-identified "wild-eyed leftist" to rule on cases in the largest Federal court in the country.

Mr. Ho's legal record indicates that this radical sympathy runs very deep. This is a nominee who has publicly lamented "originalism is not a method of constitutional interpretation that can reliably lend itself to progressive outcomes." Imagine that. It turns out that actually following and applying our laws and our Constitution as they were written is not a one-way ticket to left-wing utopia.

And, by the way, that should be an argument for the radical left sidelining their bad ideas, not an argument for sidelining the Constitution. Somebody who wants a lifetime appointment as an impartial judge must be committed to putting the rule of law ahead of personal views, not the other way around.

Ah, but Mr. Ho hasn't limited his public criticism to the basic legal principles that underpin the Federal judiciary. During the Obama administration, he railed against the Fraternal Order of Police for expressing their concerns about a particularly anti-cop Justice Department nominee. He called the FOP's opposition a "disgrace."

He has also taken to attacking members of the Judiciary Committee on Twitter. And throughout his career, Mr. Ho has been outspoken—outspoken—in denigrating basic mainstream efforts to ensure the integrity of American elections. He has likened overwhelmingly popular practices like voter ID requirements to be "a very thinly veiled call for racial profiling."

Let me be absolutely clear: Senate Republicans will not participate in rubberstamping radical nominees. I would urge our colleagues to join me in rejecting each of these unfit nominations this week.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### BIDEN ADMINISTRATION

Mr. THUNE. Mr. President, last week, Congress successfully passed legislation, the Fiscal Responsibility Act, to raise the debt ceiling and avert a default. I am pleased that the final legislation paired an increase in the debt ceiling with real spending reforms, but I don't need to tell anyone that things came down to the wire.

President Biden wasted months refusing to negotiate on a debt ceiling deal before finally yielding to the political realities of divided government and coming to the negotiating table. And while we got about as good of an agreement as we could have hoped for in this situation—again, including meaningful spending reforms the Democrats initially rejected—things didn't need to come to this crisis point. Had President Biden come to the negotiating table sooner, we might not have been passing the Fiscal Responsibility Act just days before our Nation would have defaulted.

This isn't the first crisis of inaction in this Presidency. President Biden has made a habit of ignoring or failing to meet crisis situations, with predictably problematic results. The border crisis is one notable example. It took 2 years of recordbreaking numbers of illegal crossings at our southern border before the President made any real move to even begin to address the crisis—2 years—2 years in which he mostly pretended the border crisis didn't even exist.

The President didn't want there to be a border crisis, presumably because he knew it would serve as an indictment of his open border policies. So he simply ignored the reality.

Unfortunately, Border Patrol agents and our Nation's overwhelmed border communities didn't have that option. They had to spend 2-plus years now dealing with all the ramifications of unchecked illegal immigration at our southern border.

While it is a good thing that the President has finally made some moves to address the crisis, his inaction has taken a terrible toll on Border Patrol agents and our border communities and on migrants themselves.

We have seen a similar situation with inflation. Even as it became clear the Democrats' so-called American Rescue Plan had helped set off a serious inflation crisis, the President and his administration dismissed the problem. And they didn't just dismiss the problem; they doubled down on the strategy that got our country into this mess in the first place.

While the President was eventually forced to, at least halfheartedly, acknowledge our inflation crisis, he still can't bring himself to acknowledge what caused it, and that is the Democrats' big spending priorities. And he has continued to pursue new government spending, from his nearly tril-

lion-dollar student loan giveaway to a budget that, in a few short years, would have us spending \$10 trillion annually.

Perhaps the most devastating example of the President's failure to recognize and act on the realities of the situation came with his disastrous withdrawal from Afghanistan. Even as it was becoming appallingly clear that Afghanistan was headed for takeover by the Taliban, the President delayed or simply failed to take the necessary steps to withdraw American citizens and the Afghan allies who aided us. The result was a chaotic evacuation that saw the deaths of 13 U.S. servicemembers and scores—literally scores—of Afghan civilians and left both U.S. citizens and thousands of our Afghan allies behind as the Taliban took over the country.

It is fortunate that the months President Biden spent refusing to acknowledge the need to negotiate on a debt ceiling agreement did not result in serious consequences for our country. Things were not looking good for a while, but the President ultimately recognized that divided government requires negotiation and compromise.

But a lot of his other leadership failures have had serious and permanent consequences. The President's failure to acknowledge and address the reality of the border crisis has allowed hundreds of thousands of individuals to evade law enforcement and enter our country illegally, left border communities and American cities struggling to provide for the mass influx of migrants, and, undoubtedly, facilitated the flow of cross-border criminal activity like fentanyl trafficking.

As I said, the President's failure to recognize and acknowledge the reality of the situation in Afghanistan, including by ignoring the State Department dissent cable, resulted in the deaths of American servicemembers and Afghan civilians.

Meanwhile, the President's persistent failure to fully recognize the realities of inflation and its roots and Democrats' reckless spending continues to leave our economy and American families vulnerable to more of Democrats' big spending policies.

There are around 18 months left in the President's current term and a lot of challenges for our Nation to address. I hope that the debt ceiling negotiations mark the start of a new era, one in which the President spends more time dealing with things as they are and less time pursuing an agenda divorced from the reality of the economic and security challenges that our Nation faces, because our country and the American people cannot afford a repeat of the first 2 years of this President's administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### SENSIBLE CLASSIFICATION ACT

Mr. CORNYN. Mr. President, when it comes to safeguarding the American

people, the United States has multiple layers of defenses.

We have, of course, the world's most powerful military, whose ranks are filled with courageous and dedicated servicemembers. Our military is equipped with cutting-edge technology, whether it has to do with weapons systems, aircraft, ships, submarines—all the tools necessary to defend our country and our country's freedoms.

But an important part of our defenses is our intelligence community, the 17 Agencies that make up what is known colloquially as the intelligence community. It is the intelligence community that collects and analyzes information from around the world to make sure that we can always remain at least one step ahead of our adversaries.

This information gathering is an invaluable part of our national defense, and that critical national security information is, of course, carefully safeguarded under what is known as the classification system—secrets. Classification gives us an invaluable edge when it comes to the ability to plan and prepare for threats over the horizon. It strengthens our relationship with our allies around the world, with whom we share much of this information, and it prevents consequential information from falling into the wrong hands.

It also protects—and these are the keys to the kingdom, when it comes to classified information—the sources and methods. In other words, the way that our intelligence community collects information and the people from whom that information is acquired are among the most important secrets maintained by the government, because, many times, if that were revealed, either our adversaries would be able to cut off that access to information or, frankly, maybe even go so far as to kill the sources of that information in the case of human intelligence. So protecting sources and methods is absolutely critical.

Closely guarded intelligence information is vital to our national security, but there is a very fine line between strategic classification and excessive secrecy. If too much information is withheld from the public, it can sow distrust. People let their minds run away with them. They wonder what is going on—conspiracy theories and the like. But, more fundamentally, the American people will question what their government is actually doing and how it is using the vast powers that they have delegated to the government.

Consent of the governed has always been the foundation of our democratic system of government and the legitimacy of government action, and, of course, the people cannot consent to something that is withheld from them. So there is a very fragile balance here from what is necessarily kept classified and secret and the information that should be made public, because without

transparency, there is no political accountability. Without accountability, there is no confidence that the government is actually acting in the best interest of the people.

I have long been an advocate for reforms to the Freedom of Information Act—in other words, the public's right to know. Former Senator Pat Leahy was chairman of the Senate Committee on the Judiciary. He and I were sort of the odd couple when it came to "freedom of information" reforms. Senator Leahy was one of the more liberal Members of the U.S. Senate, and I am one of the more conservative Members of the Senate. But we found common cause when it came to the public's right to know because it is too easy for bureaucrats to hide behind a classification system that results in overclassification. And when that bureaucrat can hide or bury that information using an overly broad classification system, there can be no accountability and, thus, the public's confidence in the people who actually are governing is compromised.

So we need to figure out how to make sure our classification system is rightsized so that it covers the things that it must cover in the interest of our national security. Then we need to figure out what represents overreach or overclassification, which undermines the public's right to know and the political accountability that should come with it, which is a fundamental basis for our form of government.

America's classification system has been ripe for reform for many years. Daniel Patrick Moynihan chaired a committee that made recommendations, but unfortunately those recommendations made many years ago were put on a bookshelf somewhere and basically ignored. But the problems have not gone away, and we have seen in recent days the focus come back to how classified documents are handled and what exactly represents our Nation's secrets, what should be protected and what should not because it is really not important to our national security.

Earlier this year, a trove of highly sensitive military documents began appearing online. These documents included classified assessments of the war in Ukraine, including tactical information about the expected offensive. They detailed conversations between world leaders and intelligence on adversaries and allies alike. These documents didn't just reveal intelligence itself but also the methods by which the United States collected intelligence. This information, of course, was supposed to be kept confidential because it was intended for high-level military and intelligence leaders and policymakers—not a global audience.

Based on the nature of the leaked documents, there was widespread speculation that the source was a high-level military or intelligence professional, but we now know that was not the case. The source of the leak has

been identified as a 21-year-old member of the Massachusetts Air National Guard. He was an airman first class in the 102nd Intelligence Wing, where he worked as an information technology specialist.

So the first question that arose when the leaker was identified was, How in the world did this relatively low-ranking 21-year-old information technology specialist have access to some of our Nation's most guarded secrets? How was he able to view, transcribe, photograph, and remove these documents from a secure setting?

If this young man, who had a history of violent and racist remarks, was granted access to our top-secret national security information, is that some indication that maybe too many others have been granted access to this information and that maybe too many individuals have security clearances authorizing them to view this information?

Well, at last count, there were about 4.2 million Americans in this country—4.2 million Americans—who have security clearances. That number strikes me as incredibly large and I think is some evidence that too many people have been getting too many security clearances because too much information is classified when it shouldn't be, when it doesn't need to be. Those 4.2 million people with security clearances include more than 1.2 million with access to top-secret information.

The issue isn't just that too many people have access to classified information but also that too much information is classified. As members of the Senate Intelligence Committee, my colleagues and I regularly receive classified briefings and review documents that are highly confidential. There have been many times when I left one of these briefings thinking, this is something that any reasonably informed person already knows. All they need to do is read the major newspapers or watch television—television news in particular.

Many times, we are presented with information which is deemed "classified" in a secure setting which is, frankly, common knowledge. That is another indication that our classification system is working in overdrive and needs to be rightsized.

We are presented with information briefed as "classified" which could be just as easily learned by watching the news or reading a newspaper, as I said. Still, these documents are classified at the same level as sensitive military documents and intelligence analysis have been classified.

Honestly, I think one reason why we see not only President Trump but President Biden and Vice President Pence concerned about access to classified information outside of a secure setting is because many people who have access to classified information recognize that we have an overclassification problem, and so they let down their guard and they say: Well, this is

information that is not particularly secret because a reasonably informed person would already know it or have access to it.

So I submit we have an overclassification problem, plain and simple, and we are not doing nearly enough to declassify information for the public or our allies and make it available to the American people.

There are many circumstances in which declassification safeguards our national security. We can't just be an absolutist about this. We need to be careful. One great example is the way we declassified and shared information with our allies in the runup to Russia's invasion of Ukraine. That gave Ukraine enough battlefield awareness to push back against the initial attack and save countless lives. It also unified the Western response, leading to quick condemnation of Russia's attack and resources for the Ukrainian forces.

Declassification is an important way to share valuable intelligence with our friends and allies around the world when we can, and it promotes cooperation, which is key to combating the threats we face today like the Ukrainians are facing with the Russian invasion, but it is also a crucial way to show the American people what their government is doing on their behalf—declassification, that is.

Our ability to govern ourselves depends on public access to information. As I said earlier, you can't consent to something you don't know anything about, and consent of the government is the foundation of our system.

The American people have a right to know what their government is doing. Declassification builds trust and transparency. It inspires confidence in the incredible work our intelligence professionals are doing, and it equips scholars with the information to conduct academic research that informs decision making by looking back on our history and learning from those lessons of history.

As all of our colleagues know, there is a very delicate balance between transparency and secrecy, but it is time that we tune-up the system. We need to examine and refine the processes that govern the classification and declassification of sensitive information and make some long-overdue reforms.

Last month, the chairman of the Senate Intelligence Committee, Senator WARNER, and I introduced a bill we called the Sensible Classification Act, which includes critical reforms to modernize America's classification system. This legislation would increase accountability and oversight. It would require training to promote sensible classification and also promote efficient declassification. It would direct Federal Agencies to justify security clearance requirements, so only those individuals who need access, given the nature of their jobs, are given access to classified information.

This legislation has already garnered broad bipartisan support and a long list

of cosponsors, including Senators MORAN, WYDEN, COLLINS, KING, ROUNDS, HEINRICH, LANKFORD, and CASEY.

As the Senate Intelligence Committee prepares the Intelligence Authorization Act, I have offered this legislation as an amendment to that bill, which hopefully will be included as part of the National Defense Authorization Act. When the committee votes to advance this bill in the coming weeks, I hope this legislation will be included.

This is an example of broad bipartisan cooperation and the result of many conversations we have had with leading intelligence and national security experts in the United States.

I am confident that this legislation will both protect the integrity of America's classification system and help restore needed trust and confidence in the government.

Recent headlines have shone a light on the flaws in our classification system. It is overwhelmed and in need of reform, and that is exactly what the Sensible Classification Act aims to fix.

I look forward to working with all of our Senate colleagues as we fight to restore transparency and accountability and preserve our ability to classify the most sensitive national security secrets as part of our layered national defense. We can and should and must do both.

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.

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

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

The Senator from Iowa.

Ms. ERNST. Mr. President, I ask unanimous consent to speak for up to 6 minutes.

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

#### NOMINATION OF DILAWAR SYED

Ms. ERNST. Mr. President, I rise today as the ranking member of the Senate's Small Business Committee in opposition to the President's nomination for Mr. Dilawar Syed to serve as the Deputy Administrator of the U.S. Small Business Administration.

The Deputy Administrator is often referred to as the COO of the SBA, with the critical job of overseeing the day-to-day operations of the Agency. From addressing fraud and recouping funds to improving the Agency's responsiveness, to ensuring small businesses are not drowning in unnecessary redtape, there is a lot of work that needs to be done to improve the SBA's most basic functions. Unfortunately, following Mr. Syed's appearance before the Small Business Committee, I do not believe he is the right person for the job.

This nomination was delayed last Congress due to the nominee's failure

to voluntarily disclose his company's PPP and EIDL loans from the SBA.

As the nominee to help lead the Agency responsible for small business pandemic relief funding, I believe Mr. Syed should have been forthcoming in disclosing his interest in an SBA program. Unfortunately, there were false statements and errors in the applications and disclosures signed by Mr. Syed on behalf of his company, which further delayed the committee's consideration of his nomination. The lack of transparency and the resistance in providing requested information to the committee do not inspire confidence that he will be transparent and forthcoming with Congress about the SBA's programs and ongoing challenges.

Based on the track record of this nominee, it is not clear he would reverse the SBA's failure to give committee members details on key policy matters squarely in the committee's jurisdiction. The Agency's continued lack of responsiveness under the Biden administration is a key part of why I stand before you in opposition of this nominee.

I recently questioned Mr. Syed on whether he believes that overregulation stifles innovation and entrepreneurship. He could not give me a direct answer. This is unacceptable to Iowa's entrepreneurs, who are struggling in Biden's economy and drowning in ever-changing regulations. As I am crisscrossing Iowa, small businesses continuously list Washington redtape and regulation as a top issue keeping them from growing and, in too many cases, simply surviving.

I am not convinced Mr. Syed is ready and willing to change the SBA's culture and bring much-needed accountability to the Agency. It is estimated by the investigative community that there is more than \$100 billion in suspected fraud in PPP and EIDL. Addressing this abuse by holding individuals accountable and recovering taxpayer dollars provided to ineligible businesses must be a top priority for this Agency. I have received commitments from Mr. Syed that he would make every effort on fraud recovery and prevention. He also informed me that he believed SBA Administrator Guzman is prioritizing fraud prevention.

But the reality is that the SBA decided not to pursue borrowers with unpaid loans less than \$100,000, giving them a free pass.

