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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, May 5, 2023, at 11 a.m.

## Senate

WEDNESDAY, MAY 3, 2023

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 Father, strong to save, whose arms have bound the restless waves, let Your still, small voice echo down time's corridors to renew our law-makers and to lift their vision of one Nation guided by Your wisdom. Inspire them to dedicate themselves to eternal values and to be unafraid of the consequences of following the highest standards they know.

Lord, guide them by Your living Word, as You infuse them with the spirit of service. Help them to see that nothing they do can separate them from Your love. Do for them, as You have promised, more than they can ask or imagine.

We pray in Your Holy 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, May 3, 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 Orelia Eleta

Merchant, of New York, to be United States District Judge for the Eastern District of New York.

### RECOGNITION OF THE MAJORITY LEADER

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

Mr. SCHUMER. Mr. President, I hope you had a good birthday yesterday.

The ACTING PRESIDENT pro tempore. Thank you.

### DEBT CEILING

Mr. SCHUMER. Mr. President, decades ago, President Reagan warned that debt ceiling brinksmanship "threatens the holders of government bonds and those who rely on social security and veterans benefit . . . [and] the United States," he said, "has a special responsibility to itself and to the world to meet its obligations.

If President Reagan were around today, he might well be exiled by a modern Republican Party that in many ways seems dead set—dead set—on abandoning that special responsibility never to default.

We have less than a month to go until we hit June 1. Every day wasted is another day closer to catastrophe. At stake is the well-being of families, retirees, veterans, kids, and the very stability of our economy.

But by ramming the "Default on America Act" through the House—totally partisan, knowing full well this bill can never become law—Speaker MCCARTHY and the hard right have made the odds of default go up. By handing his gavel over to the hard right, the Speaker is giving the American people two terrible options: either default on the debt or default

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



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on the country, with steep cuts to law enforcement, first responders, veterans, seniors, and even cancer research. Just think how radical such an ultimatum truly is. It is a dramatic break from how both parties have approached default in the past.

On one hand, a Republican default would crash the economy, increase costs, and kill American jobs. Unemployment would rise to at least 8 percent. Mortgage and car payments would all go up by a lot, while the value of pensions and 401(k)s would come crashing down. That is the future that Speaker McCarthy and the House Freedom Caucus have made more likely by passing the “Default on America Act.”

But the alternative is also a nightmare scenario. If the Republicans’ “Default on America Act” became law, 1 million seniors—1 million seniors—would lose access to Meals on Wheels. These are seniors who literally can’t get food on their own much of the time and rely on others bringing it to them. They would be on the chopping block if the GOP has its way. Deprive seniors who can’t leave their homes of food—what is that all about?—so that some very wealthy, wealthy multibillionaires don’t have to pay any taxes? It is outrageous.

Here is another one. The Republican “Default on America Act” would eliminate 30,000 law enforcement jobs across the country. Do you know what that means? Gun violence will get even worse. Our neighborhoods will become less safe. Border security would be deprived of billions in crucial resources. The war on opioids would decline, and more addictions, crimes, and others from opioid use would go up. What is that all about?

Once again, the hard right—totally enthralled by the very wealthy, wealthy few who are so greedy, they don’t want to pay any taxes—say cut things like this. Cut law enforcement. Cut Meals on Wheels.

The “Default on America Act” would shamefully attack our Nation’s veterans, purging 80,000 VA jobs, leaving our Nation’s heroes without the care they have earned throughout a lifetime of service.

These are just three of many. Eliminate Meals on Wheels; greatly hurt our efforts at law enforcement and safety by dramatically cutting, defunding police; greatly—greatly—tying the hands of the VA so that veterans would get worse healthcare and they would have to wait even longer—this is what the Republicans’ “Default on America” bill does. That is why it is dead on arrival—not for some political ideological reason, but it would do such harm.

When you wonder about the motivation of the Republicans, it ultimately is this, these rightwing Republicans. Listen to the greedy few, the powerful greedy few who don’t want to pay any taxes and want to have taxes reduced. Some of them even called for even eliminating the income tax.

Finally, the “Default on America Act” is chock-full of totally irrelevant, hard-right goodies that would deregulate fossil fuel, reward corporate greed, shower the ultrarich with tax giveaways, and impose cruel and unpopular work requirements on vulnerable families.

Whether it is kicking seniors to the curb, cutting law enforcement jobs, or abandoning our veterans, everything about the “Default on America Act” wreaks of MAGA extremism. So it is no wonder the Republicans did it in secret. It is no wonder that they didn’t want to do what they promised to do: have hearings, have witnesses, have bipartisan discussions and amendments.

But if Republicans won’t level with the American people about their terrible bill, Senate Democrats are going to do it for them. Tomorrow, the Senate Budget Committee will hold a hearing on how the “Default on America Act” would weaken the economy and slash hundreds of thousands of jobs. I want to thank Chairman WHITEHOUSE and all the members of the committee for doing the important work of bringing this bill to the public eye because the American people deserve better.

Incredibly—incredibly—tomorrow’s hearing will be the very first hearing in either House that actually looks at what the “Default on America Act” does. Amazing. This huge bill that affects almost every aspect of American life—they haven’t had one hearing on the issues they are doing. But we are going to start doing it, and that hearing will be the first, but there will be many others.

As Democrats shine a light on how unserious and extreme the Republican “Default on American Act” is, our view about the path forward remains the same: can’t choose the “Default on America Act”; must avoid the horrors of default; pass a clean bipartisan bill to avert default.

#### CHINA

Mr. President, later today, I will join my colleagues and committee chairs at a press conference to talk about the next steps in the Senate’s effort to outcompete the Chinese Government and preserve America’s global leadership in the 21st century.

The Democratic-led Senate has done some important bipartisan work to outcompete the Chinese Communist Party in the last few years. The infrastructure, CHIPS and Science, and the omnibus bill all did some in that regard. But we all know we can’t stop there. We have to build on this progress. This work is critical to our national security. It won’t be enough to outcompete the Xi regime in any single area. We must be ready to compete with all of them on all these fronts, and that will require comprehensive and bipartisan legislation.

We must not aid and abet the Chinese Government’s development of advanced technologies—like microchips, 5G, AI, quantum computing, and more—that will shape the course of this century.

We must limit investment capital from flowing to the Xi regime—the Chinese Government—and prevent them from taking advantage of America’s critical assets. We must continue in investing in our workforce and other key technology areas that drive American innovation. We must strengthen our economic and military alliances and partnerships around the world to constrain Chinese potential aggression.

The Chinese Government is not constraining itself in its pursuit to dominate the 21st century, and if we in America were to rest on our laurels, if we let the CCP beat us, it would have certain consequences for the world’s democratic nations.

The United States cannot afford to cede its leadership to governments opposed to democracy and individual liberty. We cannot let authoritarianism call the shots in the 21st century. So that is why this bipartisan effort in the Senate will be so important.

The Senate has already shown that both sides are capable of working together on this most important issue, and I thank my colleagues who will join me at our press conference later this afternoon.

#### BUSINESS BEFORE THE SENATE

Mr. President, finally, on Senate business, it is going to be another busy day here on the Senate floor. Later this morning, the Senate will vote on the confirmation of Orelia Merchant, whom I was proud to recommend to President Biden to serve as district judge for the Eastern District of New York. We will also advance the nomination of two more terrific nominees: Wesley Hsu to serve as a district judge for California and LaShonda Hunt to serve as district judge for Illinois. By the end of this week, the Senate will have moved forward with one circuit judge, Anthony Johnstone, and as many as five new district court judges.

The Senate will continue doing the important work of ensuring the Federal bench is filled with excellent, mainstream, and highly qualified judges in the weeks and months to come.

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.

#### DEBT CEILING

Mr. McCONNELL. Mr. President, months of inaction by President Biden have left our Nation drifting toward economic disaster. His own administration says our Nation is only weeks away from a debt crisis, but there has been a total absence of Presidential

leadership. President Biden has simply been MIA.

First, the President said he would not negotiate unless Speaker MCCARTHY and House Republicans passed their own bill. So they did. Our Republican colleagues in the House passed a responsible bill. It is the only legislation currently in existence that can pass even one Chamber of Congress, let alone both.

Let that sink in.

This is where we are. Senate Democrats and Leader SCHUMER can give all the angry speeches they want, but they have no bill. Leader SCHUMER has no plan that can earn 60 votes here in the Senate. He has no solution that can even pass his Chamber, let alone the House. Speaker MCCARTHY and House Republicans are the only people in Washington who have actually passed legislation to avoid default.

The Senate majority offers plenty of angry noises but zero plan. The only solution is Presidential leadership. President Biden has been sleepwalking toward this crisis.

It is time to wake up—time to wake up.

The President has two options. He can endorse the responsible bill the House Republicans have already passed and instruct Senate Republicans not to block it in this Chamber or he can finally sit down with Speaker MCCARTHY and reach an agreement. The Speaker of the House has been sitting at the grownup's table for months waiting for President Biden to act like a leader.

Whatever President Biden and Speaker McCarthy can both agree to will pass the Senate easily. Any bill that doesn't meet that description appears to have no chance.

So I am glad President Biden has begun backing down and finally advised the Speaker to begin negotiating. I accept his invitation to join the meeting myself, but I will continue to lend my support to the Speaker.

#### CONGRESSIONAL REVIEW ACT VOTES

Mr. President, on another matter, today the Senate has two opportunities to roll back this administration's overreach and redtape.

The first resolution is from our colleague Senator MARSHALL. It builds on bipartisan efforts to remedy a hugely painful side effect of the Endangered Species Act that is holding American farms, ranches, and other small businesses hostage to an animal called the lesser prairie-chicken—the lesser prairie-chicken. Americans in Kansas and Oklahoma were already striking a careful balance between prosperity and conservation without Washington meddling. A voluntary partnership between local landowners and officials had already secured 15 million acres of potential habitat.

Since 2013, the population of this particular bird is actually up. But the Biden administration wants to plow ahead anyway, throw the book at these Americans, and threaten nearly \$14 billion in agricultural production.

The second resolution tackles an issue that is top of the mind for many Senators: winning the economic competition with the Chinese Communist Party.

Last June, President Biden issued an emergency proclamation to let unfairly traded Chinese solar panels enter U.S. markets without additional tariffs that should have applied. In other words, the Democrats went soft on China for the sake of their Green New Deal daydreams. At the time, President Biden's own Commerce Department was investigating Chinese producers for circumventing solar panel tariffs by rerouting products through other countries.

American workers and manufacturers were counting on the results of that investigation to reestablish a fair and level playing field. In December, a preliminary report did find the Chinese companies had cheated, but the administration threw in the towel and gave China a win.

Today, the Senate can join the House and take bipartisan action to freeze the President's so-called emergency proclamation and make his administration hold China's unfair trade practices actually to account. I hope each of my colleagues will join me in supporting both of these commonsense resolutions.

The ACTING PRESIDENT pro tempore. The majority whip.

#### NATIONAL INSTITUTES OF HEALTH

Mr. DURBIN. Mr. President, the National Institutes of Health here in the Washington, DC, area is the leading health research Agency in the world—in the world. And we are very proud of that fact.

One of the leaders of the NIH, through Presidents of both political parties, was Dr. Francis Collins, who still is part of the Biden administration. But as head of NIH, he really brought the research capacity of that Agency to a historic high.

I visited him about 6 years ago and said: What can I do as a Member of the Senate to help you when it comes to medical research?

He said: Well, the researchers that we count on to come through with the breakthroughs in medical research are never sure what Congress is going to do. Are you going to fund us this year as much money as last year or are you going to cut our budgets? Some of the researchers give up even on promising projects because they are uncertain about the future. He said: The best thing you can do, Senator, is to get 5 percent real growth in the spending at the National Institutes of Health year in and year out.

I said: Dr. Collins, I will take you up on that.

I came back here to the Senate and discovered that the person I needed to win to my point of view on this was Republican Senator Roy Blunt from Missouri. He chaired the Appropriations subcommittee, which funded that Agency. So I went to Roy, and I said:

Here is what Dr. Collins said. We all respect him. For a man who discovered the human genome, we should respect him. He thinks 5 percent real growth can make a difference.

Roy Blunt, Republican, said: I need to have Lamar Alexander and another Republican Senator on my side, and you need to make sure PATTY MURRAY is on your side. I said: I am sure she is, but I will double check.

So we put together a team of four of us—two Democrats, two Republicans—and we did it—5 percent real growth in the budget of NIH—about 6 years ago.

The response was positive across the Nation. Researchers said: If this is going to be the future, we are going to stick with our research to see what we can find to help people alleviate suffering.

So our team put together an effort that raised the annual budget of the National Institutes of Health from \$30 billion to \$40 billion. It was a bipartisan effort and a good effort. Luckily, some of the research that they had undertaken was of practical value to families across America during the coronavirus epidemic. So we felt pretty good about it.

#### MEDICAL RESEARCH

Let me switch to another topic. One of the most insidious diagnoses that a person can get is to learn that they have brain cancer, glioblastoma. There are 40,000 Americans each year who are diagnosed with brain cancer. It usually gives them 2 years to live when they receive that diagnosis—14,000 Americans each year.

Ironically—coincidentally—it seems to have touched this body more than most. It was glioblastoma that took the life of Teddy Kennedy and John McCain and one of our great friends in the Democratic cloakroom, Tim Mitchell. I don't know why. I don't know if that is just a coincidence, but it certainly drove home to all of us what a serious diagnosis this is—glioblastoma, brain cancer.

I am going to delve into territory here where my education has not prepared me. I am a liberal arts major and have a law degree. I will be talking a little about science, but, luckily, I will be reading it to make sure I get it right.

One of the real obstacles to treating brain cancer is what is known as the blood-brain barrier. You can give—inject—a medicine into an ordinary person, and it will flow through their veins, but it won't get into the brain. So the treatment of many brain cancers is very basic—surgery—to try to remove the tumor with surgery. But the problem is, of course, surgery can't capture every errant cancer cell that might be flowing through the brain, and eventually, the brain cancer overcomes even surgical attempts. So there has always been a barrier, the blood-brain barrier.