Should Syed be confirmed, I will hold him accountable to his commitment and ensure that the Agency is taking a larger role in administrative recoveries. Further, should Mr. Syed be confirmed today, I urge him to do all he can to protect the integrity of the 7(a) loan program at all costs.

Recently, the SBA finalized two lending rules that, if not addressed, would pose serious risks to the long-term health of SBA's lending programs, create predatory underwriting standards, and enable the same fintech companies

that were responsible for fueling rampant PPP fraud to participate in this critical program. This, too, is unacceptable.

I joined Chairman CARDIN, House Small Business Chairman ROGER WILLIAMS, and Ranking Member VELÁZQUEZ in asking the SBA to pause on implementation of these proposed rules until a permanent leader was in place for the Office of Capital Access. The Administrator didn't even have the courtesy to respond to our letter before plowing ahead and opening up the application period for new fintech firms.

Based on our experience with Mr. Syed over the past 2½ years while his nomination has been under consideration, he has resisted full transparency at every turn. Unfortunately, all evidence suggests that he will just be more of the same ongoing problem as part of the leadership team at the SBA.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that the cloture motion with respect to the Ho nomination be withdrawn and the cloture vote on the Syed nomination occur at 2:30 p.m. today; further, that the Senate recess following the confirmation vote on the Crane nomination until 2:15 to allow for the weekly caucus meetings.

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

Mr. SCHUMER. I yield the floor.

#### VOTE ON CRANE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Crane nomination?

Mr. SCHATZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 148 Ex.]

#### YEAS—56

Baldwin	Duckworth	King
Bennet	Durbin	Klobuchar
Blumenthal	Feinstein	Lujan
Booker	Fetterman	Manchin
Brown	Gillibrand	Markey
Cantwell	Graham	Menendez
Cardin	Hassan	Merkley
Carper	Heinrich	Murkowski
Casey	Hickenlooper	Murphy
Cassidy	Hirono	Ossoff
Collins	Hoeven	Padilla
Coons	Kaine	Peters
Cortez Masto	Kelly	Reed

Rosen	Smith	Warnock
Sanders	Stabenow	Warren
Schatz	Sullivan	Welch
Schumer	Tester	Whitehouse
Shaheen	Van Hollen	Wyden
Sinema	Warner	

## NAYS—43

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hyde-Smith	Rubio
Britt	Johnson	Schmitt
Budd	Kennedy	Scott (FL)
Capito	Lankford	Scott (SC)
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	
Fischer	Ricketts	

## NOT VOTING—1

Murray

The nomination was confirmed.  
(Mr. OSSOFF assumed the Chair.)

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

## RECESS

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

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

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Illinois.

## NOMINATION OF DILAWAR SYED

Ms. DUCKWORTH. Madam President, I have come to the floor today to express my support for Dilawar Syed, and his nomination to be Deputy Administrator of the Small Business Administration.

This Republican obstruction has gone on long enough. I ask my colleagues from across the aisle to join me in supporting this important nominee. Dilawar Syed is more than qualified to serve in this role at the Small Business Administration. He is an entrepreneur and a job creator, with decades of firsthand experience in business entrepreneurship and community engagement.

He has experience working directly with small business owners and has led efforts to drive economic growth at the local, State, and Federal levels.

Simply put, at the SBA, he would be an asset to our Nation's small businesses and would bring a critical voice to the Agency which currently lacks a fully staffed leadership team.

The SBA has not had a Senate-confirmed Deputy Administrator for more than 5 years. This is a critical mistake. This high-level absence weakens the Agency and inhibits the SBA's ability to serve the millions of small business owners looking to the Agency for resources, assistance, and capital to start and grow their businesses.

Some of my colleagues on the other side of the aisle have launched unfair and baseless attacks against Mr. Syed and have held up his nomination for years. They have even repeatedly failed to show up to vote on his nomination in the Small Business Committee.

These partisan attacks are simply efforts to undermine President Biden and his administration at the SBA, as well as their ability to successfully serve our small businesses nationwide.

These Republican attacks also unfairly disparage Mr. Syed, who is not only a successful business leader and community organizer, but also, importantly, a first-generation immigrant who fully exemplifies the American dream.

With this unique and important background, Mr. Syed would bring an influential new voice and perspective to help the SBA improve its outreach to immigrant communities that have been traditionally overlooked and underserved by the Federal Government.

My friends on the other side of the aisle know the importance of filling this vacancy at the SBA. Yet they have continued to play their partisan games.

Ahead of this vote on Mr. Syed's nomination, I ask you to join me in supporting this eminently qualified nominee. Let's do our jobs and finally get this nominee confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. 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 Senator from Maryland.

Mr. CARDIN. Madam President, I rise today in strong support for the confirmation of Dilawar Syed to fill the long vacant role of Deputy Administrator for the Small Business Administration.

After more than 2 years since President Biden first nominated Mr. Syed, the Senate Committee on Small Business and Entrepreneurship finally reported Mr. Syed's nomination out of the committee earlier this year.

Mr. Syed was nominated to fill a position that has been vacant for nearly 5 years. The vacancy has caused harm to small business owners throughout our Nation who depend on the SBA to be fully staffed in order to access capital, contracting opportunities, and entrepreneurial development training.

In an entrepreneurial career spanning over two decades, Mr. Syed has experience starting businesses and advocating for inclusion entrepreneurship at the international, Federal, and State level.

He currently serves as the Special Representative for Commercial and

Business Affairs at the United States Department of State, where he advances trade, commercial, and economic policies through commercial advocacy.

Prior to his position at the State Department, Mr. Syed was CEO at Lumiata, a healthcare technology company, and president at Freshworks, where he helped scale the software company's products to reach thousands of small- and medium-sized businesses.

Mr. Syed has also held a number of civic positions. In the Obama administration, he served as chair of the White House Initiative on Asian Americans and Pacific Islanders Economic Growth. And in California, he chaired the California Entrepreneurship Task Force under Governor Gavin Newsom's Office of Business and Economic Development.

With experience at the State Department as Special Representative and leadership roles in business, entrepreneurship, and public service, he is very well-positioned to help the SBA meet this critical moment small businesses face across the Nation.

As our small businesses continue to recover from the pandemic while facing new challenges, it is essential that the SBA is fully equipped to meet their needs.

During the pandemic, the Agency provided relief to millions of existing small businesses. Now, record levels of new businesses are being created under the Biden-Harris administration. SBA has the unique opportunity to foster the continuation of this small business boom, making sure that entrepreneurs have the resources, assistance, and capital that will create economic prosperity for communities across the country.

While the SBA has worked tirelessly to provide this assistance, the pandemic exposed a clear need for modernization, technical upgrades, new resources, and reforms at the SBA. That is why we need a Deputy Administrator today more than ever. The skills and qualifications Mr. Syed possesses are a perfect fit for the SBA's needs. He has broad support from dozens of small business organizations that understand the needs of entrepreneurs.

They know that Mr. Syed is an individual who will endlessly continue to advocate for and support our small businesses. Allowing the position of Deputy Administrator to remain empty for so long is a great disservice to our Nation's small business owners.

His confirmation process has been fraught with unacceptable delaying tactics, unfounded accusations, and unrelated controversies.

Throughout it all, however, Mr. Syed has shown only patience and perseverance. I am honored to stand here today, finally, to support his nomination for the position of SBA Deputy Administrator. I am confident that America's small businesses and the communities they support will benefit from him in this role.

I urge all my colleagues to support his confirmation. This is what our small business community needs. I would urge my colleagues to ratify his nomination.

With that, I would yield the floor.

Madam President, I would ask consent that we proceed with the vote immediately.

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

### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 81, Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

Charles E. Schumer, Benjamin L. Cardin, Sherrod Brown, Margaret Wood Hassan, Tammy Baldwin, Alex Padilla, Debbie Stabenow, Tina Smith, Jeff Merkley, Gary C. Peters, Jeanne Shaheen, Mazie Hirono, Tim Kaine, Brian Schatz, Sheldon Whitehouse, Richard Blumenthal, Jack Reed.

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 Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote or change their vote?

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

[Rollcall Vote No. 149 Ex.]

#### YEAS—54

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

#### NAYS—44

Barrasso	Boozman	Britt
Blackburn	Braun	Budd

Capito	Hoeven	Romney
Cornyn	Hyde-Smith	Rounds
Cotton	Johnson	Rubio
Cramer	Kennedy	Schmitt
Crapo	Lankford	Scott (FL)
Crux	Lee	Scott (SC)
Daines	Lummis	Thune
Ernst	Marshall	Tillis
Fischer	McConnell	Tuberville
Graham	Moran	Vance
Grassley	Mullin	Wicker
Hagerty	Paul	Young
Hawley	Risch	

#### NOT VOTING—2

Murray	Sanders
--------	---------

The PRESIDING OFFICER. On this vote, the yeas are 54 and the nays are 44.

The motion is agreed to.

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

The PRESIDING OFFICER. The Senator from New Mexico.

#### ORDER OF BUSINESS

Mr. HEINRICH. Madam President, I ask unanimous consent that the vote on the confirmation of the Syed nomination be at a time to be determined by the majority leader, following consultation with the Republican leader on Thursday, June 8.

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

### EXECUTIVE CALENDAR

Mr. HEINRICH. Madam President, I ask that the Senate resume consideration of the Silfen nomination.

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

The clerk will report.

The legislative clerk read the nomination Molly R. Silfen, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The PRESIDING OFFICER. The Senator from Nebraska.

#### RURAL PROGRAMMING

Mrs. FISCHER. Madam President, according to the U.S. Department of Agriculture's Economic Research Service, 46 million Americans live in rural areas. This includes 35 percent of the residents in my home State of Nebraska.

Often, in the government, we focus on the majority of Americans living in urban population hubs, but we have just as much of an obligation to the millions of rural citizens in our country.

Communications access is foundational to our quality of life, especially in rural areas where the closest neighbor can be many miles away. And that is what I want to focus on today.

As a member of the Senate Commerce and Agriculture Committees, I have the privilege of regularly advancing

communications policy that benefits all Americans, including those in rural areas.

I have led multiple pieces of legislation to improve broadband mapping to benefit unserved rural areas, including the broadband funding map that the President signed into law as part of the bipartisan infrastructure package. It is vital that every last mile and acre of our country has access to reliable internet, whether for telehealth appointments or to make use of the more efficient agricultural technologies.

But broadband isn't the only type of communication rural communities rely on, especially for households without internet service. They rely on television programming to keep updated about the world around them. The well-being of rural Americans and a robust media made up of diverse viewpoints are important to me, and they are important to Nebraskans throughout the State. And access to rural and agricultural programming benefits all Americans.

Farmers and ranchers in Nebraska depend on this content for relevant news, information, and lifestyle programming. We are talking about everything from in-depth reports on weather patterns, agribusiness news, and commodity market swings, western sports, and a lot more.

This programming delivers essential information to producers that directly impacts the way that they manage their operations and the way they plan for the future.

At the same time, Americans on the coasts and in major urban and suburban areas also benefit from programming that helps them understand major issues affecting the country that originate in the heartland. And we both know that rural programming doesn't mean old reruns of "Green Acres" or of "The Beverly Hillbillies."

Rural and agricultural programmers are in a unique position to educate the public and what it means to be a family farmer or a rancher, on how producers are some of the best stewards of our natural resources, and on what the future of agriculture and producing the food that we all need looks like.

This is one reason that I was pleased, as ranking member of the Rules Committee, to recently approve RFD-TV to be added to the Senate TV network. RFD-TV is one of the preeminent sources of rural news in the country.

Networks like RFD-TV work hard to cover issues affecting the agricultural sector and rural communities. The senior Senator from Minnesota and I approved its addition to the Senate TV network because that unique perspective and that expertise is a must-have here in Washington, where we all work on policies affecting rural America every single day.

And it is not just TV programming that provides critical news and information to rural communities. Millions of Americans use AM radio to stay up to date on what is affecting them.



In Nebraska, we have a long history of farm broadcasters who help farmers and ranchers thrive. Today, there are still over 40 AM stations that are based in my State.

Unfortunately, there are some who have lost sight of the fundamental role broadcast radio plays in rural America. A number of automakers announced plans this year to remove AM broadcast radio access from some of their vehicles.

This would deal a blow to the millions who need AM radio access in order to receive emergency alerts in remote areas as well as to be aware of local news, weather conditions. AM radio is not just a luxury; it is the backbone of our emergency alert system. It can be a question of life or death for people during natural disasters and severe storms.

My colleagues and I are concerned about how this decision will affect the safety of Americans. And that is why we introduced a bicameral, bipartisan bill to preserve AM radio access, despite some automakers' efforts to get rid of it.

Our bill, the AM for Every Vehicle Act, would direct the National Highway Traffic Safety Administration to issue a rule that would require all motor vehicles to have access to AM broadcast stations. The legislation is already having an impact. It recently spurred Ford Motor Company to reverse course and to restore access to AM radio in its upcoming car models.

But passing our bill is the only way to prevent other automakers from abandoning AM radio, and it is against the best interests of the millions of people in rural areas where wireless warnings—well, they can be difficult to impossible to receive.

The American people who travel to work and school on rural roads each day are relying on us to ensure that they don't lose access to local news, weather, emergency alerts, and public safety announcements from AM radio.

As Members of the U.S. Senate, we represent millions—millions—of people in rural communities across the country. We cannot let rural voices be set aside while we prioritize other issues.

Let's continue to appreciate rural TV and radio and advance legislation that supports the critical services that they provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

CHINA

Mr. KENNEDY. Madam President, the United States and China should talk. The United States wants to, but the leadership of the Chinese Communist Party—the CCP—does not. And, frankly, the leadership of the CCP is acting like a sullen teenager. You can only be young once, but you can always be immature.

Talking does not show weakness. It shows strength. It shows confidence. America is confident. In refusing to talk, the Chinese Communist Party and its insecurities are loud.

Now, the United States, as you know from recent media reports, has tried to talk to China, and we have had some success. Recently, not that long ago, our National Security Advisor and our Commerce Secretary met with their Chinese counterparts. I understand they had good discussions.

I had hoped that that might be a start, but I was wrong. The CCP proved me wrong. For instance, our Defense Secretary, the weekend before last, I believe, was at the annual Singapore Security Conference. Our Defense Secretary asked to meet with Chinese defense officials, a fairly routine request. The defense officials from China snubbed it.

Further, on May 26—you may have read about this in the media—a Chinese fighter jet flew within 400 yards of a U.S. reconnaissance plane flying above the South China Sea in international waters—in international waters. The U.S. plane had to fly threw the Chinese fighter jet's wake, which is very dangerous. It was an unmistakable attempt by the Chinese Communist Party to intimidate.

Further still, just this past weekend, a Chinese naval ship came within 150 yards of a U.S. missile destroyer, yet another intentional and dangerous act. The U.S. ship was in the Taiwan Strait along with a Canadian warship. Both the U.S. ship and the Canadian ship had every right to be there. This was another unmistakable attempt by China to intimidate.

Additionally, hardly a day goes by that the CCP doesn't release a statement denigrating the American people and accusing the United States of wanting to suppress and even destroy China.

Let me be clear. The United States of America does not want to suppress China. The United States of America does not want to destroy China. All we want is for China to become and to act like a responsible member of a stable world order that follows international rules and norms. And that is all the world wants too.

All we want and all the world wants is for China to stop its aggression. All we want and all the world wants is for China to stop manipulating its currency.

All we want and all the world wants is for China to leave Taiwan alone. All we want and all the world wants is for China to end its attempt to militarize the South China Sea and the East China Sea, which are international waters.

All we want and all the world wants is for China to stop poisoning our children with fentanyl. Stop it.

All we want and all the world wants is for China to end its "debt trap" diplomacy through its Belt and Road Initiative and other loan schemes.

All we want and all the world wants is for China to cease using its economic power to bully other sovereign countries—like Australia, like Lithuania—when those countries offer an opinion

the Communist Party of China doesn't like.

All we want and all the world wants is for China to tell us the truth—the truth—about how the COVID virus started, or at least work with us and other countries so we can find out.

I could, of course, continue this list, but I won't.

So let me repeat. The United States and China should talk. The advantages are and ought to be obvious.

Why should we talk? To avoid military conflict. It is a pretty good start. To avoid miscalculation. The more silence there is between us, the more Beijing underestimates American strength.