The treatment has been dealing with and trying to find a way to get into the brain with chemotherapy. The good

news is that this morning, it was announced that Northwestern University—which I am proud to represent in the city of Chicago—has made some breakthroughs. If you will bear with me for a moment, I want to make sure I state this properly:

For the first time, previously unusable chemotherapy drugs reached brain tumors in humans after a cutting-edge procedure at Northwestern University team [in Chicago].

Doctors achieved the breakthrough with an innovative mix of ultrasound and microbubbles that opened the blood-brain barrier to allow the drugs to pass through.

Dr. Adam Sonabend, one of the co-lead investigators, said:

This is a starting point to open the doors for . . . 95% of drugs that are usually not [even] considered for treating brain diseases.

The Northwestern team released a report on the use of the procedure to treat 17 patients with glioblastoma, the most common and malignant form of brain cancer that has been viewed as incurable. The treatment led to a four- to sixfold increase in drug concentrations in the patients' brains, the researchers [said].

Dr. Sonabend goes on to explain the situation: The blood-brain barrier that blocks many drugs used to treat cancer also blocks the dye that they were using to see if they could finally go through with this procedure. Dr. Sonabend said when he injected the dye while using the new ultrasound procedure, the dye appeared first in the patient's blood vessels, but then it passed the blood-brain barrier and spread into the brain. The patient's brain lit up on the x ray that was taken during this procedure to show the effectiveness of this approach.

Dr. Roger Stupp, chief of neurooncology at Northwestern University Feinberg School of Medicine also helped to lead the project. He said that "This is the first trial that has taken it to the next level with chemotherapy drugs" that you ordinarily could not use for brain tumors.

Dr. Sonabend said:

"In glioblastoma patients, cancer cells scattered through the brain surrounding the tumor inevitably linger after surgery. They have been impossible to get to . . ."

Now we have an avenue that might be promising to start dealing in more effective ways, not only with brain cancer but also with Parkinson's and Alzheimer's.

It is amazing to me. It literally made my day to read that story, that these researchers funded by the National Institutes of Health here in Washington may have finally come through with the ultimate breakthrough that will allow us to treat brain cancer more effectively. Can you imagine the hope this creates in the hearts and minds of so many families who have a victim of brain cancer in their family?

Now why do I raise this on the floor other than to tell you, I think, a fascinating and important story? I do it because it is a political issue. We just heard the Republican leader of the Senate come forward and tell us that he supports the proposal by the House Republicans on budget cuts.

Do you know what the House Republican budget does to medical research at the NIH?

Let me read it to you. They propose ending the bipartisan commitment to the National Institutes of Health by cutting more than \$10 billion in 2024. That is 25 percent of the budget for medical research and more than \$100 billion over the next 10 years. That will shutter hundreds of labs across the country, lead to fewer drugs being developed for cancer, diabetes, serious mental illness, and other devastating conditions. It will decimate American biotechnology innovation and economic growth. Sadly, it will allow China to become the global leader in biomedical R&D.

So when we talk about the budget here and budget cuts and they say: We are just going to cut \$10 billion, we have got to step back and say: Well, what does that do for medical research in America? Take a step backwards. The hard bipartisan work that brought us to \$40 billion is wiped away overnight. Researchers like those at Northwestern may lose heart and worry whether or not there is enough money to continue their research projects and innovation.

What will we lose in terms of quality of life? We will lose the opportunity to come up with the cures that people count on.

That is why this means so much to me. It is a small part of the cuts that have been proposed by the Republicans in the House, but it is the part that troubles me the most. We have got to keep our commitment to medical research for the good of this Nation and for the families that count on us to make certain we come up with new cures.

We are blessed in America to have the best researchers on Earth. I would take them over any other country, and most Americans would. But are we going to stand by them, or are we going to make the deep cuts in areas like medical research as part of this political debate?

#### JUDICIARY COMMITTEE HEARINGS

Mr. President, you were there yesterday when the Senate Judiciary Committee met. I chair that committee, and we had a strong turnout of Democrats and Republicans to consider an issue which everyone has read about and heard about over the last several weeks, and that is, the ethical standards applied at the Highest Court in the land, the United States Supreme Court, across the street.

We all read the news stories that led to this hearing and the questions raised about one particular Justice—but not him alone—in terms of gifts that they received and whether it influences their decisionmaking on the Court. That is basic and fundamental. If you think the fix is in on the Court, you don't have much respect for their operation.

So the question is, what is going on in the Supreme Court? And as it turns

out, as you well know, we have ethical standards and codes of conduct all across the Federal Government that apply to the Members of the Senate and the House and executive branch and to all of the courts below the Supreme Court in terms of financial disclosure and basic rules on what you can do and what you can't do.

For example, there is a basic standard that is used for gifts—gifts for Members of the Senate and House—that puts a limit of \$50 on the value of any gift. I have returned gifts given to me that I think exceeded that value, and I am sure the Presiding Officer has as well. That is our standard. But there is no ethics code of conduct, as best we can understand, when it comes to the Supreme Court, the Highest Court in the land. So, it turns out the Highest Court in the land has some of the lowest ethical standards.

Why? Well, when this came to light in the news articles relating to Justice Thomas, I wrote to the Chief Justice of the Supreme Court, John Roberts, and invited him to come to the hearing yesterday to tell his side of the story. What is the Supreme Court doing when it comes to ethical standards? They don't play by the same rules as all the other courts in the America. What are their standards?

Well, the Chief Justice declined my invitation and sent along some documents to indicate what he thinks are the rules of the road for ethics in the Supreme Court now. They were interesting; but, unfortunately, they reveal that the standards of the Highest Court in the land are not equal to the standards of all the other Federal courts.

So we had a hearing yesterday on the subject. We invited witnesses from the Republican side and the Democratic side to comment on the current state of affairs. If the Chief Justice could not appear or would not appear, we went forward with the investigation, which is our responsibility under the law.

Now asking a Justice of the Supreme Court to come and testify before a congressional committee is not unusual. Ninety-two appearances have been made by Justices of the Supreme Court since 1960 before the committees of Congress. But yesterday, neither the Chief Justice nor any other Justice on the Supreme Court appeared before us.

So what we found was a surprise to me. I thought there would be some bipartisanship in this, because in the not-too-distant past, two Senators on the committee had crafted an ethics bill on the disclosure of stock holdings, sent not only to the President to sign, but it was embraced as well by the Supreme Court—a bipartisan, thoughtful measure, for sure.

But yesterday, I am afraid things were very partisan. First, there was a question as to whether or not this was an attempt to attack the conservative members of the Supreme Court by raising ethical questions. I tried to make a point, several times, that the first letter that I sent to the Chief Justice—

this Chief Justice—on the issue of a code of ethics in the Supreme Court, I delivered on February 13, 2012, during the Obama administration. So this is not some newfound interest. I have been working on it for years. My colleague Senator SHELDON WHITEHOUSE also has dedicated a major part of his Senate career on this issue of ethical standards before the Supreme Court. So the notion that we just invented this because of unhappiness with recent court decisions just doesn't hold up. Many of us have been working on this issue for years—years before any of these decisions were handed down.

There was also an argument that the Congress has no authority to establish standards for the Supreme Court. As I mentioned earlier when we had this stock disclosure law passed last year, it was embraced by the Court. The Court goes through some form of financial disclosure based on the law passed in 1978. By and large, there are many ways that the Congress interfaces with the Supreme Court, not the least of which is its budget. So we are in constant communication with the Court and its operation.

I believe that we clearly have the authority to establish ethical standards in law for the Supreme Court. The Republicans on our committee, to a person, disagree with it.

We also had an argument made that somehow we had singled out Clarence Thomas, a Justice on the Supreme Court, and decided that he was going to be persecuted by this type of inquiry. Well, let me say, the facts that were disclosed about his gift-taking from a Texas billionaire were extraordinary. I think they were a surprise to most people.

Justice Thomas is not denying the fact that he took hundreds of thousands of dollars' worth of vacations—yacht trips to Indonesia, private aircraft—from this Texas billionaire. He dismissed it and said it was personal hospitality. Personal hospitality does not include transportation, and, of course, this included a lot of the most luxurious transportation imaginable that the Justice received. So to say that this was acceptable conduct, it clearly was to Republicans yesterday, but I think most Americans want to know more about the relationship that would lead a Justice to take hundreds of thousands of dollars' worth of trips. Not to mention that this same billionaire bought his mother's home and allowed her to live there afterwards. So that was worth at least \$140,000 to the benefit of the Justice's family again.

There were questions raised throughout as to why we would pick on one conservative Justice. I will tell you, the disclosures that have come out since the Thomas article about the gifts he received from the Texas billionaire have included many members of the Court, certainly those who wouldn't be put in the conservative category, and questions have been raised.

Questions are raised about Members of Congress all the time, and they should be. I know each year when I disclose my taxes and my net worth in detail, somebody is going to call it into question: Explain this item to me. Explain that item to me. That is part of the responsibility of public service. It is no fun, but it is part of the job. If you want to be a public figure, I think you owe it to the people to be assuring them in every step of the way that you are being honest in the way you discharge your duties.

So we haven't given up. When it comes to the Senate Judiciary Committee and the issue of ethics, we are far from finished. We had good testimony yesterday from witnesses who I think give us a basis for moving forward in this area.

At the end of the day, we want to make sure that people, as skeptical as they are of politicians, as they have every right to be, believe the institutions—whether it is Congress or the Supreme Court or the President's office—are at least credible and trustworthy. Establishing a fundamental ethical standard that assures that fact is absolutely essential, and the Senate Judiciary Committee will continue in that pursuit.

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

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

#### ENERGY

Mr. THUNE. Mr. President, last week, I came to the floor to talk about how the President's economic policies are failing to serve the lower and middle-income Americans he claims are his priority.

The President talks about wanting to give American families "a little more breathing room," but his Big Government, big spending policies are taking away Americans' breathing room, as cash-strapped families struggling with the effects of the President's historic inflation crisis can attest.

Today, I want to talk about another set of the President's policies that aren't serving Americans, and that is the President's energy policy. Since the day he took office, President Biden has pursued an agenda that is hostile to conventional sources of energy; namely, oil and natural gas. He set the tone on his very first day in office when he canceled the Keystone XL Pipeline—an environmentally responsible pipeline project that was already underway, and was to be paired with \$1.7 billion in private investment in renewable energy to fully offset—fully offset—its operating emissions.

He also almost immediately froze new oil and gas leases on Federal land,

sending a clear signal to oil and gas producers that his administration would be reluctant to work with them to increase American energy production. And he has continued along the same lines ever since, from raising taxes on conventional energy to proposing a rule that would effectively mandate that automakers only make electric vehicles beginning in the near future. The President's policies have targeted conventional energy.

In March, the President announced that he would close off a substantial part of the Arctic to oil and gas development. In the same week, his Environmental Protection Agency finalized a rule—a so-called good neighbor rule that threatens to close a number of fossil fuel-powered power plants.

So why is all this a problem? After all, Members of both parties support alternative energy technologies. Why are the President's efforts to shut down conventional energy production a problem?

Well, the President's attacks on conventional energy are a problem because conventional energy still plays an essential role in providing a steady, reliable energy supply to American consumers.

No matter how much the White House might wish it weren't the case, the technology to fully transition the United States to clean energy simply doesn't exist yet, and all of the Green New Deal, anti-conventional energy policies in the world can't change that basic fact.

What the President's Green New Deal, anti-conventional energy policies can do, however, is jeopardize our Nation's energy supply and drive up prices for American consumers. Americans know the energy price hikes of the Biden administration all too well. From restricting oil and gas production to imposing tax hikes on conventional energy, President Biden's energy policies have driven up Americans' energy costs, but that will be nothing compared to what will happen if the President succeeds in choking off and drastically reducing conventional energy production. Prices will soar; blackouts, brownouts, and calls for energy rationing will become commonplace; and our economic and national security will be in jeopardy.

We are not at the point yet where we are experiencing blackouts and brownouts on a regular basis—unless, I guess, you are a resident of California, whose energy grid is known for being unreliable because of the State's overreliance on renewables—but the President's policies could push us over the edge.

In February, the PJM Interconnection, which manages a substantial part of Eastern America's electric grid, released a report warning that fossil fuel plants are being forced to retire at a faster rate than new renewables can be brought online, at a rate of roughly 2 to 1. In other words, we are rapidly approaching a situation where we simply don't have the ability to keep up with

the electricity demand, and as the report underscored, that situation is being driven by anti-conventional energy policies.

The Wall Street Journal, which weighed in after the PJM report was released, noted that “most projected powerplant retirements are ‘policy driven.’” That is what the report says. In other words, powerplants aren’t closing because they have reached the end of their operating lives; they are closing because of policies designed to discourage conventional energy.

I have already mentioned the EPA’s new good neighbor rule, which could force powerplants in 22 States to close. Then there are things like utility company environmental, social, and governance—or ESG—policies. They are policies that utility companies can voluntarily adopt but that this administration wants to mandate, which the PJM report highlights as a factor in plant closures.

Not only do overreaching ESG policies force some of our most reliable energy facilities offline, these facilities are also being replaced with technologies like solar that are inherently intermittent and can’t be dispatched in times of high demand.

The Wall Street Journal notes that “Illinois and New Jersey climate policies could reduce generation by 8,900 [megawatts].” That amount of energy would be enough to power over 7 million households.

So, in other words, policies that discourage conventional energy are already having an effect and threatening our Nation’s energy supply. If the President continues to pursue these types of policies, his Presidency may be remembered not just for a historic inflation crisis but for setting off a long-term energy crisis caused by an unreliable and insufficient energy supply.

Instead of trying to bring about a clean energy future before we have the technology to get us there, the President should be pursuing an “all of the above” energy policy—an energy policy that embraces the full spectrum of available energy sources, both renewable and conventional.

I am a strong supporter of clean energy, like so many of my Republican colleagues, but unlike Democrats, Republicans recognize that our Nation is not going to be fully transitioning to 100-percent zero-emission energy anytime soon no matter how much the administration would like it to. There are a lot of hurdles to be crossed before we can rely solely on clean energy.

So Republicans are committed to supporting both alternative energy and the responsible development and deployment of the conventional energy we need to keep our Nation’s energy grid reliable and Americans’ energy costs down. For evidence, you need look no further than the energy legislation recently passed by the Republican-led House of Representatives, which would advance both responsible

conventional energy development and clean energy technologies.

Predictably, the Senate Democrat leader has declared this legislation “dead on arrival” in the U.S. Senate. Democrats are so beholden to the radical environmental wing of their party that anything that doesn’t adhere to their Green New Deal orthodoxy isn’t up for discussion. But Democrats’ opposition is unfortunate, not just because this legislation would help ensure an adequate supply of conventional energy but also—also—because it would help advance alternative energy projects.

Republicans’ legislation would tackle permitting delays, which are a leading impediment to energy development, including alternative energy development. Republicans’ legislation would also actually help support the electric car development that Democrats are so committed to by enabling the development of critical mineral resources here at home—the same critical minerals that are essential ingredients in electric car batteries.

While I am on the subject of cars, I will say that the President made one right decision on energy last Friday by approving the sale of E15 fuel for this summer. Americans saved \$57 million last year thanks to summertime E15 sales. With the war in Ukraine continuing to stress fuel markets, renewing this E15 permission will help drive down the expected summer surge in gas prices while at the same time benefiting our environment and offsetting production cuts from OPEC.

But while I am glad the President listened to calls from me and others to extend E15 sales through the summer, it is unfortunately one of just a handful of times when the President has opted for reliable and affordable energy instead of an unrealistic anti-conventional energy policy.

An “all of the above” energy policy—a policy that embraces both conventional and renewable energy sources—is essential for keeping energy prices affordable, ensuring the reliability of our Nation’s energy supply, and keeping our Nation secure. If the President doesn’t start encouraging conventional as well as renewable energy development, consumers and our country are going to pay a heavy price.

The President has already ensured that he will be remembered for a historic inflation crisis. He should make sure he isn’t remembered as the instigator of a future energy crisis as well.

#### UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that Senator PADILLA be allowed to speak for up to 5 minutes, followed by Senator KENNEDY for up to 15 minutes, prior to the scheduled rollcall votes.

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

The Senator from California.

#### NOMINATION OF JULIE A. SU

Mr. PADILLA. Mr. President, I rise today to urge my colleagues to support

President Biden’s nominee to serve as Secretary of Labor, current Acting Secretary Julie Su.

Julie is a proud Californian and a champion for workers everywhere. She was a tireless advocate for workers in California for years. I was honored to introduce her before the HELP Committee 2 years ago when she was first nominated to serve as Deputy Secretary of Labor.

I should note that, that year, I was also proud to see every single Democratic Senator vote to confirm her nomination. In the time since, I think it is perfect to ask, what has happened? I will tell you what has happened. She has gained even more experience in defending workers nationwide and in managing a Federal Department.

As a highly effective Deputy Secretary of Labor and now as Acting Secretary, she has played a critical role in helping the administration add 12.6 million jobs to the American economy, which is more job gains than any previous President has achieved in a 4-year term. It is further proof that job creation and strong labor protections are not mutually exclusive. In fact, they go hand in hand in building a strong, resilient economy.

Julie’s service and track record come as no surprise, frankly, when you understand where she came from. She is the daughter of immigrants and a native of California. She knows personally the sacrifices that many working families make to make ends meet. Her parents worked hard for decades in minimum wage jobs before establishing and growing their own small business.

So, yes, colleagues, Julie Su and her family have seen both sides of a paycheck. They instilled in Julie a strong work ethic, which has led her to take on tough fights as a labor lawyer, as labor secretary for the State of California, as Deputy Secretary of the U.S. Department of Labor, and now as Acting Secretary.

I also have to note, as the secretary of the California Labor and Workforce Development Agency—the then-fifth largest economy in the world and now the fourth largest economy in the world—she was a strong manager who led a number of major departments, boards, and panels at the State level.

Her experience and qualifications are unmatched. As former Secretary Walsh put it, Julie is a “lifelong champion of America’s workers.”

I will end with this: If confirmed, she would be the first Asian American to serve as a Secretary in President Biden’s Cabinet. Millions of Americans will see themselves represented at the highest levels of government and take pride in her story as a daughter of working-class immigrants.

I was proud to hear her impressive recent testimony in the HELP Committee when I introduced her once again and where she was successfully voted out of committee. She is exactly the type of labor champion we need at this critical time.

I urge my colleagues to join me in once again confirming her nomination. The PRESIDING OFFICER. The Senator from Louisiana.

TRIBUTE TO MICHAEL WONG

Mr. KENNEDY. Mr. President, today, for me, in one particular respect, it is both a happy day but also a sad day.

With me on the floor is Mr. Michael Wong, to my right. Michael is my State director. I will come back to him in a second.

Also with us today is Michael's spouse, Jamie, in the Gallery. Jamie is not only Michael's spouse; she is in her own right a nationally known and locally renowned expert in special education.

Michael and Jamie have two children. I am going to read their full names and embarrass them: Mr. Thomas Miller Wong and Miss Julia Rose Wong. Thomas is 7. Julia is 5. They are both whip-smart. They are both future leaders of this country and, I hope, of Louisiana because I hope they will stay in my State. On top of that, Julia is quite the gymnast, and Thomas is a heck of a right fielder and a heck of a point guard and a heck of a quarterback. And they are both cool. They are both what "cool" looks like.

Now back to their dad.

I say it is a sad day for me because Michael is stepping down from government. It is a happy day because he is going to pursue some very exciting opportunities in the private sector. Michael has been working for the American people and the people of Louisiana for 16 years. Before he worked with me, he worked with Senator David Vitter, and he worked with Congressman STEVE SCALISE.

Michael has been my State director every single day that I have been a U.S. Senator. Let me tell you, it is a tough job, and it is one of the most important jobs.

As the Presiding Officer knows, we are here in Washington, and our people are back home. A State director has to make sure that their needs are being addressed back home and that their concerns are heard. The State director has to manage our local representatives and make sure that they are representing me in all of the different functions I need to do.

In Michael's case, he is also a valuable source of policy advice. I am going to miss that every day.

Michael has one of the best—maybe, the best—political minds in Louisiana. And he is a nice guy, much nicer than me. I just can't overstate how important he has been not just to me but to the people of Louisiana.

I said Michael has one of the best political minds. He has one of the best minds, period, not just in terms of policy and politics. But I want to mention the political mind in one respect.

Michael ran my reelection campaign. It was certainly the best-run campaign I have ever been involved in. I stepped back. Of course, I was the candidate, but as you know, Mr. President, the

candidate is only one small part of the campaign. Michael and his team—and I had a great team—they managed everything from the "get out the vote," their work on the analytics and data—I still don't understand how they did it—their vote targeting, and their TV commercials.

I had 13 different opponents, and I was expected to win in the first primary. Those weren't my expectations, necessarily. The media back home would repeat that repeatedly, and that put pressure on us. It is hard to do when you have got 13 opponents. That was Michael's responsibility.

I was just hoping to win, period. In the first primary, I was hoping just to get 50 percent plus 1. Michael managed the campaign that returned 62 percent. It was just breathtaking.

I have talked about Michael's policy chops. I have talked about his policy expertise. I have talked about his political acumen. I have talked about the fact that he cares about people. As an aside, a wise person once told me: People don't care how much you know until they know how much you care. Michael understands that.

I mentioned Michael's beautiful family. He has also always made time for his kids and for Jamie, and I know there are times when it has been difficult. But let me tell you one particular attribute, among many, with respect to which I most respect Michael.

He will do the right thing, and he will tell his colleagues in a very tactful way, but a firm way, what they need to hear. He will tell me what I need to hear, not what I just want to hear.

I am not going to go into detail, but early in my first term, we, in our office, had what I will call a capital "T" tough, capital "I" issue. I will call it a tough issue. It involved our whole office. I thought I knew how to solve this capital "T" tough, capital "I" issue.

We basically had option A and option B, and I chose option A. Michael didn't agree with me. Some others in my office didn't agree with me, but they tried to implement option A, my option.

Michael told me from the beginning: Option A is not going to work. We need to go to option B, but I will try to implement option A.

But what I respect most about Michael is that he tried to implement my option A, but he never was frightened to look me in the eye and never was scared to look me in the eye—and I hope our pages are listening to this—and tell me, in a respectful but firm way: Kennedy, you are wrong. It is going to hurt you. It is going to hurt the people of Louisiana. We need to go to option B.

He kept coming back, and back, and back. Sometimes, I would get kind of angry and say: Michael, I have made a decision. Implement option A.

He would say: I am trying to, but I think we are wrong on this one.

Do you know what? He was right, and I was wrong. If Michael hadn't had less

courage and just said, "OK, the path of least resistance is just to agree with Kennedy; I know he is wrong, but, you know, let him find out for himself," I would have been hurt and the people of Louisiana would have been hurt.

That is not easy because all of us in this room have worked for somebody before. My first job in government was for a "reform" Governor. I was his legal counsel. Like Michael, he was very, very, very smart. God rest his soul. We used to say about Buddy: Often wrong, but never in doubt.

Buddy was a tough boss. Part of my job was to go to him and say: Governor, you are wrong on this.

Then I would cover up and take my whipping. Sometimes the Governor would change his mind, and sometimes he wouldn't. But he was very opinionated. That is one of the things I loved about Buddy.

That is a hard thing to do. It is hard to go to your boss in a firm, respectful way and say: Sir, I know I have told you before, but I am going to tell you again: This is a mistake. This is a mistake.

Michael did that. He avoided a lot of heartbreak—I don't want to overstate the case, but a lot of heartbreak—for me, for our office, and for the people of Louisiana. That is the kind of guy he is—a guy who doesn't think he has all the answers, but when he thinks he is right, by God, he will stick.

I am going to miss Michael. I am going to miss him every single day. I mean, he is not dying or anything. He is going to be around, OK. I know that. I am still going to call him and say: What do you think about this? What is going on?

But I wanted to rise today and thank Michael Wong, and thank, Jamie, and thank Thomas, and thank Julia for their years of service to the people of Louisiana. I wish them Godspeed. I wish them health. I wish them happiness. I can't wait to watch how Thomas's arm develops as a quarterback.

Thank you, Michael.

NOMINATION OF ORELIA ELETA MERCHANT

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Orelia Merchant to the U.S. District Court for the Eastern District of New York.

Ms. Merchant received her B.S. from Dillard University, an M.A. from the College of William and Mary, and her J.D. from Tulane University Law School. She began her legal career as assistant regional counsel for the U.S. Environmental Protection Agency.

Ms. Merchant then served as a Special Assistant U.S. Attorney in the Eastern District of Louisiana before transferring to the U.S. Attorney's Office for the Eastern District of New York. She spent 17 years in the civil division of the U.S. Attorney's Office, handling matters involving asset forfeiture and various forms of fraud including environmental, healthcare, and mortgage fraud.

Since 2019, Ms. Merchant has worked in the New York Attorney General's



Office as chief deputy Attorney General for State counsel. In this role, she manages 250 attorneys and oversees more than 8,000 active cases, including prosecution and defense actions in State and Federal court on behalf of State officials, the State legislature, and State agencies. Nearly the entirety of Ms. Merchant's practice has involved litigation and the vast majority of her experience has been in Federal court. She is a seasoned litigator whose expertise will be an asset to the Eastern District of New York. The American Bar Association has rated Ms. Merchant as "qualified," and she has the strong support of Senators SCHUMER and GILLIBRAND.

I will be supporting her nomination, and I urge my colleagues to do so as well.

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

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

Mr. HEINRICH. Mr. President, I ask unanimous consent that the vote begin immediately.

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

#### VOTE ON MERCHANT NOMINATION

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

Mr. HEINRICH. 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 California (Mrs. FEINSTEIN) is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 107 Ex.]

#### YEAS—51

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

#### NAYS—48

Barrasso	Cassidy	Daines
Blackburn	Collins	Ernst
Boozman	Cornyn	Fischer
Braun	Cotton	Grassley
Britt	Cramer	Hagerty
Budd	Crapo	Hawley
Capito	Cruz	Hoeben

Hyde-Smith	Mullin	Scott (FL)
Johnson	Murkowski	Scott (SC)
Kennedy	Paul	Sullivan
Lankford	Ricketts	Thune
Lee	Risch	Tillis
Lummis	Romney	Tuberville
Marshall	Rounds	Vance
McConnell	Rubio	Wicker
Moran	Schmitt	Young

#### NOT VOTING—1

Feinstein

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is and laid upon the table, and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 127, Wesley L. Hsu, of California, to be United States District Judge for the Central District of California.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

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 Wesley L. Hsu, of California, to be United States District Judge for the Central District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 108 Ex.]

#### YEAS—54

Baldwin	Hassan	Padilla
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Rosen
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Lujan	Sinema
Collins	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Tillis
Durbin	Murkowski	Van Hollen
Fetterman	Murphy	
Gillibrand	Murray	
Graham	Ossoff	

Warner	Warren	Whitehouse
Warnock	Welch	Wyden

#### NAYS—45

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

#### NOT VOTING—1

Feinstein

(Mr. KAINE assumed the Chair.)

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 54, the nays are 45.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Wesley L. Hsu, of California, to be United States District Judge for the Central District of California.

#### LEGISLATIVE SESSION

DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF COMMERCE RELATING TO "PROCEDURES COVERING SUSPENSION OF LIQUIDATION, DUTIES AND ESTIMATED DUTIES IN ACCORD WITH PRESIDENTIAL PROCLAMATION 10414"

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO "ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LESSER PRAIRIE-CHICKEN; THREATENED STATUS WITH SECTION 4(D) RULE FOR THE NORTHERN DISTINCT POPULATION SEGMENT AND ENDANGERED STATUS FOR THE SOUTHERN DISTINCT POPULATION SEGMENT"

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

The Committee on Environment and Public Works is discharged from further consideration of S.J. Res. 9; and the Senate will proceed to the en bloc consideration of H.J. Res. 39, which was received from the House, and S.J. Res. 9, which the clerk will report.