Why should we talk? To limit the risk of accidental confrontation, to pursue bilateral detente, because our economies are interwoven, because our economies are stronger together if everyone plays by the rules.

Why should we talk? To seek peace in Ukraine; to develop a mutual plan for how we should respond to advancements in technology, like artificial intelligence, like quantum computing; to talk about space; to discuss fair trade policies for products that don't have national security implications.

Why should we talk? To prepare for the next pandemic—it is just a thought—to develop cheaper and cleaner energy, to avoid nuclear war, to avoid destroying the human race.

Look, if China doesn't want to talk, that would be a shame. But it is hard to fix somebody who doesn't want to be fixed. It would also be China's loss. It would be China's loss not to talk.

For years, China has tried to portray itself to the world as mighty, as successful, as peace-loving. And I hope someday China is all of those things.

China, for years, has tried to portray itself to the world as a gentle giant. For a while, it worked. It worked until it didn't. The world now sees a different China. The world now sees a China that mismanaged COVID, that is on the wrong side of the Ukraine war, that is destroying Hong Kong, that has militarized the South and East China Seas.

The world now sees a China that punishes its own people—the Uighurs and the good people of Tibet—that denies even the most basic civil rights to its Han Chinese majority, including the right to self-determine, including the right even to access an uncensored internet.

The world sees a China that tries to bully other sovereign countries.

The world now sees a China whose population is shrinking, whose people are aging without a safety net for its elderly, whose young, college-educated children can't find a job, whose housing market is in turmoil.

The world now sees a China whose debt is unmanageable, whose technology sector has been purposely, intentionally stunted by its own political leadership.

The world now sees a China whose capital markets are flailing, whose



state-owned entities are models of inefficiency and corruption, and whose economy is slowing.

I know that is a cold dish of truth, but that is what the world sees. If China cares about the world and if the people of China care about how the world sees China—and both do—China will reengage with the world, including the United States of America, not shrink from it.

So I end, Madam President, as I began. The United States and China need to talk. The United States and China need to talk, not just for the United States but also for China and for the world. And, frankly, China has the most to gain, given the deterioration of its reputation.

But it is entirely up to China. America, we have done our part, and the United States will continue to do its part. We want to talk. We are confident, but, lately, China's insecurities are loud.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF DILAWAR SYED

Ms. HIRONO. Mr. President, I rise today to reiterate my strong support for Dilawar Syed to serve as Deputy Administrator of the U.S. Small Business Administration.

Mr. Syed is highly qualified and widely supported as a nominee who has the backing of numerous business groups and organizations. In many ways, he is the picture of the American dream. He is a business owner, entrepreneur, and job creator who was born in Pakistan and educated in the United States. Over the course of his career, Mr. Syed has founded and run several companies in the tech and healthcare sectors.

He also has firsthand experience dealing with challenges small businesses faced during this pandemic. During the COVID-19 crisis, Mr. Syed chaired a task force to help other businesses in the State of California survive and rebuild from the pandemic. His experience in and commitment to the small business sector are clear. That is why over the past 2 years my Democratic colleagues and I have made a concerted effort to get Mr. Syed confirmed.

As Deputy Administrator, he would largely be responsible for running the day-to-day operations of the SBA. Working with Administrator Guzman, he will play a critical role in ensuring that small businesses across our country have the support they need to continue growing.

This work is vital to Hawaii's economy. More than 99 percent of the businesses in our State are small businesses, and nearly half of all employees

in Hawaii work for a small business. A strong, fully staffed Small Business Administration is essential for these small businesses in my home State and millions more across the country.

Despite his stellar qualifications and the importance of the SBA, for nearly 2 years my Republican colleagues have blocked Mr. Syed's nomination to serve in this important role. I sit on the Small Business Committee, and we have had numerous times where we would call a markup in order to enable a vote on Mr. Syed's nomination, and the Republicans would simply not bother to show up. They just wouldn't even bother to show up.

My Republican colleagues have at different points wrongly accused Mr. Syed of being anti-Israel. They have chastised him for utilizing legal SBA pandemic relief loans and raised other baseless objections to his nomination. One wonders why the Republicans so eagerly raise objections to nominees like Mr. Syed who are obviously qualified for their nominated positions. But despite their baseless bluster, the facts are clear: Mr. Syed is well qualified to serve as Deputy Administrator of the Small Business Administration, and his confirmation will make our economy and our country stronger.

While it never should have taken this long—2 years—I am glad that tomorrow this body will vote on Mr. Syed's nomination to serve as Deputy Administrator. As I said, it has taken far too long to have someone as qualified and as committed—to have his vote occur.

I look forward to voting to confirm Mr. Syed and to working with him to strengthen small businesses in every corner of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### 251ST ANNIVERSARY OF THE "GASPEE" RAID

Mr. WHITEHOUSE. Mr. President, every year, I come to the Senate floor around the anniversary of June 9 of 1772 to educate our pages—and anyone else listening—about an event that took place that night in Rhode Island as the United States moved towards its revolutionary conflict with Great Britain.

And the lead-up to this was that Rhode Island was a shipping and a trading State; and Newport, in particular, was an extremely wealthy and active trading community. And the British government very much wanted to tax all of that trading, and the Rhode Islanders very much wanted not to be taxed.

And so there was considerable back-and-forth between the colonists in Rhode Island and what was then the mother country. And when the obstreperousness of the Rhode Islanders reached a certain point, a new ship and a new captain were detailed to Rhode Island to do a better job of collecting taxes from the shipping traffic.

The captain was named Dudingston—Lieutenant Dudingston—of her majesty's royal Navy. And he came in with

a rather very poor attitude about Rhode Island and behaved quite badly. He seized ships without much provocation. He would grab them and send them off to be sold for salvage. He would steal cargoes out of ships.

He made himself extremely unpopular to a point that the chief justice of Rhode Island said: Excuse me, you don't get to do this. Under Rhode Island law, under our colonial charter, if you want to operate Rhode Island waters, you actually have to declare yourself and show your commission to our Governor.

And the rather undiplomatic response of Lieutenant Dudingston was, if anybody tries to interfere with my operations, I will hang them.

So things were not all that great between Lieutenant Dudingston and Rhode Island. And his ship, which is this one, was called the *Gaspee*, as in the Gaspé Peninsula up in Canada. She was an armed revenue cutter of fairly good size. And it was her job to basically pull over ships, search their cargoes, seize their cargoes, demand taxes, if necessary, seize the vessel.

One of his early seizures was a boat called the *Fortune*, which was owned by Nathanael Greene, who had not been particularly active in revolutionary matters until he had his fortune seized by Lieutenant Dudingston. And after that, he became quite active in revolutionary matters to the point of becoming, essentially, the adjutant for George Washington and then being sent by George Washington down to run the southern campaign of the revolution where the commanding British general in the Revolutionary War said: That damn Greene is more dangerous than Washington, because he was so successful running the southern campaign, much of it provoked by this Lieutenant Dudingston and his seizure of Greene's boat, the *Fortune*.

On this occasion, June 9, 1772, a boat called the *Hannah*, captained by Benjamin Lindsey, was sailing up Narragansett Bay to deliver cargo to Providence. And the *Gaspee* approached and signaled the *Hannah* to heave to, to be boarded and searched. And the *Hannah* refused. Captain Lindsey kept sailing.

So the *Gaspee* gave chase, and the two boats sailed, one after the other, with occasional gunfire from the decks of the *Gaspee* north towards Providence.

Before you get to Providence, there is a point that sticks out. And where the river flows in, there is a sand berm that sticks out into the bay. And Captain Lindsey, who knew the waters of Narragansett Bay very well, sailed over this sandy shallows off of what was called Namquit Point and kept going on his merry way up to Providence.

The *Gaspee* was a bigger vessel. It drew more water, and it ran into the sand berm in a falling tide. It was stuck. It was trapped. It was helpless.

The *Hannah* kept going up. Captain Lindsey went up to Providence. When he got to the Port of Providence, he

rounded up John Brown, who later became heavily involved in setting up Brown University, and another Rhode Island worthy named Abraham Whipple, who continued to have an interesting naval career.

Brown and Whipple and others went to Sabin's Tavern, and people beat drums in the street to get attention. People gathered, and a crowd assembled. After suitable refreshment, they filled in a number of long boats—five or six long boats. And that night, in the dark, with muffled oars, they rowed back down to the stranded *Gaspee*.

There they challenged Lieutenant Dudingston to surrender his vessel, and, when he refused, they rowed to the vessel and, from multiple sides, boarded it.

During the altercation, Lieutenant Dudingston was shot. I am pleased to report that he was not killed. He recovered from his wounds, retired, ultimately, from naval service, and went back to Scotland and raised many children. But the injury that he received, I believe, was actually the first blood spilled in what became the Revolutionary conflict between the Colonies and Great Britain.

So after they had seized the vessel, the Rhode Islanders bound up the crew and rowed them ashore. There is a pub right up the street, right now, from where they were rowed ashore, with a little monument you can see that recognizes the evening that they rode ashore, June 9, 1772. Then they went back out to the stranded *Gaspee* and set her afire.

Now, the *Gaspee* had cannons, and cannons use powder, and powder is kept in a magazine. So when the fire got to the powder magazine, this happened. The *Gaspee* was blown to smithereens, and that was the end of her predatory behavior in Rhode Island Sound and Narragansett Bay.

Now, by way of point of contrast, up in Massachusetts, more than a year later, a number of Massachusetts colonists went onboard a British ship, and they pushed tea bags off of the boat and into Boston Harbor, which, I am sure, was a very brave and wonderful thing to do. But from Rhode Island's perspective, we outsmarted the British, we got the boat stuck, we seized the boat, we captured the entire crew, and then we blew it up, more than a year before the tea bag incident in Boston Harbor. I think we are entitled to some credit for that.

But Massachusetts produced Adamses who became Presidents. They produced Harvard, which wrote histories. And the story of the Boston Tea Party is now known to—do you guys know the story? Yes, every page head nods. They know the Boston Tea Party story.

I don't know what Rhode Island has to do to get out of the shadow of the Boston Tea Party, but we blew the damn boat up and I think that is pretty good.

The final of the story is that King George was furious about this. He took

this as an enormous insult to his kingdom, to his crown, and to himself. And so he decreed that all of the insurgents who had rowed down in those boats were to be caught and were to be hanged. And a bounty was put for information leading to the identification of the Rhode Islanders who participated in the *Gaspee* raid.

I will say with some pride that no credible testimony ever emerged. The trials never took place. The nooses hung empty. And Rhode Island—against all of that pressure and with the allure of these bribes and bounties from the King—refused to give up their secrets. So it is a very strong story in many regards.

And we now have created a brandnew license plate. It is not out on cars yet, I don't believe. This one says "SAMPLE." But there is the Rhode Island license plate with the "*Gaspee* Days 1772" logo and the exploding *Gaspee* on it. I can't wait to get one and to drive it up to Massachusetts and park it near Boston Harbor and have some tea.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

#### SENATE LEGISLATIVE AGENDA

Mrs. CAPITO. Madam President, I rise today to bring attention to the issues that Americans are facing at home—the problems that I see and hear from my constituents in West Virginia, and I am sure the Presiding Officer hears many of the same in your home State. I want to raise the question as to why the Senate is not bringing some of the solutions to the floor.

As you know, I am a lifelong West Virginian. I care deeply about and understand the concern of our residents and the difficulties that our families are facing. Our families, our veterans, our small business owners, our manufacturers, law enforcement, and communities—they are struggling—what they are struggling with.

I was initially inspired to get involved in public service when I saw these local issues arising, and many of those I have tried to help face in my own home community of Charleston, WV. Later on, as the passion in me sort of grew, I decided to seek a bigger platform in the House of Representatives and, now, here in this esteemed body, the U.S. Senate. As public servants, it is our responsibility to not only put forth but to take action on issues that Americans are facing. We can do that to improve the lives of those we serve.

But it seems to me and it pains me that so many of the legislative solutions that we have come to work to craft—some of which are bipartisan—collect dust on the majority leader's

desk. In fact, that, to me, is very unacceptable.

Let's start with the issue that touches so many lives—the issue of addiction. Our country is in a deep and continued battle with an addiction crisis, something I raised multiple times on this Senate floor and something that I am committed to curbing and stopping. With the data available from the CDC—the latest report on drug overdose deaths—it is obvious that fentanyl, our clear and common enemy, is fueling the highest overdose rates we have seen for individuals between 25 and 44.

CDC provisional data released on May 17 also revealed that more than 100,000 Americans—100,000 Americans—died from drug overdoses in 2022, becoming the most deadly year on record. And some of those, I think—some of us in the Chamber tonight might know one or two people or at least families who are affected.

My colleagues and I have introduced legislation that will further coordinate efforts to disrupt the distribution of fentanyl, to block efforts to ship illicit drugs into the United States, and to improve law enforcement training to crack down on drug trafficking tactics.

In a crisis this deadly and urgent, time is of the essence, and these bills deserve the time to be considered. Yet, despite these alarming statistics and the commonsense solutions that we have put forward, the majority leader has refused to take any of these bills up on the Senate floor.

Regarding law enforcement, over the weekend we had one of the saddest things happen in our State of West Virginia. A West Virginia State trooper was tragically killed in the line of duty.

Our hearts are broken with the loss of Sergeant Cory Maynard. He was only 37 years old. He had a wife and two children. It is a very tragic, tragic story.

Our brave law enforcement officers defend communities across our States from crime and work incredibly hard to help keep our cities and towns safe. They are the first to answer the call. They continuously—continuously—show courage and heroism. There must be swift penalties in place for criminals who target our officers, and resources must be available to ensure their safety.

I joined several of my colleagues last month to introduce several pieces of legislation that support law enforcement officers and increase their safety. But I will say it again: The majority leader has yet to take up any of the legislation that we have offered.

Additionally, residents across my State and the entire country are still reeling with the elevated costs of all things—from housing, energy, food, and everyday essential items. And, as our economy continues to prove its weakness under President Biden, the hard-earned dollars of hard-working Americans do not stretch as far as they need to.

In May, the Institute for Supply Management's industrial PMI showed that our manufacturing sectors are shrinking. We hear all about that we have to make more here. Guess what. Our manufacturing sectors are shrinking. Extended pressure on manufacturing output and prices for goods has been caused by higher interest rates, increased cost of living, and complete economic uncertainty. And this further restricts our ability to make things in this country.

That is why I have introduced the American Investment in Manufacturing Act. It is a bill that would reinstate a much needed measure that allows industries affected by sustained high interest rates to grow, to increase jobs and wages, and to contribute to the U.S. economy. It is past time that this body stand with American manufacturing—our small business owners and the employers and employees that keep this great country running.

My colleagues and I continue to put forward solutions that invest in an “all of the above” energy plan: innovative ways to utilize everything from conventional, renewable, and nuclear energy sources to build back our energy independence; solutions that rein in government spending, that attack the true causes of fraud, waste, and abuse, that will saddle future generations with insurmountable debt; solutions that provide proper resources to our veterans, those who have served our country and put their life on the line for our freedom deserve our utmost respect and support.

What makes this all the more frustrating is that the Senate has proven our ability to legislate in a bipartisan way. We have done so on multiple fronts in recent memory on issues like infrastructure, American competitiveness, and just last week as we acted to raise the debt ceiling and avoid economic catastrophe.

There is no reason why this body should be hamstrung on addressing the biggest needs of our country and improving the lives of our residents in the areas where they need it the most.

I understand that floor time is a precious commodity, especially knowing that we have to take up action on several must-pass pieces of legislation. We have to pass 12 appropriations bills out of this body; we have to pass the farm bill; we have to pass FAA reauthorization; and perhaps, most significantly, a bill that under this Democratic leader has never gotten a fair amount of its time or consideration, the National Defense Authorization Act.

The American people want to see this place work for them. They want to see action on issues that impact them every single day. I encourage the majority leader to heed the concerns of our constituents and join in our efforts to provide the answers American families and communities are desperately looking for.

Until then, my Republican colleagues and I will continue to put forward the

answers that the American people deserve.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

#### BORDER SECURITY

Mr. LANKFORD. Madam President, the White House and the Department of Homeland Security released a press release yesterday to talk about what is happening on the border currently, especially on our southwest land border. I wanted to read just one line from the press release that was put out by Homeland Security yesterday, where they state in their press release:

The administration's plan is working as intended. [The administration's plan is working as intended.]

Now, what they were referencing was what is happening on the southwest border and the number of people who are crossing our border that are being “encountered” at the border. That is the new term from Homeland Security for the number of people who cross our border illegally. They are “encountered.”

In the past, those individuals—and what I mean “in the past,” I mean the past 2 years. Those individuals crossed our southern border and asked for asylum because they were told by the cartels what to say. The cartels would say to each individual as they crossed and paid the fee to the cartel: Tell them you are afraid in your country.

They would cross the border. They would say the words, “I am afraid in my country.” They would be given an asylum hearing date in the future. That date is anywhere—depending on where they go in the country—between 3 years and 7 years in the future. And they are told they can go anywhere in the United States they want to travel during that time period.

Now, that is what it used to be. The administration came forward and said: We have a whole new plan. Our new plan post-title 42—that is the end of the pandemic restrictions—our new plan is that we are going to tell people there is a rebuttable presumption that you don't qualify, so don't come.

So here is what has happened. Now you cross the border—and there are two ways you can cross the border. Now, this is the new plan: You can either fill out the paperwork before you come or, when you cross, we will fill out the paperwork for you.

If we fill out the paperwork for you, it will take longer for you to come into the country and cross the border or you can fill out the paperwork before. What is that called? It is called CBP One. It is an app that now you can download from anywhere in the world, fill out your paperwork ahead of time, and when you cross, they will quickly expedite you into the country for your asylum hearing anywhere between 3 and 7 years in the future or, if you cross between ports of entry, then it is going to take you probably another 8 hours or so for them to get all the paperwork filled out for you, and then you will

still be released into the country and have a hearing 3 to 7 years in the future.

What does the administration mean when they said the administration's plan is working as intended? They have now split up the numbers, and they have announced: Look, our numbers are less than 4,000 people now who are crossing the border illegally.

It was just 10,000 people 2 weeks ago. Of course, what they didn't say was the week before that, it was right at 5,000. But what they are not saying is they have actually taken—if you fill out on the app ahead of time, they don't count those numbers anymore.

Here is what has happened. We have the same number of people illegally crossing our border this week that we had 3 weeks ago and that we had 3 weeks before that.

The administration now has just split up the numbers, how they are counted. If you fill out the app in advance or we fill it out for you when you cross the border, those are now two separate sets at the border, but they are still the same exact people who are crossing into the country. Except when I was at the border just 2 weeks ago and asked how all of this is working, I asked a very simple question: What are you noticing that is different now than what was different before?

The response from CBP was: Well, it is the same. People are still moving in. They are allowed to be able to come into the country between ports of entry or at ports of entry, that is the same. But what has changed is a dramatic increase in the number of non-Spanish speakers who are coming.

And the first words that I had from several different individuals I spoke with, both from nongovernmental organizations and from our Federal law enforcement when I was there last, was that we are worried for our national security. In fact, Federal law enforcement used the exact term. We have military-age, single adult men coming into our country from non-Spanish-speaking nations in the Middle East, West Africa, Russia, and China now in much higher numbers than we had before.

Just to set the context of what is happening now while the administration is saying the plan is “working as intended,” here is what has happened: In the first 2 weeks of the end of title 42, we had 1,000 men from Mauritania, West Africa, come across our border—1,000. Exactly none of them do we have criminal background information on—none of them.

Let me just compare 2 years ago to this year. So far this year, and this year is not over—if I look at Mauritania, we had 90 people 2 years ago from Mauritania; so far this year, 4,300—so far this year. By the way, that doesn't include the May number that I was just saying. That is 1,000 more. So we are well in excess of 5,000 this year so far from Mauritania.

From Iran, it has gone from 62 to almost 300.

From Syria, and we have no background information on any of the folks coming in from Syria, we have had right at 200 people come in from Syria so far this year.

From Pakistan, we have had over 500. From Somalia, we have had over 1,600.

From China, we have had right at 10,000 people this year. If I go back 2 years ago, from China, it was 450.

Yes, there is a huge shift that is actually occurring of Middle Eastern men, North African men, men from Russia and from China who are accelerating across our southern border, because right now apparently the administration's plan is "working as intended," and we have thousands of people who are still crossing our border.

I have heard even some recent reporting in the news on this that the numbers are way down. The numbers are way down. But apparently the press doesn't take the time to be able to look and see that the numbers have actually been split out into two different categories. The numbers are not down. In fact, the numbers right now would average somewhere around 450,000 a month—right now.

The highest month during the peak of the immigration surge under the Obama administration, the highest month that happened during that time period when there was chaos and cameras that were focused on the Southwest border—the highest month was 69,000. The administration is now saying "Our plan is working" when there are 150,000 a month coming across the border.

It is not working. It is fudging the numbers. It is trying to tell the American people: Look away. It is trying to say "We are doing a whole new set of enforcement on the border" when really what is happening is that people are being released into the country the same as they have always been released into the country for the last 2 years. The difference is, they are told: Hey, if you show up for your hearing 3 years from now, we may be more strict to you. But at the border, they are moving through just the same, being waved through.

I bring this up to this body to ask a simple question: Have we learned nothing from 9/11? Thousands of Americans died because a group of individuals overstayed their visas here in the United States. No one went to check on them. No one went to track them and just ignored the realities of what could be there.

We have a huge national security risk, and God forbid we have a huge terrorist attack again just because we want to tell everyone "The plan is working as intended. Look away. The numbers are down" when we literally have people coming in from all over the world who may be coming to work here or may be coming in for nefarious reasons. We don't know. We literally don't know if these folks are fleeing poverty or fleeing justice because we

have no criminal history on these individuals coming in from around the world—none.

In fact, as frightening as it may seem, right now the current policy happening at the southwest border is if someone shows up without any identification or with a photocopy of an ID that they say is theirs, it is being accepted as real.

They can literally come in and say, I am from Mauritania or Somalia or Syria or Iran or China or Russia, and this is my name, and they have no ID. We are creating for them a new ID card that is an American ID card and handing them a new identity and saying "Show up at your hearing 3 years from now, in the future. Travel anywhere you want in the country. You can use this card to fly, to travel, or to show as ID" when we literally have no idea if that is what their name is or that is the country they are from. That is the plan that is "working as intended" right now on our southwest border. I think it is a huge national security vulnerability.

We need to talk about asylum. We need to talk about how we are going to define the national security risks of the United States. This body needs to have a real conversation about what legal immigration looks like and what we are going to say to the world about illegal immigration.

If any of these individuals were to travel into Canada right now, the Canadians already have a clear law dealing with asylum. These folks would not be accepted into Canada because it would violate their basic asylum rules on how they handle it. But they are being literally waved into our country with no ID, with no criminal background check, and released into the country under the promise that they will show up at a hearing 3 to 7 years in the future. Can somebody explain to me why that is logical?

If these same folks moved into Germany and said they wanted to claim asylum, Germany would put them in what they call a humanitarian center, where they would stay. They wouldn't be released into Germany. Germany would never do that. They would stay in that one humanitarian area while they process through their asylum claim, and if they didn't qualify for asylum, they would be sent back to their original country, and that is usually within about 2 to 3 months. We are instead handing them a brandnew ID, which we have no idea is their real name, releasing them into the country, and saying: We hope you show up 3 to 7 years from now at your hearing. Can somebody tell me that is wise?

I am not asking for something crazy or something, quite frankly, the rest of the world doesn't already do, but for some reason, this body is locked up to talk about what everyone sees as obvious, and we refuse to even debate the issues of asylum and national security.

This is not caustic and hard; this is reasonable, where most Americans are.

But we are not even talking about it on the floor right now, but we should because it matters. The national security of our country is counting on us having adult conversations about the direction of our country, and I would encourage us to get started on this sooner rather than later for the sake of our future as a nation.

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

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

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 76, 128, and 216; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

There being no objection, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Justin L. Martinez, of Utah, to be United States Marshal for the District of Utah for the term of four years; William R. Hart, of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years; and Shannon R. Saylor, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years, en bloc?

The nominations were confirmed en bloc.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

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

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

#### GAO OPINION LETTER

Mr. MARSHALL. Mr. President, I ask unanimous consent that the following GAO opinion letter be printed in the CONGRESSIONAL RECORD:

Matter of: U.S. Department of Agriculture, Food and Nutrition Service—Applicability of the Congressional Review Act to Food and Nutrition Service Policy Memorandum CRD 01-2022, Application of Bostock v. Clayton

County to Program Discrimination Complaint Processing—Policy Update

File: B-334411

Date: June 5, 2023.

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

U.S. GOVERNMENT  
ACCOUNTABILITY OFFICE,  
Washington, DC.

#### DECISION

Matter of: U.S. Department of Agriculture, Food and Nutrition Service—Applicability of the Congressional Review Act to Food and Nutrition Service Policy Memorandum CRD 01-2022, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing—Policy Update.

File: B-334411.

Date: June 5, 2023.

#### DIGEST

The U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS) published a memorandum titled Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing—Policy Update (Update). GAO received a request for a decision as to whether the Update is a rule for purposes of the Congressional Review Act (CRA). CRA incorporates the Administrative Procedure Act's (APA) definition of a rule and requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as to the Comptroller General. USDA/FNS did not submit a CRA report to Congress or the Comptroller General on the Update.

The Update announced USDA/FNS's conclusion that the prohibitions against sex discrimination in USDA/FNS-enforced statutes prohibit discrimination on the basis of gender identity and sexual orientation. Based on this conclusion, the Update directed state agencies and program operators to handle complaints alleging discrimination on the basis of gender identity and sexual orientation as complaints of prohibited sex discrimination. We conclude that the Update meets CRA's definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA's submission requirement.

#### DECISION

On May 5, 2022, the U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS) issued a memorandum titled Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing—Policy Update (Update), available at <https://www.fns.usda.gov/cr/crd-01-2022> (last visited Apr. 14, 2023). We received a request for a decision as to whether the Update is a rule for purposes of the Congressional Review Act (CRA). Letter from Senators Roger Marshall, Marsha Blackburn, John Barrasso, Tom Cotton, and James Lankford, to the Comptroller General (June 16, 2022). As discussed below, we conclude that the Update is a rule subject to CRA's submission requirement.

Our practice when rendering decisions is to contact the relevant agencies to obtain their legal views on the subject of the request. GAO, Procedures and Practices for Legal Decisions and Opinions, GAO-06-1064SP (Washington, D.C.: Sept. 2006) (Procedures), available at <https://www.gao.gov/products/gao-06-1064sp>. Accordingly, we reached out to USDA/FNS to obtain the agency's legal views. Letter from Assistant General Counsel, GAO, to General Counsel, USDA (July 13, 2022). Although USDA/FNS did not provide a substantive response with its legal views due to ongoing litigation, we determined we have sufficient information to issue a decision on

this matter. Letter from General Counsel, USDA, to Assistant General Counsel, GAO (Aug. 4, 2022) (First Response Letter); Letter from General Counsel, USDA, to Assistant General Counsel, GAO (Oct. 20, 2022) (Second Response Letter).

#### BACKGROUND

##### *Prohibitions Against Sex Discrimination in USDA/FNS Programs*

USDA/FNS administers federal programs to increase food security and reduce hunger among children and low-income people. USDA/FNS, Our Agency, About FNS, available at <https://www.fns.usda.gov> (last visited Apr. 10, 2023). Laws such as Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681-1688, and the Food and Nutrition Act of 2008, as amended, 7 U.S.C. §§2011 et seq., include prohibitions against sex discrimination. Update at 1. USDA/FNS enforces those prohibitions. Id. Moreover, where USDA/FNS has delegated certain program responsibilities to states and other nonfederal entities, these states and entities may process complaints alleging sex discrimination. See, e.g., 7 C.F.R. §271.4 (assigning states the responsibility to administer the Supplemental Nutrition Assistance Program (SNAP)), §272.6 (states may process SNAP applicants' discrimination complaints).

In the Update, USDA/FNS announced that it had reevaluated the prohibitions on sex discrimination "in all FNS programs" due to the Supreme Court's decision in *Bostock v. Clayton County*, 590 U.S. \_\_\_, 140 S. Ct. 1731 (2020). Update at 1, 2. The Supreme Court in *Bostock* held that the prohibition in Title VII of the Civil Rights Act of 1964 against sex discrimination in employment includes a prohibition against discrimination on the basis of gender identity and sexual orientation. *Bostock*, at 1741. "In light of *Bostock*," USDA/FNS explained in the Update that "discrimination based on gender identity and sexual orientation can [also] constitute prohibited sex discrimination under Title IX [of the Education Amendments of 1972] and the Food and Nutrition Act." Update at 2. With respect to Title IX, USDA/FNS indicated that it was "adopting" recent analyses by the Department of Justice and the Department of Education, both of which had applied *Bostock* to find that Title IX includes a prohibition against discrimination based on gender identity and sexual orientation. With respect to the Food and Nutrition Act, USDA/FNS said the Act's non-discrimination provision is "sufficiently similar" to Title VII's nondiscrimination language as to make *Bostock*'s holding applicable. Id.

Based on the above determinations, the Update directed all "State agencies and program operators" who administer USDA/FNS programs to "expeditiously review their program discrimination complaint procedures" and "make any changes necessary to ensure complaints alleging discrimination on the basis of gender identity and sexual orientation are processed and evaluated as [sex discrimination] complaints." Update at 3. The Update further instructed state agencies to "distribute [the Update] to local agencies, Program Operators and Sponsors, and all other subrecipients of Federal financial assistance." Id. Finally, the Update "advised" state agencies and program operators "that the interpretation outlined in [the Update] does not determine the outcome in any particular case, which will depend on the specific facts and circumstances of that case." Id.

##### *The Congressional Review Act (CRA)*

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking,

requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. 5 U.S.C. §801(a)(1)(A). The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. Id. CRA allows Congress to review and disapprove federal agency rules for a period of 60 days using special procedures. See 5 U.S.C. §802. If a resolution of disapproval is enacted, then the new rule has no force or effect. 5 U.S.C. §801(b)(1).

CRA adopts the definition of a rule under the Administrative Procedure Act (APA), 5 U.S.C. §551(4), which states that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." 5 U.S.C. §804(3). However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. Id.

USDA/FNS did not submit a CRA report to Congress or the Comptroller General on the Update. In its first response to GAO, USDA/FNS asked us to "withdraw [our] request for legal information" because of two pending lawsuits concerning the Update. First Response Letter, at 1. When GAO informed USDA that those lawsuits did not prevent us from carrying out our responsibility to assist Congress, and that we would proceed to issue a legal decision, USDA nevertheless "respectfully decline[d] to comment" on the questions we posed. Second Response Letter, at 1-2. Although USDA/FNS did not provide a substantive response to GAO's inquiries concerning this matter, we reviewed filings in the lawsuits identified in the agency's First Response Letter to determine if the agency or other parties raised arguments concerning the applicability of CRA. We found no such arguments. Based on the factual information and legal issues we reviewed, we determined we have sufficient information to issue a decision on this matter.

#### DISCUSSION

An agency action is subject to CRA if it meets the APA's definition of a rule and no CRA exception applies. Because the Update meets the APA's definition of a rule, and because no CRA exception applies, the Update is subject to CRA's submission requirement.

The Update meets the APA definition of a rule. It is an agency statement issued by the FNS/Civil Rights Division to the Regional and State Directors of all Food and Nutrition Service programs. Update at 1. It has future effect because it directs state agencies and program operators to "make any changes necessary" to their complaint-handling processes and "distribute this memorandum" to additional personnel, among other things. Id. at 3. It prescribes policy for USDA/FNS, and all others implementing USDA/FNS programs, by instructing "that discrimination based on gender identity and sexual orientation can constitute prohibited sex discrimination under Title IX and the Food and Nutrition Act. Id. at 2.

Additionally, none of CRA's exceptions apply:

First, the Update is not a rule of particular applicability. Rules of particular applicability are those addressed to specific, identified entities that address actions that may or may not be taken, in light of the facts and circumstances. B-334221, Feb. 9, 2023; B-333732, July 28, 2022. Here, by contrast, the Update is addressed to directors in "all regions" and "all states," and instructs them

to distribute the Update further to “local agencies, Program Operators and Sponsors, and all other subrecipients of Federal financial assistance.” Update at 1. 3. USDA/FNS intended the Update to reach everyone implementing FNS programs and instructed that it did not “determine the outcome in any particular case.” Id. at 3. Thus, the Update has general applicability. See, e.g., B-333732, July 28, 2022 (explaining that USDA Thrifty Food Plan updates addressed to “all families” lacked particular applicability).