The senior assistant legislative clerk read as follows:



A joint resolution (H.J. Res. 39) disapproving the rule submitted by the Department of Commerce relating to "Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414".

A joint resolution (S.J. Res. 9) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment".

Thereupon, the committee was discharged from consideration of S.J. Res. 9, and the Senate proceeded to consider the joint resolutions, en bloc.

The PRESIDING OFFICER. The Senator from West Virginia.

#### PERMITTING REFORM

Mrs. CAPITO. Madam President, I rise today to talk on a subject that is of great importance to me and of great importance to employers, workers, consumers, and—really—everyone across this country; and that is, the need for substantive reform of our country's Federal environmental review and permitting process.

Now, this is a subject I have talked about a lot. I have championed efforts to make sure that our environment and economy benefit from a functional Federal environmental review and permitting process, and I am now and once again leading environmental review and permitting reform efforts through the Environment and Public Works Committee, and I am working with my fellow Republican Senator, who is the ranking member over on Energy and Natural Resources, Senator BARRASSO from Wyoming, and we are working across the aisle with our counterparts.

Permitting reform is much more than just legislative text. It is more than just updates to laws that have been on the books for years or about replacing counterproductive measures implemented by the Biden administration. It is an essential element in giving our Nation what we need to be successful in the future.

Without permitting reform, American energy will continue to be stalled, jeopardizing our security here at home as well as for our allies abroad. Without permitting reform, communities across America will struggle as they are denied access to the good-paying jobs that they need and are capable of doing.

Without permitting reform, America will not build at all. The same country that mined the coal, that made the steel, and that built the democracy and led the way for industry across the world will be held back by endless review processes, continuous and continuing court challenges, and crippling regulations that limit our ability to be the world leader that we know we are.

In my State of West Virginia, which is synonymous with energy generation, we have long seen the negative effects created by a permitting process that is

designed to stall rather than to produce or create. There are multiple real-world examples of how our broken environmental review and permitting process is holding up my State of West Virginia's ability to move forward, and it is impacting multiple sectors important not only to the people of my State but also to our national economy.

In the transportation sector in West Virginia there is Corridor H. Corridor H is a critically important highway that West Virginia needs to help commerce flow and to jump-start the economy in the central part of our State and to encourage our growing tourism industry.

In the manufacturing sector, there is Nucor Steel, an innovative, cutting-edge steel and steel products company that can't, as yet, build their plant as quickly as the Biden administration keeps creating new emissions guidelines.

And, in the energy sector, there is the Mountain Valley Pipeline, a 304-mile-long natural gas pipeline that is on the brink of completion—over 90 percent completed. Yet it is unable to deliver its needed contribution to American energy independence due to the regulatory burdens and endless legal challenges that have gone on longer than the actual construction of the pipeline itself.

These are just three examples in the State of West Virginia. Think about the national impact created by outdated permitting processes, the damage inflicted on our communities and our economy, and the opportunities we are losing because of an administration that champions redtape, feeds frivolous lawsuits, and whose Agencies celebrate delays that lead to the total abandonment of critical—critical—projects.

It just doesn't make sense, quite simply. Even the renewable energy projects and manufacturing efforts central to the Biden administration's Agencies are being held up in permitting purgatory.

President Biden has long pledged that he will build our country back better. Well, news flash, Mr. President. You can't "build back better" if you can't build at all.

The fallout created by a broken environmental review and permitting process further strains our sputtering economy, drives up energy prices for consumers, negates good-paying jobs for hard-working Americans, and, really, jeopardizes our ability to build into the future.

Now, as my constituents in West Virginia would say, well, what are you going to do about it?

Well, from conversations we have already started in the EPW Committee, I will soon be introducing legislation, in tandem with my colleague Senator BARRASSO, that delivers on the environmental review and permitting process reform that our country needs. This legislation will benefit all projects—renewable, conventional, surface transportation, manufacturing, all of the above.

This legislation will mandate enforceable timelines with clear time limits and predictable schedules for environmental review and consequences when Agencies fail to reach these decisions in a timely fashion.

This legislation will fashion guidelines that process and decide legal challenges to projects expeditiously, instead of creating a sea of endless litigation.

The legislation will actually amend the Clean Air Act, the Clean Water Act, and NEPA, and fix the obstacles holding our country back from the prosperity we deserve, while maintaining—of course, maintaining—environmental protections.

I will emphasize, as I have many times in the past, that any tangible, lasting environmental review and permitting solutions must be accomplished through regular order.

Backroom deals will not cut it. In fact, they will only lead to confusion among the American public and buyer's remorse among the participants.

We have forged the blueprint for bipartisan compromise through the EPW Committee time and time again, and this process should be no different.

I encourage my colleagues in both Chambers, on both sides of the aisle, as well as President Biden, to heed the calls from communities across the country on the urgent need for environmental review and permitting reform and to join in our efforts to deliver the modifications that America's employers, workers, and consumers need.

I look forward to the continued debate on environmental review and permitting reform, while always maintaining our shared goal of moving America forward.

With that, I yield the floor, and I see my colleague—who has been very instrumental in all of this, as we worked together with our colleagues—Senator BARRASSO.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, it is a privilege to join my colleague from West Virginia, Senator CAPITO, on the floor today to talk about legislation that we will be introducing tomorrow.

It is about permitting, and I come to the floor to talk about ways to lower prices for American families and to restore our country to energy dominance. And, of course, the way to achieve this is by fixing our broken permitting process.

There is a lot of work to be done. There is bipartisan support to do it. She will be introducing, along with me, our legislation tomorrow, and this legislation is going to streamline a very complicated permitting process. It is going to speed up American infrastructure and energy, as well as mining projects. Taken together, this legislation will address fatal flaws in today's Federal permitting process.

Now, the current system moves in very slow motion. Too often, as Senator CAPITO said, there is no motion at

all. Things are stopped in their tracks. Today's process forces project developers to endure a maze of regulations, mountains of paperwork, expensive studies, and bureaucratic foot-dragging.

It takes an average of 4½ years now just to complete an environmental impact statement for one single project. In some cases, it can take a decade or more to get final approval for a project.

And even if a project makes it through the regulatory roadblocks to get a permit, it will inevitably be challenged in court. Project opponents are skilled at exploiting our broken permitting process to stop all progress. Litigation can drag on for years and cost millions and millions of dollars.

In my home State of Wyoming, activists are suing to cancel hundreds of Federal oil and gas permits. Now, these permits were issued after years of environmental reviews. They are frivolous—the lawsuits—but they are happening all across the country.

The longer it takes to get a permit, the more a project costs. The more it costs, the more likely a developer will either pull the plug or just give up before even starting.

The result of all of this is that energy prices go up. People feel the pain because, when investments aren't made, jobs don't materialize and projects of national importance don't get built.

And I am talking about projects like oil and gas wells, pipelines, transmission lines, wind and solar farms, powerplants, roads, tunnels, bridges, and mines.

To see what I mean, take a look at this chart from the Economist, "Cancel culture." It shows that, for the past several years, more miles of interstate gas pipelines have been canceled than have been built.

Let me repeat that.

This shows that, for the past several years, more miles of interstate gas pipelines have been canceled than have been built.

You know, we used to be able to build things in this country—not anymore. It is not that we don't know how. It is that we are not being allowed.

It shouldn't take longer to permit a project than to actually build it. In too many instances, it does. The American people inevitably lose when that happens.

The permitting process must change so we can lower costs for families and unleash American energy. We can't keep today's broken process and expect to stay ahead of rivals like China.

Taken together, the legislation that Senator CAPITO and I are introducing is going to streamline the permitting process while preserving environmental standards. This will put America back in the lead.

Project developers need to expect a system that is predictable and delivers a timely answer. Our legislation will do that by sticking to four basic principles.

First, real reform must benefit the entire country, not a narrow range of special interests. Our bills are technology and fuel neutral. By that, we mean we don't put our thumb on the scale for politically favored technologies. This is going to help expedite projects from both conventional and alternative energy sources. We need all the energy here in America.

Second, our legislation includes enforceable timelines with specific time limits on environmental reviews.

Third, we place time limits on legal challenges to prevent endless litigation intended solely to kill new energy projects.

And, finally, our legislation prevents the executive branch from hijacking the process to meet its own policy preferences.

The energy bill that I am going to introduce focuses on streamlining improvements to produce more American energy and more American mineral resources. It is going to lower costs for families. It is going to enhance America's energy security. It is going to reduce reliance on China, on Russia, and on other adversaries for energy, as well as key minerals.

A key aspect of my energy bill is to resume Federal onshore and offshore oil and gas leases. Now, the Biden administration has tried from day one to block access to Federal lands and waters, regardless of the law. We cannot allow any administration to deny, defy, and disregard the law.

My bill also will speed up the production of critical minerals used in renewable and battery technologies. Our country is blessed with large mineral deposits. Some are in your home State, Madam President, and in my home State, in Wyoming, in particular.

We have large reserves of coal, uranium, rare earths, and other minerals. Yet it often takes over 10 years in the United States to get a mining permit. Our competitors in China move much faster, as do our northern neighbors in Canada.

Unlocking domestic mining means that we will no longer have to rely on China and Russia for critical minerals. Finally, my bill will ensure the affordability and reliability of our electric grid. We will have American energy that is affordable, that is reliable, and that is available.

Now, the House recently passed the Lower Energy Costs Act. The Senate now has an opportunity to pass our own legislation. We can pass bipartisan legislation that unleashes American energy, boosts our international competitiveness, creates jobs, and lowers prices. This starts with fixing today's broken permitting process.

Now, Democrats said last year that this reform is necessary. Senator CAPITO and I are bringing solutions to the table. If Democrats are serious about fixing the broken process, meaningful reform is possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I want to thank Senator CAPITO and Senator BARRASSO for their leadership on an issue that matters to every single American. This is one of those issues where the Congress of the United States should be coming together in a bipartisan way to make sure we have a permitting system that enables us to build things—every kind of thing we need: roads, bridges, ports, energy, renewables, oil, and gas.

The system is broken. Everybody knows it.

I like to show this photo when I am talking about permitting reform. Why am I showing this very iconic photo of some men here building the Empire State Building? Because we all know that one of the great things about America is that we used to be able to build things—big things—on time: 410 days to build the Empire State Building. The Hoover Dam took less than 5 years to build. A little closer to home to me, the 1,700-mile Alaska-Canada Highway, what we call the ALCAN Highway, through some of the world's most rugged terrain—11 months.

This was the great thing about America. With the best workers in the world, we built huge things, on time, on budget—but not anymore, not anymore.

I don't want to be too partisan here, but one of the things that we all know we need is permitting. It is permitting. I am obsessed with this issue.

But I will tell you this. Every time—and it is probably going to happen again—we have a big permitting opportunity, a big permitting bill on the floor, what happens? It usually is a battle between the men and women who build stuff. The unions who build things, they want permitting reform. They want to be back in action, like these men decades ago.

The men and women who build things want it. The radical, far-left environmental groups hate it because they want to block building anything in America. They want to block producing any energy in America.

Unfortunately, when it is a choice between the men and women who build stuff and the far-left radical enviros on permitting, my Democratic colleagues almost every single time go with the radical left, not the men and women who build things. I hope it doesn't happen again, but it happens all the time.

Here is the thing: As I mentioned, our country used to build incredible things on time. Now we are a country that is tangled up in redtape. A simple highway in the United States can now take as long as 19 years to permit and build. In Alaska, we are ground zero for these kinds of projects where the permitting is delayed, far-left lower 48 environmental groups sue to stop, and they take advantage of NEPA.

Let me give an example. We had a gold mine in Alaska called the Kensington Mine. If you include the litigation from the far-left environmental groups, it took 20 years to permit—20

years. How does that help the country? How does that help my State? How does that help workers? It doesn't. The only people who like that are the far-left environmental groups and Xi Jinping and Putin, who want to make sure America can't produce.

So what has happened is the National Environmental Policy Act—NEPA, as we call it—has been abused. It was a great idea when it was passed in the late 1960s. It required builders to engage with the public, consider the environmental impacts of important projects. But back then, it was usually a couple of hundred pages, a NEPA review that would take about a year. Now that is several thousand pages. It takes several years for the NEPA process to move forward.

We have, again, some of our great leaders in our building trades. This is James Callahan, general president of the International Operating Engineers. Here is what he said recently on a piece of legislation that I moved forward last year, a CRA on a permitting issues:

Since its modest beginning, NEPA has evolved into a massive edifice, capable of destroying project after project—

Destroying, not helping—

job after job, in virtually every sector of the economy.

Whether it is the permitting bill that Senator CAPITO and Senator BARRASSO have done such a great job in leading; whether it is my Rebuild America Now Act, which is a major reform of the NEPA process—by the way, the vast majority of the building trades in America, the men and women who build things, support my legislation.

We need permitting reform. It is that simple. When you talk to a Governor in pretty much any State, whether they are Democrat or Republican; when you talk to a mayor, Democrat or Republican—it doesn't matter—they say: We have to fix our broken permitting system.

We had a hearing on airport infrastructure in the Commerce Committee several years ago. The head of the Seattle-Tacoma Airport was testifying. They had just built a new runway at Sea-Tac.

I asked him: How long did it take to build that runway?

In the hearing, he said: Three to four years.

I said: Well, that seems a little long, but I am not in construction, so I don't know exactly, but it seems a little long to build a new runway. How long did it take you to get the permits from the Federal Government to build that runway?

I didn't know the answer, but I am obsessed with this topic because it is killing our country. It is really hurting working men and women, like James Callahan, one of our great union leaders.

This witness looked at me—the head of the Sea-Tac Airport—when I asked him: How long did it take to get the permits?

He said: Senator SULLIVAN, 15 years.

Fifteen years to get a permit to build a new runway. You could hear the entire hearing room just kind of collectively groan because everybody knows it is bad for America.

Then he said: Senator, with the time it took to build the new runway—4 years—and the time it took to get the permits—15 years—almost 20 years.

The ancient Egyptians would have built the Pyramids by then. This is killing us. Everybody knows it. This should be a bipartisan issue.