Second, the Update is not a rule relating to agency management or personnel. “A rule falls within the CRA exception for rules relating to agency management or personnel if it relates to purely internal agency matters, with no effect on non-agency parties.” B-334221, Feb. 9, 2023. Here, the Update relates primarily to non-agency parties. As discussed above, it is addressed to “all state directors” of USDA/FNS programs, among others, and it directs further distribution to other nonfederal entities. Update at 1. The Update’s stated purpose is to “provide direction to” such non-agency parties, to ensure their procedures comport with a USDA/FNS policy. Id. That policy, moreover, concerns the rights of private households to have their complaints of discrimination based on gender identity and sexual orientation processed and evaluated as complaints of discrimination based on sex. Id. at 3. Thus, the Update is not a rule relating to agency management or personnel. See B-333732, July 28, 2022 (USDA update to Thrifty Food Plan did not qualify for CRA’s second exception because it addressed “the amount of SNAP benefits for qualifying families”), B-333501, Dec. 14, 2021 (Centers for Disease Control and Prevention (CDC) mask requirement did not qualify for CRA’s second exception because it addressed public travelers and conveyance operators).

Third, and finally, the Update has a substantial impact on the rights and obligations of non-agency parties. We have recognized that agencies may meet the third CRA exception when implementing “new internal procedures” to ensure compliance with an “existing statutory obligation.” B-330190, Dec. 19, 2018. Thus, in B-330190, we considered a Department of Justice (DOJ) memorandum that adopted a zero tolerance policy with regard to prosecuting certain individuals who violated 8 U.S.C. §1325(a) by entering the country illegally. Id. We found that DOJ’s memo did not “alter individual rights” because there was no underlying change in the legal rights of individuals crossing the border. Id. Here, the Update purports merely to “clarify” existing requirements of anti-discrimination provisions. Update, at 1. However, unlike in B-330190, the Update forwards a novel interpretation of the law with respect to USDA/FNS-enforced statutes.

Prior to Bostock, sex discrimination under Title VII of the Civil Rights Act of 1964 was not universally understood to include discrimination on the basis of gender identity and sexual orientation; rather, the Supreme Court’s decision established that understanding as a matter of law. Bostock, at 1741, 1754. Importantly, the Update itself is not even a direct application of Bostock, but an extension of its holding (in the Title VII context) to the context of USDA/FNS-enforced statutes. The Update explains how USDA/FNS “determined” that discrimination on the basis of gender identity and sexual orientation can constitute sex discrimination under the statutes USDA/FNS enforces, and the implication is that USDA/FNS had not reached or announced that determination previously. Update at 3.

The Update does not qualify for CRA’s third exception, as it creates new policy and, in doing so, has a substantial impact on the

rights and obligations of non-agency parties. See B-333732 at 5 (USDA Thrifty Food Plan update had substantial impact by “granting increased benefit allotments” to families); B-333501 at 5 (CDC mask requirement had substantial impact by “impos[ing] new requirements on people who are traveling to wear masks”). Namely, it expands the obligations of state agencies and program operators by requiring them to “review” their discrimination complaint procedures and “make any changes necessary.” Update at 3. The Update also expands the rights of FNS benefit applicants by requiring that an applicant’s complaint alleging discrimination on the basis of gender identity and/or sexual orientation be processed and evaluated as a complaint of discrimination based on sex, which was not required prior to the Update.

#### CONCLUSION

The Update is a rule for CRA purposes because it meets the APA’s definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA’s requirement that it be submitted to Congress before it can take effect.

EDDA EMMANUELLI PEREZ,  
*General Counsel.*

#### 50TH ANNIVERSARY OF KIKKOMAN FOODS, INC.

Ms. BALDWIN. Mr. President, today I rise to recognize Kikkoman Foods, Inc., on its 50th anniversary. I am proud to honor this organization and the ongoing international exchange of food culture from Japan to Walworth, WI.

What began in 1973 as the first U.S.-based plant for the manufacturing of soy sauce has now become a strong part of the Walworth community. The Mogi family soy sauce recipe dates back over 300 years and was first introduced in the United States at a Navy Pier global business showcase. Crowds present in Chicago tried Kikkoman soy sauce for the first time. It was such a big hit that Kikkoman created a committee to investigate production in the United States. The committee settled on Walworth, WI, because they saw great potential in the proud tradition of Wisconsin agriculture and a midwestern work ethic. In addition, the Midwest region provided an optimal climate for the production of soy beans and wheat, essential components of soy sauce.

Soon, Kikkoman’s plant in Walworth aided the fusion of American and Japanese cuisine. In Walworth, soy sauce became a kitchen staple. Kikkoman continues to advance their mission of expanding the use of soy sauce as a “versatile flavor enhancer.” I appreciate the continued fusion of these two cultures and the partnerships of Kikkoman in the Wisconsin community. Together, Japanese technology and American agriculture blend to create a successful overseas expansion for Kikkoman.

Today, the plant in Walworth is Kikkoman’s North American production headquarters and produces an estimated 34 million gallons of soy sauce annually, more brewed soy sauce than any other facility around the world.

Since its introduction to Wisconsin, Kikkoman has been an essential contributor to the Wisconsin economy and shares the same commitment to the development of Wisconsin businesses, suppliers, service providers, and contractors. Ultimately, the Walworth Kikkoman production facility serves as an important example of the coprosperity and success of American and Japanese partnerships.

We in Wisconsin are grateful to Kikkoman for sharing the vibrant tradition and well-respected values of soy sauce brewing and the Japanese culinary tradition. I am honored to recognize the 50th anniversary of Kikkoman Foods, Inc., and look forward to their continued success in Wisconsin for years to come.

#### TRIBUTE TO KEN REICHARD

Mr. CARDIN. Mr. President, I rise to congratulate Kenneth Paul Reichard on his retirement and to thank him for his 17 years of outstanding service as my Montgomery County district director and his career of selfless service to the residents of the county and all Marylanders. This Monday, the city of Rockville will officially recognize Ken—a lifelong resident—for his service. On April 14, Representative JAMIE RASKIN interviewed Ken for one of his weekly “Local Hero” podcasts. The accolades Ken is receiving are well-deserved. As Montgomery County Council President Evan Glass stated, “Ken has been a terrific advocate for Montgomery County! We are all beneficiaries of his grace, good humor and leadership.” Ken is a local hero to Maryland and a personal hero to me. For the better part of two decades, Ken has been a lifeline to Montgomery County, helping to make sure that no citizen is left behind.

Ken was born at the original Montgomery General Hospital in Olney, MD, on August 17, 1943. His parents were Kenneth Henderson Reichard of Guilford Township, Franklin County, PA, and Gladys Lydia Martin Reichard of Reid, Washington County, MD. He is a descendent of a Revolutionary War soldier, George Barnard Reichard, from Pennsylvania, who fought from 1777 to 1780. He grew up in a union household on Horners Lane in Rockville with an older brother, Lee. Ken graduated from Richard Montgomery High School, Rockville, in 1961. While he attended high school, he started working part-time at the Safeway grocery store on Bradley Boulevard in Bethesda. He quickly joined the United Food and Commercial Workers International Union—UFCW—and became the local’s youngest business agent ever when he was just 21, winning his first election by 87 votes. He traveled to other stores around the State, and it wasn’t long before Ken was handling labor grievances and negotiating contracts. By the time he finished his career with UFCW, he was executive assistant to



the president of the national union, director of government affairs, and senior vice president. Then-Governor Parrior Glendening tapped Ken to serve as assistant secretary and commissioner of labor and industry at the Maryland Department of Labor, Licensing, and Regulation. After that, he cochaired Senator John Kerry's 2004 Presidential campaign in Maryland with Heather Mizeur, who went on to serve as a member of the Maryland House of Delegates from 2007 to 2015, representing the 20th District in Montgomery County.

Given Ken's extensive knowledge of the issues, politics, and people of Montgomery County and beyond, my campaign contacted him and convinced him to serve as my metropolitan Washington-area representative when I first ran for the Senate in 2006. Ken has been with me ever since, and I am so grateful. He has met with countless constituents, businessowners, and elected officials; joined or represented me at field events; served as my liaison to organized labor; and handled special assignments. He has done it all with grace and insight and a quiet competence.

Ken married Sandra Lee Wiley on February 23, 1964, in Rockville, MD. Ken, now widowed, has three children: Cassie, Eric, and Paula; seven grandchildren: Lindsay, Caitlyn, Sampson, Tyler, Amanda, Sydney, and Drew; and two great-granddaughters: Maya and Stella. Ken was a member of Crusader Lutheran Church for a number of years and held several positions on the church counsel. Over the years, Ken has enjoyed volunteering for political campaigns and serving on several boards within Montgomery County, traveling in his motorhome, camping, building and fixing anything for the home, tending to an orchard of fruit trees, and appreciating classic cars.

There are few Marylanders—and even fewer Montgomery County residents—who have not benefited in one way or another from Ken's lifelong service to others. Ken has lived up to Douglas Adams's—author of "The Hitchhiker's Guide to the Galaxy"—maxim, "To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity." I want to thank Ken's family for "sharing" him with the people of Montgomery County and all Marylanders. Above all, I want to thank Ken himself for his wise counsel and friendship over the years. While he no longer works for me in an official capacity, I will continue to rely on him unofficially in the weeks and months ahead while hoping that he spends more time with his family and friends and recreational pursuits.

## ADDITIONAL STATEMENTS

### 100TH ANNIVERSARY OF LACONIA MOTORCYCLE WEEK

• Ms. HASSAN. Mr. President, today it is my pleasure to recognize the 100th anniversary of Laconia, New Hampshire's Motorcycle Week. Over the last century, riders from New Hampshire and across the country have gathered in Laconia—the heart of New Hampshire's beautiful Lakes Region—to gather with friends, celebrate their shared passion for motorcycles, and ride together.

Many consider Laconia's Bike Week to be the oldest national motorcycle rally in the country. For decades, it was the largest motorcycle rally in the United States, and it still draws more than 300,000 people a year, which helps support the economy of the Lakes Region and the rest of New Hampshire as Bike Week participants patronize our small businesses. Laconia Bike Week is a well-known and beloved tradition for countless Granite Staters and bikers near and far. For many, just the name Bike Week evokes fond memories of Laconia rallies from past years, from cruising New Hampshire's highways and scenic byways, to spending time with friends, old and new.

Bike Week, of course, does not happen without effort; it takes time and dedication from the event organizers, who each summer come together to make this week possible. Nor is it by chance that this event takes place in New Hampshire; Bike Week is a part of the very fabric of the Granite State. Bike Week shows off our State's natural beauty; a ride through Laconia, with an open road ahead and a breeze from Lake Winnepesaukee blowing by, reminds us of why Granite Staters are always proud to call New Hampshire home. For bikers and nonbikers alike, the roar and thunder of engines, the thrill of zooming down a highway, the dazzling tricks and stunts performed at rallies—summon up our State's spirit.

One of the many pieces that makes Bike Week special is that riders have also regularly used the event as a means to raise awareness and support for critical issues facing New Hampshire and our country. In 1957, riders raised money to help fund polio research and support families who were grappling with that disease. This year also marks the 35th anniversary of the Meredith POW/MIA Awareness Vigil and the 30th anniversary of the Freedom Ride to honor American POW/MIA servicemembers, spearheaded by the Northeast POW/MIA Network. Over the past few years, more than 2,000 motorcyclists have joined the Freedom Ride to commemorate the sacrifice of POW/MIA servicemembers and raise awareness for the missing servicemembers who have not been found. The Freedom Ride reminds servicemembers, their families, and all Americans that POW/MIA servicemembers—both those who have returned and those who remain missing—will never be forgotten.

These acts of recognition and service have helped make Bike Week into a New Hampshire and American institution. For 100 years in Laconia, Americans from all backgrounds and walks of life have come together—united by their shared enthusiasm and their deep love for our beautiful country—and worked to make our community and our country a better place. One does not have to be a biker to appreciate that this spirit of enthusiasm, service, and love of country embodies New Hampshire—and America—at our best.

On behalf of Congress and all Granite Staters, I offer my congratulations to the event organizers for 100 years of Laconia Motorcycle Week. I have no doubt that Granite Staters and Americans across the country can look forward to it for generations to come.●

### RECOGNIZING LOVE AT FIRST BITE MERCANTILE

• Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our economy and our communities. These small businesses not only employ friends and neighbors, but they showcase Idaho's creativity and values. Idaho small businesses provide invaluable goods and services and are an intrinsic element of the Gem State. These small businesses deserve to be celebrated for the integral role they play in our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor Love at First Bite Mercantile as one of Idaho's Small Businesses of the Month for June 2023.

Love at First Bite opened its doors in Idaho Falls in 2009. Despite the recession, Juli and Mike Richards took the opportunity to make their dream a reality. By 2012, they had doubled in size and, in 2019, were able to expand again. Love at First Bite began when Juli and her daughter combined their chocolate and cupcake businesses but has since grown to offer a wide variety of products. In addition to gourmet food items, Love at First Bite is known for their line of specialty oils and vinegars, specialty drinks, home decor, beauty products, and jewelry.

The Richards are active members of the community and regularly contribute their sweet treats to community fundraisers and school events. Each summer, Love at First Bite donates products to local libraries as a tasty incentive for youth reading programs.

Congratulations to Juli and Mike Richards and all of the employees at Love at First Bite Mercantile for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make our great State proud, and I look



forward to your continued growth and success.●

#### TRIBUTE TO ANNA BABCOCK

● Mr. RUBIO. Mr. President, I recognize Anna Babcock, the St. Lucie County Teacher of the Year, from Fairlawn Elementary Magnet School in Fort Pierce, FL.

Anna treats each day as if she is teaching future businessowners, employers, and politicians. She works to leave a lasting impact on their lives, which often causes her to remember those who helped her become the teacher she is today.

Anna credits receiving this honor to the many women who positively influenced her. She hopes her successful teaching career reflects on those who dedicated much time and effort in making her an educator and a parent.

Anna is a third generation Fort Pierce local who has taught in St. Lucie County for the past 15 years. She teaches gifted students and focuses on lesson plans that detail contributions made by women to our Nation.

I offer my deepest gratitude and best wishes to Anna for her commitment to her students. I look forward to hearing about her continued good work in the years to come.●

#### TRIBUTE TO ASHLEY BANGERT

● Mr. RUBIO. Mr. President, I recognize Ashley Bangert, the Indian River County Teacher of the Year, from Sebastian Elementary School of the Arts in Sebastian, FL.

Ashley works closely with each of her students as she is committed to supporting their academic growth. She knows building a relationship with each child is imperative in nurturing them to be successful.

Ashley also works with her fellow educators in connecting with students and their parents. This helps ensure that lessons taught in her classroom are also applied at a student's home.

Ashley is in her 17th year as an educator and is a member of her school's PTA board. She began teaching fourth grade in 2005 before becoming a fifth grade teacher and a Title-1 Reading Interventionist. She is in her second year as the math instructional coach at Sebastian Elementary School of the Arts.

I extend my sincere thanks and gratitude to Ashley for her dedication to her students. I look forward to hearing about her continued success in the years to come.●

#### TRIBUTE TO LINDSAY BEAM

● Mr. RUBIO. Mr. President, I recognize Lindsay Beam, the Calhoun County Teacher of the Year, from Blountstown High School in Blountstown, FL.

Lindsay records her classroom lessons so her students can listen to them

at home while doing their homework. She does this in the event one may be struggling with a topic. During the COVID pandemic, Lindsay would go to a student's home to help with a lesson and gives one-on-one tutoring during her free time. She wants her students to know she is always there for them and does her best for their success.

Lindsay currently teaches grades sixth and eighth grade mathematics at Blountstown High School. She graduated from Chipola College in 2008, earning her associate of arts degree in general education. She began her career in Calhoun County, teaching first grade at Blountstown Elementary School in 2010. Two years later, Lindsay moved to fifth grade, teaching reading, language arts, and social studies. She then moved to Blountstown Middle School as a sixth-grade math teacher and added eighth grade pre-algebra.