I will end with this: Last year, I was proud to lead the efforts on what is called a Congressional Review Act, CRA. What it was for was—we passed the bipartisan infrastructure bill. We got some OK permitting reform in there—not as much as I wanted, but it was not bad. So that was good. I voted for the bill. It wasn't perfect. But then the Biden administration White House, at the behest of the far-left radical enviros, issued rules on permitting that were undermining its own bipartisan infrastructure bill. The CEQ put out rules that would make it much harder to build things in America—not just energy projects, all projects. It was crazy.

So I introduced a Congressional Review Act resolution to rescind the Biden rule driven by the far-left radical enviros. Here is the good news: My CRA passed in a bipartisan way on the floor of the U.S. Senate. Over 40 groups—you name them—farmers, ranchers, people who build things, all the building trades in America, all the unions—this collective group of over 40 groups representing millions of Americans who build stuff, who farm things, who grow things, all came and said: We support the Sullivan Congressional Review Act.

That is what we should be doing now. The Barrasso-Capito bill; Senator MANCHIN introduced his permitting legislation—we all know it is the right thing to do.

To my Democratic colleagues: Listen to the men and women who build stuff. Listen to the men and women who grow things. Don't listen to the far-left radical enviros who don't want any permitting reform because they love to crush projects. Be courageous. Vote with us on the permitting reform that everybody in America knows we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Madam President, I rise today to join my colleagues in calling for the need for permitting reform for our Federal Agencies. The current system we have right now is in dire need of reform. It takes too long and costs taxpayers too much money. As Governor of Nebraska, I had direct experience with this. Let me share some of those experiences.

The Natural Resources District, which is in charge of flood mitigation around Offutt Air Force Base, saw the need to raise the levees around Offutt Air Force Base.

Offutt Air Force Base is very important. Not only does it house the 55th Wing, but it also is the home of Strategic Command, which controls our nuclear forces.

They went about the process of getting the levees raised; however, the Army Corps of Engineers took 6 years—6 years—to grant the permit. The permit was granted, and construction was set to begin in March of 2019.

March 2019 was also the same month that we experienced the most widespread flooding in our State's history. As part of that flooding, Offutt Air Force Base was damaged. Floodwaters covered the runway and damaged over a dozen buildings. Ultimately, the cost to the U.S. taxpayers was nearly \$1 billion. If the Army Corps of Engineers had only given the permit in 4 years—which, by the way, still would have been horrible service—those levees would have been built up, and we could have avoided nearly \$1 billion in damage to Offutt Air Force Base, risking our national security and costing taxpayer dollars.

In another case, the Natural Resources District was looking to raise a different levee, R616-613. That permit took 7 years to get issued and at a cost of \$6 million. The overall project was set for \$45 million. That means that the cost of the permit alone was 13 percent of the overall cost of the project.

In hearings today with the Army Corps of Engineers, we find out that the Army Corps of Engineers has about 80,000 regulatory reviews and permits they issue, and they claim they turn those permits around in 11 months. However, they have no system of detecting or reviewing outliers like these 6- and 7-year permits, nor do they have any goals for what a permit should cost in the overall percentage of a project.

Here is the good news: This is something we can fix. In the State of Nebraska, we undertook permitting reform as well because we wanted to do a better job serving our customers and reduce our costs.

For example, with our air construction permits that the Nebraska Department of Environment and Energy issues, we looked at the process of doing that. It took almost 200 days to issue those permits. The process to issue those was 110 steps long. Only four of those steps actually offered any value. We were able to cut that number of steps down to 22 steps, and by 2019, it cut the days it takes to issue that permit down to 65—all without sacrificing any quality.

Through our department of transportation, we also have green sheets. These are the sheets we give to contractors to make sure they are complying with things like environmental regulations, antiquities, endangered species, erosion control, and also things such as hazardous waste disposal. It was taking us about 16 days to issue those, and the process was 87 steps long. We cut it down to 60 steps and were able to reduce the time it

takes to issue those green sheets by 81 percent, down to just 3 days. What that does is it then allows the contractor to get in the field and start building our roads faster, employing people faster.

When you have a regulatory environment where people know they can have that certainty, it helps businesses. In fact, Yahoo said they invested about \$20 million in Nebraska because they knew they would have that regulatory certainty in our State because we focused on good customer service.

We need to have the same sort of permitting reform at the Federal Government. In the State of Nebraska, we use Lean Six Sigma, which is a process of proven methodology to be able to do our permitting reform. Our Federal Agencies can do something similar.

I look forward to working with Ranking Member CAPITO on the Environmental and Public Works Committee on how we can come up with ways to reform our permitting system here at our Federal Agencies. This is something that will impact power generation, power transmission, infrastructure, flood control—a number of different things. This is vitally important for our country to continue to grow, for us to create jobs and ultimately be able to save taxpayers' money.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BUDD. Madam President, I rise today to highlight the desperate need to cut redtape and to get America building again. When I go all around North Carolina and I meet with builders and contractors, I am told by them that it is too hard to build and to complete critical projects in the United States and in North Carolina right now.

We are struggling to build the infrastructure we need to achieve energy dominance, to bridge the digital divide, and to attract good-paying, reliable manufacturing jobs back to our shores.

The primary stumbling block in this effort is one of our government's own making. Radical environment groups are going well beyond what is necessary to ensure a clean environment. They are weaponizing the National Environmental Policy Act, or NEPA, to indefinitely delay critical projects by filing frivolous lawsuits.

Now, I hail from a State that cares deeply about the environment: clean air, clean water, a livable planet. I believe Americans of all political stripes share that goal. However, the changing dynamics of global commerce and the global threat environment require Congress to make it easier to secure our energy security, to export our vast energy resources to keep our allies' energy safe, and to give our industries a chance to compete against China.

What Congress must do is to add a "shot clock," if you will, to NEPA reviews and limit opportunities for repetitive lawsuits that cause these very important projects to sit idle. We should follow the example of our House col-

leagues and pass legislation focused on unleashing American gas and oil production, expanding our capacity to export liquefied natural gas, and easing the path for other forms of energy like nuclear to come online and to keep America competitive in the 21st Century global economy.

I stand ready to work with all of my colleagues on solutions to get America back in the business of building large projects and tackling large problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, the current permitting process in the United States is as outdated as that seventies' shag carpet in your grandma's house. It is true. A lot has changed since that old "rug," known as the National Environmental Policy Act, was installed in 1970.

Today, the Democrats like to preach that America is ready for the green energy revolution, but the facts just don't line up. Case in point: More than 92 percent of energy projects currently backlogged in the permitting process are solar and wind projects.

Just last week in a Senate Armed Services Committee hearing, Secretary of Energy Jennifer Granholm promised that our DOD, Department of Defense, could make our entire military fleet electric vehicles by 2030—all of them electric by 2030, just a little under 7 years from now.

I pressed her on how in the world our Pentagon could accomplish this in that short timeframe and, frankly, why it is a top priority for our Nation's military in the first place.

Folks, right now, China—China—controls the EV supply chain. The communist regime produces about 75 percent of all lithium-ion batteries that power those electric vehicles.

Over 70 percent of the world's cobalt mining occurs in the Democratic Republic of Congo, done by child labor. The remainder of the cobalt primarily comes from CCP-owned firms. To mine all of these minerals, China relies on slave labor.

This is absolutely unacceptable. Increasing reliance on the Chinese Communist Party and supporting their malign actions is a nonstarter.

In my exchange with Secretary Granholm in this Armed Services Committee meeting, she tried to tout the President's "Invest in America" agenda, saying: 150 battery companies have announced they are coming or expanding to the United States to do business.

That does sound great, right?

Well, these businesses are in for a real treat. The big hand of Washington, guided by the Biden administration, is ready and waiting to prevent these businesses from actually mining, procuring, and processing minerals needed for their batteries right here at home. The problem is, right now, on average, it takes 4½ years to simply get an environmental review for a project.

When the permitting process takes longer than the actual building process, that should raise a red flag.

Let's remove the redtape. The best strategy to confront our growing energy needs is to utilize the abundance of energy-producing natural resources that our country was blessed with and encourage alternative energy production methods. By increasing the use of renewables, like homegrown Iowa biofuel, and building on the advances in energy efficiency, we have the ability to pursue an energy strategy right here in America that creates jobs, lowers costs, and reduces our dependence upon our foreign adversaries like China. New clean energy projects bring economic benefits and jobs to rural areas, including my home State of Iowa.

The Biden administration claims to "build back better," but in today's reality, we simply can't build anything. It is time we pass commonsense permitting reform and get Washington bureaucrats out of the way.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. HOEVEN. Madam President, I join my colleagues today to discuss the need to reform our Nation's broken Federal permitting process.

Today, it often takes longer to navigate the Federal permitting process than it does to actually construct a project. It currently takes, on average, 4½ years or more to complete an environmental impact statement, or EIS. For a quarter of projects, it can take 6 years or more to complete an environmental impact statement. That is because some radical environmental groups have really weaponized the National Environmental Policy Act, NEPA, and they are exploiting what has become a more and more opaque and convoluted Federal permitting process. This uncertainty not only drives up the cost of future projects, it is being applied to projects currently permitted in good faith.

Take, for instance, the Dakota Access Pipeline, which has been operating safely for nearly 6 years in its transporting of over a half a million barrels of crude oil per day from North Dakota—light sweet crude—and from the Fort Berthold Reservation and the Three Affiliated Tribes. It takes it to market, and it is used in our country to fuel our economy. The Army Corps held 389 meetings, conferred with more than 55 Tribes, and completed a 1,261-page environmental assessment before the pipeline went into operation. Yet litigation continued following the Federal approval and completion of the Dakota Access Pipeline, and the Corps is currently expected to take more than 4 years to complete a full environmental impact statement for about

two-tenths of a mile, crossing under the Missouri River. Subjecting a completed \$3.78 billion project to litigation without reasonable limits cannot be the new normal.

Delays and uncertainty drive up the costs of projects, and opponents are exploiting a more and more complicated permitting process so that delay becomes defeat. American consumers are paying the price for this regulatory uncertainty, particularly through higher energy costs.

Increasing the supply and lowering the cost of energy is key to attacking inflation because the cost of energy is built into every other good and service consumed across our economy. To accomplish this goal, the Biden administration needs to take the handcuffs off American energy producers and work with us on bipartisan permitting reform.

A good first start would be for the Senate to consider H.R. 1, the Lower Energy Costs Act, which recently passed the House on a bipartisan vote. H.R. 1 includes comprehensive permitting reforms that will unleash more American energy and make it more efficient and affordable to deliver energy to our Nation.

H.R. 1 also includes three pieces of legislation that I have introduced in the Senate.

First, the North American Energy Act brings certainty to the permitting process for important cross-border energy pipelines and electric transmission line projects and prevents the President from taking unilateral action in canceling vital energy projects like he did with the Keystone XL Pipeline.

Second, the Promoting Interagency Coordination for Review of Natural Gas Projects Act streamlines the review process for interstate natural gas pipelines and LNG projects, helping to more efficiently deliver natural gas to areas that need it the most.

Third, the Bureau of Land Management Mineral Spacing Act improves the permitting process in States like North Dakota with a split mineral estate where the Federal Government owns no surface acreage—none of the surface acres—and has a minority interest in the minerals underneath.

The United States is fortunate to have abundant and affordable reserves of coal, oil, and gas, and U.S. energy companies are global leaders when it comes to producing more energy with the highest environmental standards. We need to empower our producers with a clear, consistent, and timely Federal permitting process. Otherwise, we will once again become dependent on unstable and adversarial countries like Iran, Venezuela, Russia, and even China—countries hostile to our economic and national security interests.

That is why meaningful permitting reform is needed to create jobs, enhance our geopolitical competitiveness, and bring down costs for hard-working families.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Ms. LUMMIS. Madam President, our Federal permitting process is broken.

Back home in Wyoming, important infrastructure and energy projects are oftentimes delayed years due to mountains of regulation, redtape, bureaucracy, and even lawsuits. This is absolutely unacceptable. It is impossible for small businesses to even get off the ground thanks to these hurdles.

It is time to reform our Federal permitting process, and I am glad some of my colleagues from across the aisle are coming around to the idea of permitting reform. Some on the left are finally warming up to reform to try to push renewable energy projects.

Permitting reform needs to address all types of energy technologies, fuel, and projects. For that reason, any bipartisan effort needs to actually address the underlying statutes, including the National Environmental Policy Act, or NEPA; the Endangered Species Act; the Clean Water Act; and the Clean Air Act. Window dressing will no longer do.

Since NEPA is the single most litigated environmental statute, litigation reform needs to be part of the final product. Litigation reflects something is broken; that it is not working well. Some would have you believe otherwise. Litigation is the result of something is not working well. The average time for NEPA processes is 4½ years—nearly half a decade.

We also need to think about the processes and projects that have never been started because of these challenges. The costs of getting NEPA and getting an environmental impact statement are so high and take so long that some projects are never undertaken.

I have a friend in Wyoming who has been trying for over 10 years to get through the NEPA process to open a rare earth minerals mine so as to mine rare earth minerals we desperately need in this country so that we don't have to rely on places like China and the Republic of the Congo. But this man is going to retire because he is ready to retire, and this process is still ongoing. All that time, all that money, all that energy is being reduced to nothing because a process has taken the place of mining the rare earth minerals we desperately need in this country.

I applaud Senator SHELLEY MOORE CAPITO's leadership in addressing meaningful permitting reform. Her legislation will provide regulatory certainty to States and stakeholders, codify environmental regulatory reforms, and expedite permitting and review processes.

I am especially excited about the idea of allowing States to take on more of the shared workload when it comes to permitting, particularly under the Endangered Species Act.

I look forward to the Senate taking up this bill and providing much-needed permitting reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### INFLATION REDUCTION ACT

Mr. SCHATZ. Madam President, 8 months ago, we passed the Inflation Reduction Act. Sometimes when a major bill is passed, its effects are not immediate, but that is not the case with this legislation.

Since the IRA was signed into law, more than 100 clean energy projects have been announced. These include solar, wind, hydrogen power, battery manufacturing, electric vehicle development, and clean tech investments. If it seems like I am excited, it is because I am. They are in rural areas, in major cities, and everywhere in between, and in more than 30 States, from Idaho to Louisiana, to Ohio, to Arizona. Collectively, these projects have created more than 100,000 new jobs for electricians, for mechanics, for construction workers, for technicians, and more, but these 100,000 jobs are only the beginning.

A report from the University of Massachusetts projects that the IRA will create more than 9 million jobs over the next decade. I want to repeat that: 9 million jobs over the next decade. Those are manufacturing jobs for wind turbines, solar panels, and electric vehicles to make our power grid more resilient and our roads less polluted. They are construction jobs to make our homes and our buildings more energy efficient and to lower costs for families and small businesses. They are environmental jobs to support farmers, to protect fisheries, and to restore our public lands.

Investments supporting these new jobs and projects are already near \$90 billion, and with financial analysts projecting a multiplier effect of 1.6 dollars in private sector investment for every dollar of public spending, even the most optimistic predictions about the IRA's impact seem low now. A Credit Suisse report analyzing the bill estimates that we will see double the amount of clean energy that the bill was initially projected to accomplish—double the amount of clean energy. A new analysis from Goldman Sachs puts the impact even higher: triple the amount of clean energy that we were contemplating.

This shift is already happening in Colorado, where it is seeing a rapid expansion in clean energy development.

DR Richardson, who runs a business in electrifying homes with heat pumps and induction wiring, said about the change that “we are having a hard time keeping up with the demand. The Inflation Reduction Act has been a massive tailwind for us.”

In Michigan, the State's manufacturing background and embrace of electric vehicles could lead to as many as 34,000 new clean energy jobs. According to researcher Aaron Brickman, “There's a strategy, there's a plan, and the benefits are already being seen. . . . Michigan is poised for an economic boom.”

In Texas, a massive \$4 billion investment to create the country's largest green hydrogen facility was recently announced. It will also generate 1.4 gigawatts of wind and solar, enough to power nearly 750,000 homes. In the words of Seifi Ghasemi, the CEO of a company behind the investment, "It will be competitive on a world scale while bringing significant tax, job, and energy security benefits to Texas."

That is really what the IRA entails: new jobs, energy security, and a cleaner planet.

But there is an opponent to this progress. The opponent is the fossil fuel industry. They have gotten rich digging up oil and burning coal for generations, but now we are seeing the energy of the future that is not fossil fuels. They know that they have lost, so the industry and its supporters are attempting to stall this progress by throwing whatever they can find at it. They are pursuing litigation. They are pushing NIMBYism—"not in my backyard." They are trying to stop clean energy projects through the State public utility and public service commissions. They are attempting to hijack the Federal Energy Regulatory Commission. Through this CRA, they are trying to grind solar manufacturing to a halt.

So, if you hear this debate around this particular Congressional Review Act resolution, which we are contemplating today, it is not actually about this. There is a bigger story here, and the story is this: We finally took climate action that wasn't small. We finally took an action that was equal to the moment. We finally took action that was equal to the obligation that we have to future generations, that was equal to the opportunity for the United States and the entire planet to move forward on clean energy that benefits everybody, that lowers costs and saves our planet for the future.

So when they come after this particular action of the Biden administration, don't get lost in the weeds; they have lost. They are dead-enders. They know that. And so they will pick up a Congressional Review Act here or a Public Service Commission over there or they will gin up a bunch of NIMBYism over here or they will introduce another bill over there. But this is part of a story where, for the first time—and I mean this because it has been decades of us getting our butts kicked—for the first time, we are taking the kind of climate action that can actually make a difference, and they are terrified. That is what this CRA is all about.

We can choose more manufacturing jobs, or we can choose less; energy security or a continued dependence on foreign dictators; a forward-thinking outlook or a mindset from the past. That is what this CRA is ultimately about.

Despite the arguments the dark money apparatus of the fossil industry is making, it doesn't change what they

are. They are arguments that belong in the past. It is the equivalent of a pay phone tycoon failing to adapt after the iPhone came out.

But we don't have to be beholden to an industry whose strongest days are in the past. No matter what happens with this vote, the demand for solar panels made in America is not going away. The demand for energy-efficient homes and electric vehicles is not going away. The demand for renewable energy is not going away.

The IRA was not a one-off but the first, most meaningful step in the transition to the clean energy revolution. And the forces opposing this progress will be forced to recognize that sooner or later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, it is a very happy coincidence for me that I get to follow my friend Senator SCHATZ on this topic to oppose the solar tariff Congressional Review Act effort that has been mounted on the floor because I could not agree more with him that this particular episode playing out here on the floor of the Senate today is part of a larger scheme.

We begin with the fact that across the United States, the solar industry employs a quarter of a million workers. It is a big deal. These are well-paying jobs in an industry that saves families money on their electric bills and decreases our carbon footprint—decreases our carbon footprint. So, of course, fossil fuel forces oppose it, and that is what we are stuck with now.

This fossil fuel attack, through this CRA, if successful, would lead to more than a billion dollars in retroactive duties on American solar companies. It would cost us 30,000 jobs. It would cost us \$4.2 billion in domestic investment. It would lead to the cancellation of 4 gigawatts of solar projects. And it would create an increase of 42 million metric tons of CO<sub>2</sub>. So, of course, the fossil fuel industry is against all of that. It is for the duties. It is against the jobs. It is against the investment. It is against the solar projects. And it couldn't care less about CO<sub>2</sub>.

The problem that we have here is that we are in a race against time to solve the climate problem before it gets out of hand.

In this town and in this building, one of the most dangerous things that we face is groupthink. The current groupthink is that climate change is a manageable problem; it won't get out of control. I don't believe that to be true. I think climate change is extremely dangerous—dangerous to our economy, dangerous to our ecosystems, and dangerous to our well-being.

We are having hearings in the Budget Committee that showcase some of those dangers—the danger of a coastal property values crash that is going to be worse than the 2008 mortgage meltdown; the danger of a similar property

values crash in the West, where wildfire risk will have the same effect on properties; the danger of an insurance meltdown because nature won't let insurance companies predict things any longer safely, so they can't ensure them any longer because they can't predict, and you have a retraction of the insurance market and all of what that means.

Last of all, we have got a huge carbon bubble that we have been repeatedly warned is going to pop. And when it does, U.S. fossil fuel assets will be stranded, their value will go to near zero, and there will be an enormous global economic dislocation.

These are ideas that have been put forward by huge insurance company executives, by Freddie Mac, by people who study the risk in wildfire areas, by the major sovereign banks of the world. Serious grownups are warning of these risks.

Up against those serious grownups, we have the creepy front groups of the fossil fuel industry denial machine continuing to put poison and nonsense into our ecosystem, into our mental and political ecosystem. That has to stop.

Groupthink is dangerous enough. More dangerous, there is a subgroup in the House and in the Senate that has stopped thinking entirely and is just taking marching orders from the fossil fuel industry. The conflict of interest could not be more apparent. It is obvious and plain on its face. Yet the money is there. The political dark money pours in, so they line up and follow them right off the cliff like lemmings. That is even more dangerous than groupthink.

Last, this is not the only game that is being played by our fossil fuel industry folks. One of the other things that we are going to have to continue to work on, and what the SEC is working on right now, is what is called ESG requirements put out by corporations. ESG is environment, social, and governance. What this is, is corporate America deciding that it is really important to its stockholders to make sure they are good citizens and that the likeliest measures of bad citizenship will be bad environmental practice, bad social practice, and bad governance. And so they intend to clean that up. There are experts who have looked at "e" and "s" and "g" to figure out what the best ways are for corporate America to avoid those risks.

Well, all these warnings about what is happening with fossil fuel and with climate change that scientists have known about forever, they are now so real and so immediate that they are within the zone where a fiduciary—a corporation with an obligation to its shareholders, a bank with an obligation to its customers—has to take the climate danger into account.

If you are writing 30-year mortgages, you have got to look out 30 years; and within 30 years, climate looks like it is going to be a nightmare. So this risk is now real. It is on the fiduciary horizon.



The fossil fuel industry can't stand it, so they are trying to break the rules of the market. They are trying to undo ESG. They want the government to intervene in what corporations are doing to protect their shareholders and tell them the truth about market risk consistent with their fiduciary obligations. They want to break every step in that chain to protect their continued ability to pollute.

So watch this ESG nonsense. The anti-ESG, so-called woke corporatism, is a fake. It is a Broadway theatrical production, minus being on Broadway and being in a theater. But it has actors paid for by the fossil fuel industry. It has script writers who are telling them what to say. It has directors and producers who are driving the show behind the scenes. It is an operation. It is a fake. It is a piece of political theater, and we have to be willing to push back against that, because you can't take these kind of chances with the climate risks that we are now facing.

By the way, this objection to ESG, it is never about the "g." It is never about the "s." It is always about the "e," the environmental piece. And within the environmental piece, it is always about carbon emissions. That is a telltale as to who is behind the anti-ESG political operation that is ongoing in America right now.

I hope we have a strong vote to knock this down.

I am delighted that President Biden is going to veto this. This would be self-harm if we were to allow this to happen to our country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Madam President, I rise today to talk about the solar tariff CRA, which, unfortunately, is misguided and is going to have a devastating impact on States like Nevada, as you well know.

H.J. Res. 39 to end the pause on solar tariffs is really a misguided effort that will not only cripple our Nation's solar industry but kill thousands of American jobs.

Our country is in a position to lead the rest of the world in clean energy production, including solar development. States like Nevada are building up our solar capabilities and creating thousands of new jobs that support working families.

Talk to the unions in my State, and you will hear how important solar is for Nevadans. I spent some time recently with IBEW at the Gemini Solar Project, which our Presiding Officer knows well. It is one of the new solar arrays in southern Nevada. I heard directly from them about how these are good-paying jobs for our workers, which is why so many unions, including the carpenters, the laborers, and operating engineers, oppose this resolution.

This effort to reinstate solar tariffs would devastate our operations; it would hurt working families; and it

would make it even more difficult to become energy independent in this country.

Just a few weeks ago, the Energy and Natural Resources Committee held a hearing with Energy Secretary Jennifer Granholm. She told me that she gets it; that we need a transition period to be able to build up our solar supply in the United States.

It is happening thanks to the Inflation Reduction Act, but we are just getting started. Right now, the United States only has capacity to manufacture a small fraction of our domestic solar demand. Now, of course, we need to keep building our domestic manufacturing of solar. We all agree. And we need to continue that process, but we shouldn't punish our workers by pretending that infrastructure already exists when we know it doesn't. That means we need to expand our supply of solar panels and cells.

Just having this vote this afternoon will have a chilling effect on the solar industry—the solar energy industry. Listen, when the threat of these tariffs was originally looming—just the threat of them back then—75 percent of domestic solar projects experienced cancellations or delays because of that threat, including in Nevada. And I heard it. The Presiding Officer heard it. We heard it from our workers. We heard it from the projects in the pipeline. That is a sign of what is to come if this misguided effort is successful.

Nevada has the No. 1 solar economy in the country, which has created nearly 9,000 good-paying jobs, many of them union jobs. But if we lift the pause on our solar tariffs, those jobs will be in danger. And I won't stand for it. I know the Presiding Officer won't stand for it.

And it is not just in Nevada. It is not just blue States or red States. These tariffs would risk the jobs of the 225,000 Americans who work in solar throughout the country. But some of my colleagues on the other side of the aisle still want to go ahead with this resolution.

Let me just say, Texas, for example, has over 10,000 jobs that would be endangered by these tariffs. North Carolina could see its nearly 7,000 solar jobs be jeopardized. And there are close to 12,000 Floridians working in the solar industry whose jobs would be at risk.

There is no justifiable reason to move forward with this resolution that would kill jobs in our own States. I agree that we need to stay competitive with the Chinese Government, but if we implement these tariffs, three-quarters of our solar deployment would stop. That would cede our leadership to the Chinese Government. It would hurt our domestic manufacturing. And our working families, most importantly, would pay the price. And we just can't let that happen.

We need to be supporting American leadership in the solar industry. We need to be protecting our working families and, yes, creating more solar jobs. That is why I am going to be urging my

colleagues to vote no on this irresponsible and harmful resolution.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I am so delighted that the Presiding Officer is in the Chair—the Senator from Nevada—who has led this fight on the floor against this incredibly counterproductive measure that the Senator from Florida has brought here—incredibly, in the name, somehow, of being tough on China.

I have seen lots of things on this floor that didn't make sense. I have seen lots of things where I have wondered about the judgment of people who were pursuing something allegedly in the interests of the American people, allegedly in the interests of American jobs, allegedly in the interests of manufacturing, allegedly because we are competing with China.

I have never seen something as counterproductive as this, and I want to thank the Presiding Officer for her leadership because she comes from Nevada and I come from Colorado, and we know the jobs that are at stake here—tens of thousands of jobs that could go away—a billion dollars of tariffs, of taxes that our solar industry would have to pay as they are going out of business because of what the Senator from Florida is trying to do in the name of being tough on the Chinese.

So let's talk about that for a second. Let's think about who is actually being tough on the Chinese. One of the benefits of the way the Chinese are organized—well, they see it as a benefit; I don't see it as a benefit, but they do—is that they don't live in a democracy; they live in a totalitarian society. In that totalitarian society, they can make 5-year plans; they can make 10-year plans. Xi can say: This is what we are going to do for the next 5 years. This is what we are going to do for the next 10 years.

And I would argue that, for the 20 years that we were spending fighting those two wars in the Middle East that we probably shouldn't have been fighting for those 20 years, the Chinese were marching along and marching along and marching along, stealing our intellectual property and developing new industries and new technologies. We had our eye off the ball.

One of the things that is hard about democracy is that sometimes we can't really plan much longer than between two elections—or one election, if we are really being pathetic. But, recently, there has been a different approach here. Recently, there has been a different approach in the infrastructure bill that we passed a couple of years ago that was bipartisan. It was the first infrastructure bill of any significance since Eisenhower was our President.

We finally said: Do you know what? We need to start investing in our country again.