I offer my deepest gratitude and best wishes to Lindsay for her commitment to her students. I look forward to hearing about her continued good work in the years to come.●

#### TRIBUTE TO TARA KLINK

● Mr. RUBIO. Mr. President, I recognize Tara Klink, the Franklin County Teacher of the Year, from Franklin County School in Eastpoint, FL.

Teaching was different from Tara's original career plan. She initially wanted to be a biologist, but coaching volleyball at Franklin County High School made her want to be involved with students. She felt she was making more of an impact on the lives of others and decided to change careers. Tara finds teaching to be a fulfilling job and allows her to serve her community. She has worked with students in sixth, seventh, and eighth grade science. At the high school level, she taught marine science, biology, environmental science, and math for college readiness. She is currently in her 9th year of teaching and teaches forensic science.

Tara graduated as valedictorian at Apalachicola High School in 2006. She earned her bachelor's degree in environmental science from the University of West Florida in 2011. She worked 5 years for the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. Since becoming a teacher, she has sat on the homecoming and graduation committees and is president of the Franklin County Teachers Association.

I offer my deepest gratitude and best wishes to Tara for her commitment to her students. I look forward to hearing about her continued success as she enters working in school administration and completes her master's degree in educational leadership from the University of West Florida.●

#### TRIBUTE TO JOSELYN LEON

● Mr. RUBIO. Mr. President, I recognize Joselyn Leon, the Palm Beach

County Teacher of the Year, from Belle Glade Elementary School in Belle Glade, FL.

Joselyn's students serve as her biggest inspiration. She believes she is making a positive impact in the world through her work with them. She is known for her in-depth planner that details each activity. Joselyn knew she wanted to be a teacher because of her passion for working with kids. She prayed for guidance in her career and found teaching to be the answer. While teaching is her official job, Joselyn does not consider it a job because she loves what she does.

Joselyn became a fifth-grade teacher at Belle Glade Elementary School because she wanted to give back to her community. In 2017, she joined the School District of Palm Beach County and, shortly after, was named the school's Beginning Teacher of the Year.

I convey my sincere gratitude and best wishes to Joselyn for her devotion to her students. I look forward to hearing about her continued good work in the years to come.●

#### TRIBUTE TO RICHARD LOSARDO

● Mr. RUBIO. Mr. President, I recognize Richard LoSardo, the Martin County Teacher of the Year, from Martin County High School in Stuart, FL.

Richie's colleagues believe he encapsulates what it means to be a Martin County High School Tiger. He is a dedicated and passionate educator committed to seeing his students and colleagues succeed. He leads various professional learning sessions and shares engagement strategies with others with a high level of success.

Throughout Richie's career in teaching, he has taken on various Advancement Placement and Advanced International Certificate of Education Programs that furthered his learning and pushed him professionally. This earned his students' appreciation as they saw Richie continue to further his education after he graduated from Martin County High School.

Richie is the school's debate coach, leading the program and traveling with students nationwide for championship competitions. He earned recognition from the National Speech and Debate Association as a Diamond Coach. He also has taken on leadership roles and officer positions in the debate community while hosting tournaments at Martin County High School.

I am grateful for Richie's commitment to his students and work across the Martin County community. I look forward to learning more about his good work in the classroom in the years ahead.●

#### TRIBUTE TO KASEY MCKANE-BROWN

● Mr. RUBIO. Mr. President, I recognize Kasey McKane-Brown, the Okeechobee County Teacher of the Year,

from Okeechobee Freshman Campus in Okeechobee, FL.

Kasey wanted to be an educator since she was a little girl and values each day that she can impact the lives of her students. Kasey believes this award belongs not only to her, but also to her colleagues who have supported her over the years. She views her teaching as a work of heart because she gives a piece of her heart to her students' education process each day.

Kasey is a biology teacher at Okeechobee Freshman Campus. Kasey's students note she is smart and funny in the classroom and is always willing to help them in any way she can. They value her work ethic, efforts to build a strong bond with them, and appreciate how she takes an interest in them individually.

I offer my sincere thanks and best wishes to Kasey for her devotion to her students. I look forward to hearing about her continued good work in the years to come.●

#### TRIBUTE TO CARRIE WAHLQUIST

● Mr. RUBIO. Mr. President, I recognize Carrie Wahlquist, the Jefferson County Teacher of the Year, from Jefferson County K-12 School in Monticello, FL.

Since she was a child, Carrie knew she wanted to work with children. While in high school, she volunteered at a preschool and knew she was destined to become a teacher. Her favorite part of teaching young students is being their first teacher and watching them grow.

Carrie hopes her students find a love of learning in her classroom, leading them to develop confidence in their abilities and skills as readers and writers. She knows it may be challenging for them, which requires much patience to help them succeed.

Carrie earned her associate in arts degree from Tallahassee Community College and her bachelor's in elementary education from Flagler College. She began her teaching career at Jefferson Elementary in 2012 for 2 years before moving away to Massachusetts. She and her husband returned to North Florida in the Summer of 2022, where she teaches kindergarten.

I offer my deepest gratitude and best wishes to Carrie for her commitment to her students. I look forward to hearing about her continued good work in the years to come.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 777. An act to increase, effective as of December 1, 2023, the rates of compensation for veterans with service-connected disabili-

ties and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S.J. Res. 11. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards".

H.J. Res. 45. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Waivers and Modifications of Federal Student Loans".

The enrolled bill and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. WELCH).

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 9, 2023, the Speaker appoints the following Member on the part of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. Gallego of Arizona.

The message further announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 9, 2023, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. Kustoff of Tennessee, Mr. Bacon of Nebraska, Mr. D'Eposito of New York, Mr. Schneider of Illinois, and Mr. Phillips of Minnesota.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 7, 2023, she had presented to the President of the United States the following enrolled bills:

S. 777. An act to increase, effective as of December 1, 2023, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S.J. Res. 11. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards".

#### 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-1414. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Benefits Package; Chiropractic Services" (RIN2900-AQ70) received in the Office of the President of the Senate on May 10, 2023; to the Committee on Veterans' Affairs.

EC-1415. A communication from the Regulation Development Coordinator, Office of

Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Applying the Bilateral Factor in VA Disability Calculations" (RIN2900-AR51) received in the Office of the President of the Senate on May 10, 2023; to the Committee on Veterans' Affairs.

EC-1416. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Collection or Recovery by VA for Humanitarian Care or Services and for Certain Other Care and Services" (RIN2900-AQ58) received during adjournment of the Senate in the Office of the President of the Senate on May 26, 2023; to the Committee on Veterans' Affairs.

EC-1417. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "The Attorney General's Second Quarterly Report of Fiscal Year 2023 on the Uniformed Services Employment and Reemployment Rights Act of 1994"; to the Committee on Veterans' Affairs.

EC-1418. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "The Attorney General's Second Quarterly Report of Fiscal Year 2023 on the Uniformed Services Employment and Reemployment Rights Act of 1994" received in the Office of the President pro tempore; to the Committee on Veterans' Affairs.

EC-1419. A communication from the Director of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Contributions in the Name of Another" (Notice 2023-09); to the Committee on Rules and Administration.

EC-1420. A communication from the Chief Innovation Officer, Rural Development Innovation Center, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Notice of Funding Opportunity for the Empowering Rural America (New ERA) Program" received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1421. A communication from the Chief Innovation Officer, Rural Development Innovation Center, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Notice of Funding Opportunity for the Powering Affordable Clean Energy (PACE) Program" received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1422. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Geographic Boundaries" (RIN0581-AD90) (Docket No. AMS-FGIS-19-0062) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1423. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiropidion; Pesticide Tolerances; Technical Correction" (FRL No. 9839-02-OCSP) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1424. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Erucamide In Pesticide Formulations; Tolerance Exemption" (FRL No. 10868-01-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1425. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "D-Glucopyranose, oligomeric, maleates, decyl octyl glycosides, sulfonated, potassium salts; D-glucopyranose, oligomeric, maleates, C10-16-alkyl glycosides, sulfonated, potassium salts; and D-glucopyranose, oligomeric, maleates, C9-11-branched and linear alkyl glycosides, sulfonated, potassium salts; Exemption from the Requirement of a Tolerance" (FRL No. 10972-01-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1426. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzyl Alcohol; Exemption from the Requirement of a Tolerance" (FRL No. 10940-01-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1427. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Various Fragrance Components in Pesticide Formulations; Tolerance Exemption" (FRL No. 10970-01-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Exemptions of Certain Plant-Incorporated Protectants (PIPs) Derived from Newer Technologies" (FRL No. 7261-04-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on May 26, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1429. A communication from the Secretary of Energy, transmitting a legislative proposal to amend the number of authorized contracting, program management, scientific, engineering, and technical personnel within the National Nuclear Security Administration; to the Committee on Armed Services.

EC-1430. A communication from the Assistant Secretary of Defense (Energy, Installations, and Environment), transmitting, pursuant to law, a notice of additional time required to complete a report on the progress made by Department of Defense environmental programs during the prior fiscal year; to the Committee on Armed Services.

EC-1431. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-1432. A communication from the Under Secretary of Defense (Acquisition and

Sustainment), transmitting, pursuant to law, a report relative to any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year; to the Committee on Armed Services.

EC-1433. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 118th Congress; to the Committee on Armed Services.

EC-1434. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 118th Congress; to the Committee on Armed Services.

EC-1435. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 118th Congress; to the Committee on Armed Services.

EC-1436. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 118th Congress; to the Committee on Armed Services.

EC-1437. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation" (RIN0790-AL08) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Armed Services.

EC-1438. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation" (RIN0790-AL08) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Armed Services.

EC-1439. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to applications made by the Government for authority to conduct electronic surveillance for foreign intelligence during calendar year 2022; to the Committees on Banking, Housing, and Urban Affairs; Select Committee on Intelligence; and the Judiciary.

EC-1440. A communication from the Secretary of Commerce, transmitting, pursuant to law, a certification that the export of the listed items to the People's Republic of China is not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-1441. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13959 with respect to the threat from securities investments that finance certain companies of the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-1442. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-1443. A communication from the Secretary of the Treasury, transmitting, pursu-

ant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12170 with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-1444. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13219 with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC-1445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13466 with respect to North Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-1446. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13851 with respect to Nicaragua; to the Committee on Banking, Housing, and Urban Affairs.

EC-1447. A communication from the Chair and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-1448. A communication from the Chair and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Azerbaijan; to the Committee on Banking, Housing, and Urban Affairs.

EC-1449. 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 "South Sudan Sanctions Regulations" received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC-1450. A communication from the Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Economic Growth Regulatory Relief and Consumer Protection Act: Implementation of National Standards for the Physical Inspection of Real Estate (NSPIRE)" (RIN2577-AD05) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC-1451. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Form PF to Require Event Reporting for Large Hedge Fund Advisers and Private Equity Fund Advisers and to Amend Reporting Requirements for Large Private Equity Fund Advisers" (RIN3235-AM75) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC-1452. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Share Repurchase Disclosure Modernization" (RIN3235-AM94) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on Banking, Housing, and Urban Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. FETTERMAN (for himself, Mr. VANCE, Mrs. GILLIBRAND, Mr. CASEY, Mr. SCHUMER, and Mr. BROWN):

S. 1837. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to include spotted lanternfly control research and development as a high-priority research and extension initiative, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. MARSHALL, Mr. WELCH, and Mr. VANCE):

S. 1838. A bill to amend the Electronic Fund Transfer Act to require the Board of Governors of the Federal Reserve system to prescribe regulations relating to network competition in credit card transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. BALDWIN (for herself, Mr. MERKLEY, Mr. BOOKER, Ms. WARREN, Mr. BLUMENTHAL, Mr. PADILLA, Mr. FETTERMAN, Mr. MURPHY, Mr. DURBIN, Mrs. MURRAY, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. BROWN, Mr. MENENDEZ, and Mr. CARDIN):

S. 1839. A bill to improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation, gender identity, and variations in sex characteristics in certain surveys, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Ms. COLLINS, Ms. CORTEZ MASTO, Mrs. CAPITO, and Ms. KLOBUCHAR):

S. 1840. A bill to amend the Public Health Service Act to reauthorize and improve the National Breast and Cervical Cancer Early Detection Program for fiscal years 2024 through 2028, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROMNEY (for himself, Mr. KING, and Mr. COTTON):

S. 1841. A bill to promote military service through enhanced recruiting efforts, and for other purposes; to the Committee on Armed Services.

By Mr. MARSHALL (for himself, Ms. BALDWIN, Mr. MORAN, and Mr. BENNET):

S. 1842. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the regulation of zootechnical animal food substances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BLACKBURN (for herself, Mr. HAGERTY, Mr. TILLIS, Mr. HOEVEN, Mr. CASSIDY, Mrs. HYDE-SMITH, Mr. CRUZ, Mr. LEE, Mr. DAINES, Mr. VANCE, and Ms. ERNST):

S. 1843. A bill to amend the Immigration and Nationality Act to require a DNA test to determine the familial relationship between an alien and an accompanying minor, and for other purposes; to the Committee on the Judiciary.

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

S. 1844. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN (for herself, Mr. BARASSO, Ms. BALDWIN, and Mrs. FISCHER):

S. 1845. A bill to amend title XI of the Social Security Act to provide for the testing of a community-based palliative care model; to the Committee on Finance.

By Mr. MURPHY (for himself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. KING, Mr. WELCH, and Mr. SANDERS):

S. 1846. A bill to amend the Agricultural Act of 2014 to reauthorize and rename the Acer Access and Development Program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUDD:

S. 1847. A bill to amend title 49, United States Code, to increase access to general aviation airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. PADILLA, Mr. WELCH, Mr. MERKLEY, Ms. BALDWIN, and Mr. BOOKER):

S. 1848. A bill to establish State-Federal partnerships to provide students the opportunity to attain higher education at in-State public institutions of higher education without debt, to provide Federal Pell Grant eligibility to DREAMer students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself and Ms. KLOBUCHAR):

S. 1849. A bill to amend title XVIII of the Social Security Act to allow payments under the Medicare program for certain items and services furnished by off-campus outpatient departments of a provider to be determined under the prospective payment system for hospital outpatient department services, and for other purposes; to the Committee on Finance.

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

S. 1850. A bill to amend the Commodity Exchange Act to extend the jurisdiction of the Commodity Futures Trading Commission to include the oversight of markets that set or report reference prices for aluminum premiums, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUJÁN (for himself and Ms. MURKOWSKI):

S. 1851. A bill to address maternity care shortages and promote optimal maternity outcomes by expanding educational opportunities for midwives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of South Carolina (for himself and Mr. BOOKER):

S. 1852. A bill to amend the Public Health Service Act to reauthorize a sickle cell disease prevention and treatment demonstration program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET (for himself, Mr. CRAPO, Mrs. FEINSTEIN, Mr. RISCH, Mr. LUJÁN, Mr. KELLY, Mr. HICKENLOOPER, and Mr. HEINRICH):

S. 1853. A bill to amend the Healthy Forests Restoration Act of 2003 to reauthorize and improve the Water Source Protection Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RISCH (for himself and Mr. RUBIO):

S. 1854. A bill to amend the Foreign Aid Transparency and Accountability Act of 2016 to require the information on the ForeignAssistance.gov website to be searchable; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mrs. SHAHEEN):

S. 1855. A bill to reauthorize the Special Diabetes Program for Type 1 Diabetes and the Special Diabetes Program for Indians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. YOUNG, Ms. KLOBUCHAR, Mr. BRAUN,

Mr. MANCHIN, Mr. TUBERVILLE, Ms. BALDWIN, Mr. COTTON, Mr. CASEY, Mrs. CAPITO, Mr. FETTERMAN, Mr. VANCE, and Ms. SMITH):

S. 1856. A bill to amend the Tariff Act of 1930 to improve the administration of antidumping and countervailing duty laws, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. HOEVEN):

S. 1857. A bill to statutorily establish Operation Stonegarden, through which eligible law enforcement agencies shall be awarded grants for border security enhancement; to the Committee on the Judiciary.

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

S. 1858. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a deadline for applying for disaster unemployment assistance; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SULLIVAN (for himself, Ms. ERNST, Mrs. FISCHER, Mr. MANCHIN, Mrs. CAPITO, and Mr. BUDD):

S. 1859. A bill to prohibit the Secretary of Energy from finalizing, implementing, or enforcing the proposed rule entitled "Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself and Ms. CANTWELL):

S. 1860. A bill to direct the National Oceanic and Atmospheric Administration to establish a grant program to fund youth fishing projects; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER (for himself and Mr. SCHATZ):

S. 1861. A bill to establish a regulatory system for sustainable offshore aquaculture in the United States exclusive economic zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 1862. A bill to amend the Homeland Security Act of 2002 to provide explicit authority for the Secretary of Homeland Security and the Director of the Cybersecurity and Infrastructure Security Agency to work with international partners on cybersecurity, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself, Mr. CRAMER, Mr. KING, Ms. MURKOWSKI, Mr. HEINRICH, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. CASSIDY, and Mr. HICKENLOOPER):

S. 1863. A bill to require the Secretary of Energy to conduct a study and submit a report on the greenhouse gas emissions intensity of certain products produced in the United States and in certain foreign countries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RUBIO:

S. 1864. A bill to expand the prohibition on funding for international institutions of higher education that host Confucius Institutes and remove the authority to waive the prohibition; to the Committee on Armed Services.

By Mr. PETERS (for himself, Mr. BRAUN, and Mr. LANFORD):

S. 1865. A bill to direct agencies to be transparent when using automated and augmented systems to interact with the public or make critical decisions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL:

S. 1866. A bill to establish minimum dimensions for seats on passenger aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. MARSHALL, Ms. SMITH, Mr. BRAUN, and Ms. ERNST):

S. 1867. A bill to authorize the Secretary of Agriculture to carry out an initiative to develop, expand, and improve rural childcare, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PETERS (for himself and Mr. SCOTT of Florida):

S. 1868. A bill to require an interagency study to produce a security assessment process on adjacent space to high-security leased space to accommodate a Federal agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself, Ms. HASSAN, and Mr. KENNEDY):

S. 1869. A bill to amend title XVIII of the Social Security Act and title XXVII of the Public Health Service Act to ensure fair billing practice for items and services furnished by off-campus hospital locations, to amend such title XVIII to provide for payments for graduate nursing education costs, and for other purposes; to the Committee on Finance.

By Mr. TUBERVILLE (for himself and Mrs. GILLIBRAND):

S. 1870. A bill to amend the Commodity Exchange Act to prohibit interference in United States digital commodity markets by entities organized or established in a foreign adversary, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WHITEHOUSE (for himself, Ms. MURKOWSKI, Mr. COONS, Mr. BRAUN, Mr. DURBIN, Mr. MARSHALL, Ms. KLOBUCHAR, Mr. COTTON, Mr. MERKLEY, and Ms. COLLINS):

S. Res. 239. A resolution designating May 2023 as "ALS Awareness Month"; considered and agreed to.

By Mr. CASSIDY (for himself and Mrs. FEINSTEIN):

S. Res. 240. A resolution designating June 8, 2023, as "National Seersucker Day", designating every Thursday after National Seersucker Day through the last Thursday in August 2023 as "Seersucker Thursday", and designating June 2023 as "Seersucker Appreciation Month"; considered and agreed to.

By Mr. TILLIS (for himself and Mr. BUDD):

S. Res. 241. A resolution commending and congratulating the North Carolina Central University football team for winning the 2022 Historically Black Colleges and Universities National Football Championship in the 2022 Celebration Bowl; considered and agreed to.

By Mrs. BLACKBURN (for herself, Mr. WICKER, Mr. HAGERTY, Mr. TILLIS, Mrs. HYDE-SMITH, and Mr. WARNOCK):

S. Res. 242. A resolution commending the Tennessee Valley Authority on the 90th anniversary of the signing of the Tennessee Valley Authority Act of 1933; to the Committee on Environment and Public Works.

## ADDITIONAL COSPONSORS

S. 141

At the request of Mr. MORAN, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 141, a bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

S. 308

At the request of Mr. ROMNEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 308, a bill to end the treatment of the People's Republic of China as a developing nation.

S. 704

At the request of Ms. ROSEN, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 704, a bill to amend the Higher Education Act of 1965 to provide for interest-free deferment on student loans for borrowers serving in a medical or dental internship or residency program.

S. 723

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 723, a bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of prescription digital therapeutics under such titles, and for other purposes.

S. 759

At the request of Mr. WARNOCK, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 759, a bill to authorize the National Detector Dog Training Center, and for other purposes.

S. 762

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 762, a bill to amend title XIX of the Social Security Act to require coverage of, and expand access to, home and community-based services under the Medicaid program, to award grants for the creation, recruitment, training and education, retention, and advancement of the direct care workforce and to award grants to support family caregivers, and for other purposes.

S. 789

At the request of Mr. VAN HOLLEN, the names of the Senator from Maine (Mr. KING) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 789, a bill to require the Secretary of the Treasury to mint a coin in recognition of the 100th anniversary of the United States Foreign Service and its contribution to United States diplomacy.

S. 802

At the request of Mr. PADILLA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 802, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for a consistent definition for plant biostimulants.

S. 806

At the request of Ms. BALDWIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 806, a bill to amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, and for other purposes.

S. 907

At the request of Mr. KING, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 907, a bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a custom slaughter facility, and for other purposes.

S. 912

At the request of Mr. MANCHIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 912, a bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes.

S. 939

At the request of Mr. COTTON, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 939, a bill to counter the spread of LOGINK logistics information platform, and for other purposes.

S. 985

At the request of Mr. LANKFORD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 985, a bill to amend the Higher Education Act of 1965 to ensure campus access at public institutions of higher education for religious groups.

S. 1159

At the request of Mr. BOOZMAN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. MARSHALL) were added as cosponsors of S. 1159, a bill to amend the Equal Credit Opportunity Act to modify the requirements associated with small business loan data collection, and for other purposes.

S. 1205

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1205, a bill to modify market development programs under the Department of Agriculture, and for other purposes.

S. 1246

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 1246, a bill to amend title XVIII of the Social Security Act to strengthen the drug pricing reforms in the Inflation Reduction Act.

S. 1261

At the request of Mr. MARSHALL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1261, a bill to clarify the



treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

S. 1266

At the request of Mr. MORAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1266, a bill to amend titles 10 and 38, United State Code, to improve benefits and services for surviving spouses, and for other purposes.

S. 1291

At the request of Mr. SCHATZ, the names of the Senator from Vermont (Mr. WELCH), the Senator from Oklahoma (Mr. MULLIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Nebraska (Mr. RICKETTS) were added as cosponsors of S. 1291, a bill to require that social media platforms verify the age of their users, prohibit the use of algorithmic recommendation systems on individuals under age 18, require parental or guardian consent for social media users under age 18, and prohibit users who are under age 13 from accessing social media platforms.

S. 1315

At the request of Mr. MORAN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alabama (Mr. TUBERVILLE) were added as cosponsors of S. 1315, a bill to improve the provision of care and services under the Veterans Community Care Program of the Department of Veterans Affairs, and for other purposes.

S. 1350

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1350, a bill to require the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling, and for other purposes.

S. 1453

At the request of Mr. WICKER, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1453, a bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

S. 1455

At the request of Mr. WICKER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1455, a bill to amend the Internal Revenue Code of 1986 to provide for new markets tax credit investments in the Rural Jobs Zone.

S. 1562

At the request of Mr. MULLIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1562, a bill to ensure that Federal laws that enable Federal, State, and local law enforcement agencies to access firearms apply equally to Tribal law enforcement agencies.

S. 1585

At the request of Mr. CORNYN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor

of S. 1585, a bill to allow Federal law enforcement officers to purchase retired service weapons, and for other purposes.

S. 1669

At the request of Mr. MARKEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Kansas (Mr. MARSHALL) were added as cosponsors of S. 1669, a bill to require the Secretary of Transportation to issue a rule requiring access to AM broadcast stations in motor vehicles, and for other purposes.

S. 1674

At the request of Mr. COTTON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1674, a bill to provide for better security and accountability with respect to the strategic and non-strategic nuclear arsenals of the Russian Federation and the People's Republic of China, and for other purposes.

S. 1731

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1731, a bill to provide grants to enable nonprofit disability organizations to develop training programs that support safe interactions between law enforcement officers and individuals with disabilities and older individuals.

S. 1736

At the request of Ms. BALDWIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1736, a bill to amend the Food, Conservation, and Energy Act of 2008 to reauthorize the Farm and Ranch Stress Assistance Network.

S. 1811

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1811, a bill to ensure treatment in the military based on merit and performance, and for other purposes.

S. 1832

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1832, a bill to amend title XVIII of the Social Security Act to improve access to diabetes outpatient self-management training services, to require the Center for Medicare and Medicaid Innovation to test the provision of virtual diabetes outpatient self-management training services, and for other purposes.

S.J. RES. 25

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 25, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States".

S. RES. 208

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Mr. KING) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. Res. 208, a resolution expressing support for the designation of November 12, 2023, as "National Warrior Call Day" and recognizing the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield, especially peer-to-peer connection.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. MARSHALL, Mr. WELCH, and Mr. VANCE):

S. 1838. A bill to amend the Electronic Fund Transfer Act to require the Board of Governors of the Federal Reserve system to prescribe regulations relating to network competition in credit card transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1838

*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 "Credit Card Competition Act of 2023".

### SEC. 2. COMPETITION IN CREDIT CARD TRANSACTIONS.

(a) IN GENERAL.—Section 921 of the Electronic Fund Transfer Act (15 U.S.C. 1693o-2) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) COMPETITION IN CREDIT CARD TRANSACTIONS.—

“(A) NO EXCLUSIVE NETWORK.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2023, the Board shall prescribe regulations providing that a covered card issuer or payment card network shall not directly or through any agent, processor, or licensed member of a payment card network, by contract, requirement, condition, penalty, technological specification, or otherwise, restrict the number of payment card networks on which an electronic credit transaction may be processed to—

“(I) 1 such network;

“(II) 2 or more such networks, if—

“(aa) each such network is owned, controlled, or otherwise operated by—

“(AA) affiliated persons; or

“(BB) networks affiliated with such issuer; or

“(bb) any such network is identified on the list established and updated under subparagraph (D); or

“(III) subject to clause (ii), the 2 such networks that hold the 2 largest market shares with respect to the number of credit cards issued in the United States by licensed members of such networks (and enabled to be

processed through such networks), as determined by the Board on the date on which the Board prescribes the regulations.

“(ii) DETERMINATIONS BY BOARD.—

“(I) IN GENERAL.—The Board, not later than 3 years after the date on which the regulations prescribed under clause (i) take effect, and not less frequently than once every 3 years thereafter, shall determine whether the 2 networks identified under clause (i)(III) have changed, as compared with the most recent such determination by the Board.

“(II) EFFECT OF DETERMINATION.—If the Board, under subclause (I), determines that the 2 networks described in clause (i)(III) have changed (as compared with the most recent such determination by the Board), clause (i)(III) shall no longer have any force or effect.

“(B) NO ROUTING RESTRICTIONS.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2023, the Board shall prescribe regulations providing that a covered card issuer or payment card network shall not—

“(i) directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise—

“(I) inhibit the ability of any person who accepts credit cards for payments to direct the routing of electronic credit transactions for processing over any payment card network that—

“(aa) may process such transactions; and

“(bb) is not on the list established and updated by the Board under subparagraph (D);

“(II) require any person who accepts credit cards for payments to exclusively use, for transactions associated with a particular credit card, an authentication, tokenization, or other security technology that cannot be used by all of the payment card networks that may process electronic credit transactions for that particular credit card; or

“(III) inhibit the ability of another payment card network to handle or process electronic credit transactions using an authentication, tokenization, or other security technology for the processing of those electronic credit transactions; or

“(ii) impose any penalty or disadvantage, financial or otherwise, on any person for—

“(I) choosing to direct the routing of an electronic credit transaction over any payment card network on which the electronic credit transaction may be processed; or

“(II) failing to ensure that a certain number, or aggregate dollar amount, of electronic credit transactions are handled by a particular payment card network.

“(C) APPLICABILITY.—The regulations prescribed under subparagraphs (A) and (B) shall not apply to a credit card issued in a 3-party payment system model.

“(D) DESIGNATION OF NATIONAL SECURITY RISKS.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2023, the Board, in consultation with the Secretary of the Treasury, shall prescribe regulations to establish a public list of any payment card network—

“(I) the processing of electronic credit transactions by which is determined by the Board to pose a risk to the national security of the United States; or

“(II) that is owned, operated, or sponsored by a foreign state entity.

“(ii) UPDATING OF LIST.—Not less frequently than once every 2 years after the date on which the Board establishes the public list required under clause (i), the Board, in consultation with the Secretary of the Treasury, shall update that list.

“(E) DEFINITIONS.—In this paragraph—

“(i) the terms ‘card issuer’ and ‘creditor’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

“(ii) the term ‘covered card issuer’ means a card issuer that, together with the affiliates of the card issuer, has assets of more than \$100,000,000,000;

“(iii) the term ‘credit card issued in a 3-party payment system model’ means a credit card issued by a card issuer that is—

“(I) the payment card network with respect to the credit card; or

“(II) under common ownership with the payment card network with respect to the credit card;

“(iv) the term ‘electronic credit transaction’—

“(I) means a transaction in which a person uses a credit card; and

“(II) includes a transaction in which a person does not physically present a credit card for payment, including a transaction involving the entry of credit card information onto, or use of credit card information in conjunction with, a website interface or a mobile telephone application; and

“(v) the term ‘licensed member’ includes, with respect to a payment card network—

“(I) a creditor or card issuer that is authorized to issue credit cards bearing any logo of the payment card network; and

“(II) any person, including any financial institution and any person that may be referred to as an ‘acquirer’, that is authorized to—

“(aa) screen and accept any person into any program under which that person may accept, for payment for goods or services, a credit card bearing any logo of the payment card network;

“(bb) process transactions on behalf of any person who accepts credit cards for payments; and

“(cc) complete financial settlement of any transaction on behalf of a person who accepts credit cards for payments.”; and

(2) in subsection (d)(1), by inserting “, except that the Bureau shall not have authority to enforce the requirements of this section or any regulations prescribed by the Board under this section” after “section 918”.

(b) EFFECTIVE DATE.—Each set of regulations prescribed by the Board of Governors of the Federal Reserve System under paragraph (2) of section 921(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693o–2(b)), as amended by subsection (a) of this section, shall take effect on the date that is 180 days after the date on which the Board prescribes the final version of that set of regulations.

By Ms. COLLINS (for herself and Mrs. SHAHEEN):

S. 1855. A bill to reauthorize the Special Diabetes Program for Type 1 Diabetes and the Special Diabetes Program for Indians; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Madam President, I rise today to introduce the Special Diabetes Program Reauthorization Act of 2023 with Senator JEANNE SHAHEEN, my colleague from New Hampshire and co-chair of the Senate Diabetes Caucus. Our bipartisan bill would reauthorize and strengthen vital type 1 diabetes research happening at the National Institutes of Health and renew critical treatment, education, and prevention programs for at-risk populations, specifically Native American and Alaska Native communities, who experience

type 2 diabetes at nearly three times the national average. Together, these programs have become the Nation's most strategic and effective effort to combat diabetes and its complications, but, without an extension, both programs are at risk of expiring on September 30, 2023.

For more than 25 years, the Special Diabetes Program—comprised of the Special Statutory Funding Program for Type 1 Diabetes Research and the Special Diabetes Program for Indians, SDPI—has delivered meaningful resources and research breakthroughs for those with type 1 diabetes and also for Native Americans and Alaska Natives. This research has also led to advancements to the broader community, including the 37 million Americans with diabetes and 96 million with prediabetes. Our bill would continue these investments in the research aimed at developing a cure for diabetes and support the programs that help prevent and treat the disease and its complications.

In one of my very first meetings as a new Senator, I met a young Mainer with type 1 diabetes. I will never forget this 10-year-old boy looking up at me and telling me that he wished he could take just 1 day off from having diabetes—his birthday or Christmas—but of course he could not. This meeting led me to start the bipartisan Senate Diabetes Caucus and to begin fighting for a cure for this devastating disease.

Since then, we have made tremendous progress thanks to investments like the Special Diabetes Program. From new technologies that are making these children's lives easier to manage to treatments that can potentially delay the clinical diagnosis of type 1 diabetes, this program has generated a strong return on investment. Renewal of the SDP is absolutely critical to accelerating the progress we have made over the past two decades to treat and one day cure type 1 diabetes. Today's research represents tomorrow's cure.