And all over Nevada, all over Colorado, Americans are working on our



roads and bridges—long overdue—as a result of bipartisan work, Republicans and Democrats working together.

There was another bill that we passed that was the semiconductor legislation, the so-called CHIPS Act. Some people remember—I certainly do—when I was in college, Ronald Reagan was the President of the United States. And back then, Madam President, for some reason, everybody thought that it was a good idea to ship everything to Southeast Asia to get it made there, that it would be a good idea to ship it to China and have it made there. That is kind of what Ronald Reagan's view of the world was.

And I regret the fact that we went down that road for decades. Now that CHIPS bill—that semiconductor bill—that is the first piece of legislation since Ronald Reagan was President that said: Stop it. We are going to bring an industry back to the United States. We are going to bring the semiconductor industry back here.

And, by the way, I hope that is not the last. I hope that is only the first. But it sure made sense to start with semiconductors because 90 percent of the most important semiconductors in our fighter jets are made in Taiwan, 110 miles off the coast of China. Ninety percent of the semiconductors in our surface ships and in our submarines are made in Taiwan, 110 miles off the coast of China. What could possibly go wrong? Yet Democrats and Republicans working together said: We are going to bring that back.

Well, we had another bill, Madam President, that I regret didn't get any Republican votes. I wish that it had. I really do wish that it had because that bill had two pieces. One was healthcare, and one was energy.

In the healthcare piece, we cut drug prices for seniors. We said we are going to cap them at \$2,000. We said Medicare is going to negotiate drug prices on behalf of the American people for the first time. We capped insulin at 35 bucks a month—pretty amazing. And I am sorry some people didn't vote for that, and I don't know exactly why.

But the other part was an energy part, and, here, we were saying: We are going to compete with China. And here we were saying: We are going to lead the world in the transition that we are going to make from the fossil fuel economy that we have today to a clean energy economy; and that no country in the world is better situated to do that than the United States.

Does that mean we can turn fossil fuels off tomorrow? No. Can we turn them off yesterday? No.

I, for one, believe it is going to be really important for this country to export LNG, or liquefied natural gas, over to Europe to help keep Europe in the fight against Putin and to help replace Chinese coal. I think that is

going to help us with emissions. Not everybody agrees with me on that. I believe strongly.

And I don't think there is a country in the world that is better situated—because of our abundant fossil fuels that we have today, because of our commitment to the rule of law, because of our commitment to innovation, because we are not as corrupt as a lot of the countries that we are dealing with, and because we have passed the Inflation Reduction Act, which had \$270 billion of tax credits in it to drive innovation in the American economy. Because of all those things taken together, I am so happy to live in this country because we can lead that transition, and we can compete with China. We can outcompete China.

But into this sunny picture came the Biden administration, an administration that I generally support. But they, a few months ago, decided that they were going to begin an investigation into where certain solar panels came from. And the Presiding Officer and I and some others said: Hold on a second. We haven't made the transition yet. We haven't done it yet. It is going to take us 2 to 3 years to set up these manufacturing plants to build solar panels here, to make them here so we can compete with China. And, in the meantime, we have got tens of thousands of people who are swinging hammers in Nevada and Colorado and all across this country, who are climbing ladders and getting up on roofs to install solar panels to make sure that we are driving away from our reliance on fossil fuels and into a world where we are relying on wind and the Sun.

And the minute that the Biden administration did this, companies in Colorado started to say: We are going to go out of business. Companies in Nevada and New Mexico said: We are going out of business. The capital that was investing in them went away.

This isn't hypothetical. This was happening. They were saying to me and I know they were saying to the Presiding Officer: We are going to go bankrupt as a result of this policy.

We are going bankrupt as a result of this policy. We can't sell enough solar panels here in America. We can't install enough solar panels. We can't hire enough people. And now our own country is saying we are going to bring this to an end.

We went to the White House, and we said: We can't do this to tens of thousands of people all across our country. We can't do this if you are committed to fighting climate change. We can't do this if you are committed to the union workers who are installing all of those panels all over the United States.

I remember a phone call with the Presiding Officer, with the White House, where I said: This is a matter of days, not months.

To their credit, they came back, and they said: You guys were right. We need to put a moratorium in place. We need to have 2 years where we can have a transition to, you know, give us the chance to start manufacturing these panels here in America.

It is amazing to have people that strategic in our democracy, to be able to say: You know what, we passed a law—the Inflation Reduction Act—that is going to put us in the position of being able to manufacture these solar panels here, which Ronald Reagan and all those people should never have sent to China to begin with. So we are going to bring them back, but it is going to take us a little time.

In the meantime, we are going to adopt a set of policies that are going to allow the small businesses that are installing solar all over Nevada, all over Colorado, all over this country—we are going to not just allow them, we are going to celebrate the fact that they are there, and we are going the support them and give them notice.

We are going to act strategically with respect to our competition with China. And that is what we did. The combination of that moratorium and the Inflation Reduction Act—that is probably the most strategic we have been around here in decades—in decades. And now comes the Senator from Florida, who says: I am going to blow this up. I am going to compete with China by destroying the solar industry in the United States. I am going to compete with China by putting tens of thousands of people who are now working on the unemployment roll. I am going to compete with China, the Senator of Florida says, by putting a \$1 billion retroactive tax on the solar industry in Nevada, in Colorado, and all across the United States of America.

That doesn't sound like competing to China. That sounds like surrender, to me. That sounds like waving the white flag, to me.

In all the history of self-inflicted wounds around here, that is just the latest example. And don't get me started on that, although I will just say parenthetically, why anybody in this Chamber or in that Chamber would think this is the moment in American history to raise interest rates on the American people, on home buyers, and on people who have car loans and people who are paying student debt, I don't know. But that is not the topic we are here for today. But it is almost nuts, especially when the status quo is going to be so great for America because the status quo is, we are going to spend the next 2 years continuing to install solar panels. We are going to spend the next 2 years standing up manufacturing all across the United States of America. I hope a bunch of that is going to be in Colorado so we are building and manufacturing these solar panels here.

So what I would say is, if you are voting with the Senator from Florida, don't do it because you are competing somehow with the Chinese. You are surrendering to the Chinese. If you are doing it because you think that we got taken to the cleaners by the Chinese in terms of the manufacturing of solar panels to begin with, I acknowledge that, but that wasn't the Biden administration's fault. They are the ones who are trying to bring it back. They are the ones who are bringing it back, just like we were the ones who brought the semiconductor industry back.

We have an incredible opportunity to go forward here, to grow the industry that we have, and to lead the world, as I said, in this transition from fossil fuels to clean energy.

There is no country in the world that is better situated than the United States of America to lead that transition because of who we are, because of the natural resources we have, and because of the bill the Presiding Officer and I voted for. We shouldn't upset that. We shouldn't change that.

So I would encourage every single Senator in this Chamber, whether Democrat or Republican, to vote down this bill in the name of the competition we are in with China; to vote down this bill in the name of working people in this country; to vote down this bill in the name of our kids and grandkids, who hopefully are going to benefit from our leadership and the strategy we have been pursuing to make this transition. Let's agree together that we can find much more constructive ways to compete with our adversaries around the world.

Thank you, Madam President. Thank you for your leadership on this issue, and thank you for giving me a few minutes to talk today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Madam President, I want to start off by thanking you for your good work on this subject—this important subject—at issue.

I rise today because our critical work to combat the harmful effects of climate change is at risk. I am particularly concerned about the efforts some of our colleagues are undertaking to make even more dire the situation that our planet already faces, make it worse.

Every day that goes by, we hear about the horrific scenes that are caused by natural disasters—wildfires in the West and in the Northeast; flooding and hurricanes in the South; tornadoes like the ones we had just last month in Sussex County, DE—the southern part of our State—that took a

life; along with countless tornadoes across the Northwest. The list goes on and on and on.

These disasters are devastating families not just in my State, not just in your State, but also in States across our country, and wreaking havoc on our economy.

Over 3.3 million Americans were displaced due to natural disasters last year.

Let me say that again. Over 3.3 million Americans were displaced due to natural disasters.

On top of that, billions of dollars are spent every year—billions of dollars spent every year—in the aftermath of these disasters. That is double the number of people in Montana and Vermont combined.

Let me say that again. That is double the number of people in Montana and Vermont combined.

We cannot sit idly by, like some of our colleagues today would have us do, or allow for a reversal of the policies that are working to mitigate this devastation.

As we all know, the solar industry has been critical in helping us combat the effects of climate change. By transitioning to cleaner energy solutions, we are taking the necessary steps to reduce our impact—the human impact—on our warming planet.

The solar industry is not just good for our planet; it is good for American workers—a lot of them. Hundreds of thousands of jobs have been created right here on our own American soil to grow the solar energy and strengthen our supply chain.

The Inflation Reduction Act took these efforts one step further, allocating the largest investment we have ever made in the solar industry. The Inflation Reduction Act is already creating more jobs for more Americans across our country, while expanding our domestic solar manufacturing capacity.

With the commitment of the Biden administration, we are on track to increase domestic solar panel manufacturing capacity eightfold by the end of next year, generating up to \$40 billion in new investments.

Let me say that again. We can increase our domestic solar panel manufacturing eightfold by the end of next year.

Why would we get in the way of that progress? We can only ensure that this outcome is possible if we overcome the significant challenge presented here today.

As you might remember, last year, the U.S. Department of Commerce's investigation into solar tariffs imposed on countries in Southeast Asia paralyzed the industry and halted the supply chains of critical materials for American solar deployment. Rightly, the Biden administration stepped in and announced the suspension of these tariffs. This action saved tens of thousands of jobs, allowing our transition to cleaner energy solutions to continue

as demand for solar products continues to increase exponentially.

Today, we are once again facing the same threats to American jobs that we faced a year ago. It is unimaginable. At least it is unimaginable to me that we would be willing to make an unforced error—an unforced error—in our commitment to protecting our planet.

We shouldn't be fighting the Biden administration's work to preserve the trade balance. We simply can't afford to make mistakes that would halt solar employment and cost us a whole ton of American jobs.

With current U.S. solar manufacturing, we are only able to meet one-third of domestic demand—one-third. It is imperative that we protect this industry and the tens of thousands of jobs it produces.

If the pause on solar tariffs were to end, the consequences would be devastating. Let's take a minute just to walk through what Americans would face. Here is what they would face:

First of all, 30,000 good-paying jobs would be eliminated this year—not next year or the year after that; this year, 30,000. Of that 30,000, 4,000 are manufacturing jobs stemming from a \$4.2 billion domestic investment in the solar industry from legislation like the bipartisan Infrastructure Act and the Inflation Reduction Act.

Second, CO<sub>2</sub> emissions would increase by 42 million metric tons. That is about the same amount of emissions generated by the electricity use of 8 million homes in a year. This would undermine our progress on solar deployment and starve the solar market of the critical panels and cells that cannot be obtained in the United States at this time.

Third, our efforts to strengthen the supply chain by developing our own manufacturing would be severely harmed. The retroactive solar tariffs on materials that are currently not available in the United States would directly undercut our own efforts and send the supply chain into a downward spiral.

Fourth, roughly 14 percent of the industry's anticipated projects would be canceled.

I will say that again. Roughly 14 percent of the industry's anticipated projects would be canceled, significantly setting back our transition to a green energy economy.

We cannot afford to let this happen. We need to do everything in our power to lift up innovators in the solar industry, to boldly cut emissions from our power sector, and to attack this climate crisis head-on, all while continuing to create good-paying jobs.

Heaven forbid that the future generations look back and see that our own hand—our very own hand—forced this error.

I want to thank you, our Presiding Officer, Senator ROSEN, for your wonderful leadership on this issue.

I want to urge all of our colleagues to vote no on this resolution for the good

of our country, for the good of our planet, for the good of the people who inhabit this planet with all of us, and also for generations to come, our kids and their kids.

I want to take just a moment and get some other papers from my binder, so I suggest the absence of a quorum. I will be back in 1 minute. Don't go away.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Madam President, I rise for a second time today and this time in opposition to S.J. Res. 9, a Congressional Review Act resolution to disapprove of the U.S. Fish and Wildlife Service's rule protecting a bird known as the lesser prairie-chicken under the Endangered Species Act.

Before I explain why my colleagues should reject this resolution, let me first answer two basic questions. Some who may be watching this debate could be asking: First, what is a lesser prairie-chicken? And, second, why do we need to protect it?

Those are two pretty good questions.

Native to the southern Great Plains, the lesser prairie-chicken has long been considered an indicator for healthy grasslands and prairies upon which hundreds of species depend. If the lesser prairie-chicken is in peril, in time, other species could be in peril, as well.

Today, the lesser prairie-chicken can be found in five States—Colorado, Kansas, Oklahoma, Texas, and New Mexico. We know that this colorful and, some would say, charismatic bird's distinct call was once a familiar part of the prairie soundscape, so much so that it has earned a representation in ceremonial dances of several Native American Tribes and celebration in communities across its multistate habitat.

Sadly, the population of the lesser prairie-chicken has declined by some 97 percent throughout the last century—97 percent. This decline is primarily due to loss of habitat and climate-related drought in the West.

In addition to the cultural and ecological losses that come with a declining lesser prairie-chicken population, there are impacts for communities, as well. For example, a local prairie chicken festival in Roosevelt County, NM, hasn't been held since 2012 because there are no longer enough birds in the area to sustain this tourism.

There are no lesser prairie-chickens in 45 of our 50 States. There are none. Still, we know firsthand the benefits that wildlife tourism can have on local economies. For example, people travel from all across the country—and, actually, around the world—to come to Delaware to see the beloved bird called the red knot. That is a familiar face and welcomed face along the shores of Delaware.

This tiny bird, which is now a threatened species due to climate change, migrates more than 18,000 miles. This tiny little bird migrates more than 18,000 miles on its roundtrip from the southern tip of South America to the tundra of the northern Arctic. Along the way, flocks of red knots stop for lunch, and they stop for lunch in Delaware. They stop for lunch along our beaches in Delaware. They stop and lunch on horseshoe crab eggs, often doubling their weight during this process. It is quite a spectacle.