As the cochairs of the Senate Diabetes Caucus, Senator SHAHEEN and I recently led a letter signed by 60 Senators advocating for the program's reauthorization and outlining why investing in the Special Diabetes Program is a cost-effective investment toward improving lives and reducing healthcare expenditures. The driving force behind this program is curing one of the United States' most costly diseases in both human and economic terms.

Our bill would reauthorize both components of the SDP through December 2025 at an annual funding level of \$170 million per program. Congress has reauthorized the SDP with bipartisan support numerous times since the program's inception in 1997. Yet funding has not increased since fiscal year 2004. During this time period, the cost of research has increased, as has the size of the Indian Health Service population and the cost of medical care. For that



reason, our bill also proposes a \$20 million increase per program. This would be the first increase for this program in 20 years.

The two programs in this reauthorization bill have had transformative effects on diabetes care. The first program is the Special Statutory Funding Program for Type 1 Diabetes Research, which provides funds to NIH's National Institute of Diabetes and Digestive and Kidney Diseases, NIDDK, for life-changing preventive diabetes research. For example, SDP-funded research laid early groundwork for artificial pancreas, AP, systems—or closed-loop “all-in-one” diabetes management systems—that have shown great promise in improving glucose monitoring and insulin delivery. Advances in technology have helped reduce costly and burdensome complications and improved the quality of life for those with the disease. There are now multiple FDA-approved artificial pancreas systems, enabling individuals with type 1 diabetes and their doctors to choose the system that works best for them. According to one study, the use of AP systems in adults could save Medicare roughly \$1 billion over 25 years.

SDP research has also helped researchers identify genes and environmental factors linked with type 1 diabetes, led to changes in clinical practice guidelines for diabetic eye care, and supported clinical trials on therapeutics to prevent and treat the disease. For example, landmark research conducted by SDP-funded TrialNet demonstrated for the first time ever that early preventive treatment with a drug targeting the immune system delayed onset of clinical-type 1 diabetes for 2 years. This drug has since been approved by the FDA and is the first ever disease modifying therapy for type 1 diabetes.

Continued investment in this program is essential to continue large-scale trials, plan next steps for research programs, conduct outreach and education, and allocate research resources effectively. As Dr. Griffin Rodgers, Director of the NIDDK, said when testifying at a Senate Aging Committee hearing I chaired in 2019, “with continued research, it is possible to imagine that people could lead a life free of the burden of Type 1 diabetes and its complications.”

Our bill would also provide \$170 million per year to sustain a second program, the Special Diabetes Program for Indians, SDPI. SDPI supports type 2 diabetes treatment and prevention strategies for Native American and Alaska Native populations who are disproportionately burdened with type 2 diabetes at a rate of nearly three times the national average. In Maine this program benefits five Tribal communities across the state, providing approximately 5 million dollars in support for diabetes prevention activities in those Tribal populations. This Federal support is critical to reducing disparities. As Chief William Nicholas of

the Passamaquoddy Tribe in Maine recently explained, “Special Diabetes Program funding is instrumental and necessary to educate and address high rates of diabetes in Indian Country. Native Americans are high risk for diabetes, and the funding will continue the much-needed support, education, and treatment in our communities.”

Tremendous improvements are occurring in diabetes outcomes for Alaska Natives and Native Americans, and the SDPI has played a key role, just as Congress envisioned when the program was created. Although diabetes rates among the IHS service population remain high, with the help of this program, diabetes rates in youth in these communities have not increased in more than 10 years, and diabetes rates in Alaska Native and Native American adults have not increased since 2011. Communities with SDPI-funded programs have actually seen the diabetes incidence rate decrease consistently since 2013.

The program is effective by other measures as well. Since SDPI began, there has been a 50-percent reduction in diabetic eye disease rates among Alaska Natives and Native Americans; hospitalizations for uncontrolled diabetes among Alaska Native and Native American adults have dropped by 84 percent; and the rate of end-stage renal disease has fallen by more than 50 percent. These positive clinical outcomes have reduced the risk for blindness, amputations, and kidney failure, in addition to preventing the onset of type 2 diabetes.

The Special Diabetes Program is funding research that is leading directly to the development of new insights and therapies that are improving the lives of those with diabetes and accelerating progress toward curing and preventing the disease. Ruby Anderson, a young Mainer with type 1 diabetes who testified before the 2019 JDRF Children's Congress, put an even finer point on the need to reauthorize the SDP. Ruby she said she doesn't want her brother or sister to have to go through what she has experienced. As she told Senators, “We need more research to find a cure. We need even better devices. And we need to figure out what causes T1D so we can stop it.”

I couldn't agree more with Ruby, and I am confident the Special Diabetes Program will make these objectives possible. I urge my colleagues to support a multi-year extension of this important program so that one day we will find a cure to this debilitating disease.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 239—DESIGNATING MAY 2023 AS “ALS AWARENESS MONTH”

Mr. WHITEHOUSE (for himself, Ms. MURKOWSKI, Mr. COONS, Mr. BRAUN, Mr. DURBIN, Mr. MARSHALL, Ms. KLO-

BUCHAR, Mr. COTTON, Mr. MERKLEY, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas amyotrophic lateral sclerosis (referred to in this preamble as “ALS”) is a progressive neurodegenerative disease that affects nerve cells in the brain and the spinal cord;

Whereas the life expectancy for an individual with ALS is between 2 and 5 years after the date on which the individual receives an ALS diagnosis;

Whereas ALS occurs throughout the world with no racial, ethnic, gender, or socioeconomic boundaries;

Whereas ALS may affect any individual in any location;

Whereas the cause of ALS is unknown in up to 90 percent of cases;

Whereas approximately 10 percent of ALS cases have a strong known genetic driver;

Whereas, on average, the period between the date on which an individual first experiences symptoms of ALS and the date on which the individual is diagnosed with ALS is more than 1 year;

Whereas the onset of ALS often involves muscle weakness or stiffness, and the progression of ALS results in the further weakening, wasting, and paralysis of—

(1) the muscles of the limbs and trunk; and  
(2) the muscles that control vital functions, such as speech, swallowing, and breathing;

Whereas ALS can strike individuals of any age, but it predominantly strikes adults;

Whereas it is estimated that tens of thousands of individuals in the United States have ALS at any given time;

Whereas, based on studies of the population of the United States, more than 5,000 individuals in the United States are diagnosed with ALS each year, and 15 individuals in the United States are diagnosed with ALS each day;

Whereas, every 90 minutes, someone dies from ALS in the United States;

Whereas the majority of individuals with ALS die of respiratory failure;

Whereas, in the United States, military veterans are more likely to be diagnosed with ALS than individuals with no history of military service;

Whereas, as of the date of introduction of this resolution, there is no cure for ALS;

Whereas the spouses, children, and family members of individuals living with ALS provide support to those individuals with love, day-to-day care, and more; and

Whereas an individual with ALS, and the caregivers of such an individual, can be required to bear significant costs for medical care, equipment, and home care services for the individual as the disease progresses: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 2023 as “ALS Awareness Month”;

(2) affirms the dedication of the Senate to—

(A) ensuring individuals with amyotrophic lateral sclerosis (referred to in this resolving clause as “ALS”) have access to effective treatments and high quality services and supports as early as possible after diagnosis;

(B) identifying risk factors and causes of ALS to prevent new cases;

(C) empowering individuals with ALS to engage with the world in the way they want; and

(D) reducing the physical and emotional burdens of living with ALS; and

(3) commends the dedication of the family members, friends, organizations, volunteers, researchers, and caregivers across the United

States who are working to improve the quality and length of life of ALS patients and the development of treatments and cures that reach patients as soon as possible.

**SENATE RESOLUTION 240—DESIGNATING JUNE 8, 2023, AS “NATIONAL SEERSUCKER DAY”, DESIGNATING EVERY THURSDAY AFTER NATIONAL SEERSUCKER DAY THROUGH THE LAST THURSDAY IN AUGUST 2023 AS “SEERSUCKER THURSDAY”, AND DESIGNATING JUNE 2023 AS “SEERSUCKER APPRECIATION MONTH”**

Mr. CASSIDY (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas seersucker was introduced to the United States in the South in the middle of the 19th century;

Whereas seersucker suits were popularized in the United States in the early 1900s by New Orleans businessman Joseph Haspel at his Broad Street facility in New Orleans, Louisiana;

Whereas, as a lightweight, hard-wearing fabric, seersucker is mostly worn and enjoyed by the people of the United States during hot summer months;

Whereas former Senator Trent Lott of Mississippi brought Seersucker Thursday to Congress in 1996, and after the day went unobserved in 2012 and 2013, then-Representative Bill Cassidy revived the tradition in the House of Representatives in 2014 and, with the help of Senator Dianne Feinstein, has continued the tradition ever since;

Whereas the name “seersucker” originates from the Persian phrase “shir-o-shakar”, meaning “milk and sugar”, alluding to the alternating textures of the fabric;

Whereas the seersucker textile is made of cotton, linen, or silk (or combinations thereof), woven on a loom with threads at different tensions, creating alternating stripes of smooth and puckered textures that do not lay flat on one’s skin, which is what makes the fabric so breathable; and

Whereas one of the two alternating stripes in seersucker is frequently in a color, typically blue, but sometimes gray, green, tan, red, pink, or another color, which, in combination with the white stripes, creates the iconic pattern so well known today: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 8, 2023, as National Seersucker Day;

(2) designates every Thursday after National Seersucker Day through the last Thursday in August 2023 as “Seersucker Thursday”;

(3) designates June 2023 as “Seersucker Appreciation Month”;

(4) recognizes the contributions of the hard-working people of the United States through the wearing of seersucker, the unique warm weather clothing known as the working person’s uniform;

(5) encourages Senators to support the objective of National Seersucker Day and Seersucker Thursday;

(6) encourages local governments in the United States to build partnerships with local organizations and other members of the clothing industries and enthusiasts to promote the wearing of seersucker; and

(7) invites the people of the United States to don their warm weather finest on National Seersucker Day and every Seersucker Thursday.

**SENATE RESOLUTION 241—COMMENDING AND CONGRATULATING THE NORTH CAROLINA CENTRAL UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2022 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES NATIONAL FOOTBALL CHAMPIONSHIP IN THE 2022 CELEBRATION BOWL**

Mr. TILLIS (for himself and Mr. BUDD) submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas the Celebration Bowl is the event in which the National Collegiate Athletic Association Division I’s 2 most prestigious Historically Black Colleges and Universities (referred to in this preamble as “HBCUs”) conferences compete for the National Championship;

Whereas the North Carolina Central University Eagles claimed the 2022 Mid-Eastern Athletic Conference Championship, and the Jackson State University Tigers won the Southwestern Athletic Conference Championship;

Whereas, on Saturday, December 17th, 2022, the North Carolina Central University Eagles defeated Jackson State University by a 41 to 34 overtime victory at Mercedes-Benz Stadium in Atlanta, Georgia;

Whereas this is the fourth HBCU Football Championship won by North Carolina Central University, following titles won in 1954, 2005, and 2006;

Whereas North Carolina Central University Head Coach and alumnus Trei Oliver has achieved 5 conference championships and 3 Black College Football National Titles in his 20 years of coaching;

Whereas North Carolina Central University quarterback Darius Richard and defensive back Khalil Baker were named the Most Valuable Players of the 2022 Celebration Bowl;

Whereas quarterback Darius Richard sealed victory for the Eagles with a rushing touchdown and a successful extra point attempt by placekicker Adrian Olivo in overtime; and

Whereas the 2022 Eagles are the third roster in North Carolina Central University football history to reach double-figure victories with 10 wins and 2 losses in a season: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the North Carolina Central University football team for winning the 2022 Celebration Bowl;

(2) congratulates the fans, students, and faculty of North Carolina Central University; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the Chancellor of North Carolina Central University, Dr. Johnson O. Akinleye;

(B) the Provost of North Carolina Central University, Dr. David H. Jackson; and

(C) the Head Coach of the North Carolina Central University football team, Trei Oliver.

**SENATE RESOLUTION 242—COMMENDING THE TENNESSEE VALLEY AUTHORITY ON THE 90TH ANNIVERSARY OF THE SIGNING OF THE TENNESSEE VALLEY AUTHORITY ACT OF 1933**

Mrs. BLACKBURN (for herself, Mr. WICKER, Mr. HAGERTY, Mr. TILLIS, Mrs. HYDE-SMITH, and Mr. WARNOCK) sub-

mitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 242

Whereas the Tennessee Valley Authority (referred to in this preamble as the “TVA”) was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of floods and flood damage, provide low-cost electricity, and promote environmental stewardship and economic development in the region;

Whereas the long-standing mission of the TVA, born during the Great Depression, is to improve the quality of life across a 7-State region, including Alabama, Georgia, Tennessee, Mississippi, Kentucky, North Carolina, and Virginia;

Whereas the integrated management of the Tennessee River system by the TVA provides a wide range of benefits that include reliable, affordable, and resilient electrical power, flood control, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the TVA has improved navigation of the Tennessee River system and facilitated river freight transportation;

Whereas the TVA has reduced the risk of flood damage through the construction of locks, dams, and reservoirs throughout the Tennessee Valley;

Whereas the TVA provides reliable, affordable, resilient, and clean electricity and has stimulated economic growth;

Whereas the TVA continues to promote economic development by helping companies and communities attract investments that bring good jobs to the Tennessee Valley; and

Whereas the TVA continues to pursue new ideas and innovate through the service of a committed and skilled workforce: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Tennessee Valley Authority on the 90th anniversary of the signing of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

(2) honors the accomplishments of the Tennessee Valley Authority in improving the quality of life for the citizens throughout the Valley by improving navigation, controlling floods, promoting environmental stewardship, and providing reliable, affordable, resilient, and clean electricity throughout the Tennessee Valley;

(3) recognizes the Tennessee Valley Authority, and all its employees and retirees, for its long and proud history of service in the areas of energy, the environment, and economic development throughout Alabama, Georgia, Tennessee, Mississippi, Kentucky, North Carolina, and Virginia; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to—

(A) the Chairman of the Board of the Tennessee Valley Authority, William Kilbride; and

(B) the Chief Executive Officer of the Tennessee Valley Authority, Jeffrey Lyash.

#### AUTHORITY FOR COMMITTEES TO MEET

Ms. DUCKWORTH, Madam President, I have 10 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 10 a.m., to conduct a subcommittee hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 3 p.m., to conduct a hearing.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 3 p.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON EUROPE AND REGIONAL  
SECURITY COOPERATION

The Subcommittee on Europe and Regional Security Cooperation of the Committee on Foreign Relations is au-

thorized to meet during the session of the Senate on Wednesday, June 7, 2023, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that the following members of my staff be granted floor privileges until June 8, 2023: Ms. Maddy Dibble, Mr. Jack Lieux, and Mr. Chris Le, who are with me here today.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable SUSAN COLLINS of Maine.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 239, S. Res. 240, and S. Res. 241.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I know of no further debate on the resolutions en bloc.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolutions en bloc.

The resolutions (S. Res. 239, S. Res. 240, and S. Res. 241) were agreed to en bloc.

Mr. SCHUMER. I ask unanimous consent that the preambles be agreed to and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The preambles were agreed to en bloc.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR THURSDAY, JUNE 8,  
2023

Mr. SCHUMER. Finally, I ask unanimous consent that when the Senate

completes its business today, it stand adjourned until 10 a.m. on Thursday, June 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Silfen nomination; further, that at 11:30 a.m., notwithstanding rule XXII, the Senate vote on confirmation of the Syed nomination, followed by the cloture vote on the Silfen nomination, and that if cloture is invoked on the Silfen nomination, all postcloture time be considered expired at 1:45 p.m.; finally, that if nominations are confirmed during Thursday's session, 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. Mr. 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 6:08 p.m., adjourned until Thursday, June 8, 2023, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7, 2023:

DEPARTMENT OF JUSTICE

JUSTIN L. MARTINEZ, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

WILLIAM R. HART, OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF ENERGY

DAVID CRANE, OF NEW JERSEY, TO BE UNDER SECRETARY OF ENERGY.

DEPARTMENT OF JUSTICE

SHANNON R. SAYLOR, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.