Horseshoe crabs have been around for millions of years. Every year, during certain parts of the year, they lay their eggs and they lay them along the Delaware beaches, and the red knots come in and swoop them up and go to town, literally, doubling their weight before they head north or head south.

People come from all over the world to witness this. When they come from all over the world, they stay in our hotels. They eat in our restaurants. We have no sales tax. They shop safe with no sales tax. For us, it is a pretty good thing, and it is an even better deal for the red knots. They benefit and, frankly, so do we in our economy.

So while some might suggest that providing Endangered Species Act protections for the lesser prairie-chicken would hinder economic development, given our experience in Delaware, I have a different perspective based on our experience with threatened and endangered species in the First State.

Delaware is not the only State that pays homage to our Nation's iconic birds. In fact, five National Football League teams use birds as their mascot, including the Seattle Seahawks, the Arizona Cardinals, the Atlanta Falcons, the Baltimore Ravens, and the Philadelphia Eagles. Go birds.

In addition, the great State of Louisiana is known as the Pelican State. Today, the distinctive brown pelican is thriving along the Louisiana's coast because of the Endangered Species Act. To the west, the well-loved California condor actually became extinct in the wild in the year 1987. But with the help of the Endangered Species Act, there are now more than 550 condors in the wild. Unfortunately, Endangered Species Act protections for the lesser prairie-chickens have been delayed for decades. Now the species is in serious peril, which is why we should not wait any longer.

Some of our colleagues who oppose this rule for the lesser prairie-chicken have claimed that the Fish and Wildlife Service did not properly account for longstanding voluntary conservation efforts. That is just not true. While I commend the voluntary actions to conserve the lesser prairie-chicken, science shows existing efforts are not nearly enough to protect and recover this species.

That said, even with the data clearly demonstrating the need for enhanced protection for this extraordinary bird, the Fish and Wildlife Service worked

hard to create a flexible rule that would mitigate the negative impacts on impacted industries.

Specifically, the many years of volunteer conservation actions are not for naught. Under the Biden rule, those voluntary actions remain the foundation for current habitat and conservation plans to protect lesser prairie-chickens, while allowing continued industry operations.

Under the rule, farmers, ranchers, and energy producers can generally continue their normal activities, as long as they adhere to reasonable conservation plans. That is true even if these activities have a small negative impact on this species. And this flexibility applies to the range for the entire northern population, including all known habitats in Kansas, in Colorado, and in Oklahoma, and about half of the State of Texas.

What is more, the Fish and Wildlife Service delayed the effective date of this rule for 60 days to allow more time to work with partners and to work with stakeholders. Doing so allowed impacted industries to create conservation plans and minimize disruption to activity in the region. The Service also continues to collaborate closely with States to ensure that all interested parties have the tools that they need in order to comply with the rule.

Despite this effort by the Fish and Wildlife Service to ensure a smooth implementation, this CRA resolution would take a sledgehammer to the rule. And this CRA is, indeed, a sledgehammer. If enacted, this resolution would not only invalidate the rule issued by the Fish and Wildlife Services, but it could also prevent the Service from ever issuing a listing for the lesser prairie-chicken in the future.

To put it simply, enacting this resolution could set this species on a path to continued decline and eventual extinction. The resolution also undermines the Endangered Species Act. How is that, you ask? Well, this resolution violates the basic premise that the law should be applied based on science and not politics.

In 2019, an intergovernmental panel issued an alarming report. What did the report say? That report found that roughly 1 million species on our planet are endangered of extinction. Let me just say that again. In 2019—4 years ago—an intergovernmental panel issued an alarming report. What did it report? They found that roughly 1 million species on our planet are in danger of extinction.

We know that preserving our planet diversity is critical for innovation, it is critical for human health, and it is critical for our environment. And the Endangered Species Act is our best tool for protecting species and preserving environment.

Let me conclude this afternoon by offering a reminder of what is at stake here today: Extinction is forever. Let me say that again. Extinction is forever.

Overturning this listing may well mean the permanent loss of an iconic American species. That would harm our planet that we pass on to future generations and the communities and cultures that hold lesser prairie-chickens in high regard.

For all of these reasons, I oppose this resolution, and I strongly urge our colleagues to join me and others in voting no.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Nevada.

Ms. ROSEN. Madam President, as you have heard from my colleagues before me, there are serious concerns about the job-killing resolution that we will be voting on this evening and the effects it will have on our solar industry and American workers.

For years, solar has been a growing source of clean, low-cost energy and economic development in States all across our Nation. And it is a source of jobs—good-paying, union jobs—right here in the United States.

America's domestic solar industry is made up of more than 10,000 businesses—large and small—located in every single State, employing over 250,000 Americans. I will repeat that: employing over 250,000 Americans. In fact, my State of Nevada has the most solar jobs per capita of any other State in this great Nation.

When we talk about the solar industry, we are talking about an industry that is generating hundreds of thousands of American jobs and supporting American workers, while at the same time helping us to transition to clean renewable energy.

Thanks to historic investments we secured in the bipartisan infrastructure law and the Inflation Reduction Act, the American solar industry is experiencing an unprecedented boom.

Last year, a new solar project was installed in the United States every 44 seconds and, in fact, the demand is only expected to increase. This is only going to create more jobs and help make us more energy independent.

For example, the average solar installer in Reno, NV, makes about \$80,000 a year. It is a good job. That is a job that lets a family pay their rent, buy groceries, put something away for their kids' college and for their own retirement. These are the kinds of jobs we should be creating, and we are, thanks to these historic investments.

That is why I have been a champion of our domestic solar industry and have been fighting back against attacks on it from my colleagues—well, frankly—on both sides of the aisle. That is why I led a bipartisan group of Senators last year to push President Biden to pause additional retroactive solar tariffs after a Commerce Department investigation. Well, they threatened to destroy our domestic solar industry and kill tens of thousands of American jobs.

But at this moment—this moment—our American solar workers are at

risk. My workers in Nevada are at risk. Those \$80,000-a-year jobs are at risk. And all of the progress we have made to transition to clean energy, all the good-paying jobs that we have created, and all of the solar projects that are lowering energy costs for families—well, they are all at risk, too.

Last week, the House of Representatives passed a Congressional Review Act. This resolution rolls back the 2-year pause on these additional solar tariffs. If enacted, this resolution will decimate our American solar industry. So let me be crystal clear: Enacting additional retroactive tariffs on imported solar panels themselves will kill—will absolutely kill—the American solar industry, and it will kill any chance we have to meet our climate goals. It will kill the current American solar jobs.

I know that some of my colleagues have said that supporting this resolution is being pro-worker. Well, I am just going to say that that is wrong. No one can say they are pro-worker while at the same time voting to kill good-paying American jobs. And that is exactly what this resolution will do.

I don't even know why this is on the table. Are we seriously going to tell that solar installer that he is out of a job? Are we going to put his family on unemployment just for politics?

I am going to repeat it: Supporting this resolution and killing American jobs, it hurts workers and their families. Period.

Opposing this resolution means being on the side of American workers. It means being on the side of unions like IBEW, the laborers, the operating engineers, the carpenters union, who are all urging a “no” vote today.

All of us here in this Chamber agree that we have to strengthen domestic manufacturing; we all agree we have to be competitive with China; and we all agree that we have to be energy independent.

That is what this current pause on additional tariffs—that is what this current pause helps us to do because, right now, solar panel manufacturers in the United States can only meet about 15 percent of the demand for American solar projects.

So thanks to the investments made by the Inflation Reduction Act, we are going to greatly ramp up our domestic solar manufacturing, creating jobs, making us energy independent right here at home.

But it is going to take time. It will take time to ramp up domestic solar manufacturing so it can provide more than 15 percent of U.S. demand. Our current solar industry's best success depends on the steady supply of solar panels to install. We can't cut off supply of important solar panels by enacting massive retroactive tariffs that will just kill solar projects; it will kill American jobs; and it will hurt American workers.

So what can we do?

Well, what we can do is have a bridge that allows us to do both: keep our do-

mestic solar industry alive while we invest and bolster our domestic manufacturing so that we can be competitive with China. That is exactly what this pause helps us to achieve.

Enacting retroactive tariffs will even directly harm U.S. solar panel manufacturing businesses by cutting off their major source of solar cells—a key component in the panels—making it that much harder for them and us to compete with China. That is why I am leading the effort to block this resolution and to keep the pause in place.

So I urge my fellow colleagues to join me and be on the side of workers by protecting good-paying American union jobs, to join me in fighting to meet our climate goals, and to join me in making our Nation more competitive with China by voting against this job-killing resolution and saving America's solar future. Hundreds of thousands of American solar workers, their families, and our communities—well, they are counting on us.

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

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

#### MIDTOWN ATLANTA SHOOTING

Mr. WARNOCK. Madam President, I rise today in shock and sorrow and in grief for my home State. And, if I am honest, I rise really with a deep sense of anger about what is happening in our country in the area of gun violence and death.

I stood here in March of 2021 after a gunman went on a rampage across Metro Atlanta and snatched eight precious souls—people with families and friends who loved them dearly. And here I am standing again, this time with the tragedy having occurred in midtown Atlanta, right in my own backyard.

While this is still a developing situation, according to media reports, so far, at least five people were shot—five—on a random afternoon. There has been one fatality. The others were taken to the hospital.

I want to take a moment and thank law enforcement officials for keeping us as safe as they can. I want to thank them for their work trying to apprehend this individual.

I am also thankful for local media who are keeping all of us informed, and I am grateful for our first responders, the people in healthcare, the people on the front lines. We count on them every day to care for those who are injured, to respond to people in peril. That is what makes this particular shooting ironic and deeply upsetting, because it underscores the fact that none of us is safe no matter where we are. This happened in a medical facility where people are trying to find healing.

So I want to underscore that, because there have been so many mass shootings—in fact, about one every day in this country this year—that, tragically, we act as if this is routine. We behave as if this is normal. It is not normal. It is not right for us to live in a nation where nobody is safe no matter where they are.

We are not safe in our schools; we are not safe in our workplaces; we are not safe at the grocery store; we are not safe at movie theaters; we are not safe at spas; we are not safe in our houses of worship. There is no sanctuary in the sanctuary. We are not safe at concerts; we are not safe at banks; we are not safe at parades; we are not safe in our own yards and in our own homes. Now, today, we can add medical facilities to that list.

And, still, we have done so very little in this building to respond—and in the American political square at large. I think there is an unspoken assumption. I think that the unspoken assumption is that “This can’t happen to me. This won’t happen to me. It won’t happen to people that I love.” But, with a mass shooting every day, the truth is the chances are great.

I shudder to say it, but the truth is, in a real sense, it is only a matter of time that this kind of tragedy comes knocking on your door. Then, in a deeper sense, I think it is important for us to recognize that it is already happening to you. You may not be the victim of a mass shooting. You may not know anyone who is the victim of a mass shooting yet, but in a real sense, it is already happening to all of us.

Dr. King was right:

We are tied in a single garment of destiny, caught up in an inescapable network of mutuality. Whatever affects one directly, affects all indirectly.

This is knocking on all of our doors, and I feel this this afternoon in a very real sense—I feel it in my bones—because my own two children were on lockdown this afternoon.

I have two small children, and their schools are on lockdown in response to this tragedy. They are there. I am here. I am hoping and praying that they are safe, but the truth is none of us are safe.

As a pastor, I am praying for those who are affected by this tragedy, but I hasten to say that thoughts and prayers are not enough. In fact, it is a contradiction to say that you are thinking and praying and then doing nothing. It is to make a mockery of prayer. It is to trivialize faith. We pray not only with our lips; we pray with our legs. We pray by taking action.

Still there are those who want to convince us that this is the cost of freedom. To them, we have to say no. This ongoing, slow-moving tragedy in our country—mass shootings as routine—is not the cost of freedom; it is the cost of blind obstinance, a refusal to change course even when the evidence suggests we must do something different. It is the cost of dema-

goguary—those who want to convince us that commonsense gun reform is somehow a call to take everybody’s guns. This is not the cost of freedom. Dare I say it is the cost of greed—gun lobbyists willing to line their pockets even at the cost of our children.

And so we must act.

I am proud of the fact that we did, after 30 years, pass some gun safety legislation here in the last Congress. It was a significant piece of legislation, but, obviously, it was not enough. There are 87 percent or more of Americans who believe that we ought to have universal background checks, and still we can’t get it. Think about that. In a country where everybody says we are divided—and there are deep divisions, to be sure. There is disagreement on this issue, to be sure. But in a country where there is 87-percent agreement on something, there is no movement on it in Congress, which means that that is a problem with our democracy. The people’s voices have been squeezed out of their democracy, and there is a growing chasm between what the people actually want and what they can get from their government.

We saw it in a stark and ugly way a few weeks ago when we had two brave, young legislators stand up in Tennessee—three, in fact. The same legislature that refused to do anything on gun violence came down on them with all of their might and expelled them from the legislature.

We have to stand up against these anti-democratic forces at work in our country, and we have to give the people their voices back. If we refuse to act while our children are dying and in a moment when no one is safe, then shame on us. Shame on us if we allow this to happen, and we do absolutely nothing.

Saint Augustine, the African bishop of the early church, said that hope has two beautiful daughters. He said they are both beautiful, Anger and Courage—anger with the way things are and courage to see that they do not remain as they are.

I am pleading; I am begging all of my colleagues on both sides of the aisle to remember the covenant that we have with one another as an American people. Stand up in this defining moment, and let’s do everything we can to protect all of us and, certainly, all of our children. We owe it to the people who have sent us here.

I know there are those who will look at this moment and say: Politically, do you really think we can get anything done here? They will ask if this is the time given the state of politics in our country right now.

I respond with the words of Dr. King, who said that the time is always right to do what is right, and that time is right now.

I yield the floor.

THE PRESIDING OFFICER. The senior Senator from Mississippi.

UNITED STATES NAVY

Mr. WICKER. Madam President, I come before the Senate this afternoon

to discuss the U.S. Navy’s ability to deter conflict in the Pacific. As China’s navy has grown, ours has shrunk, and we are running out of time to tilt the balance of power back toward the United States and ensure that deterrence does not fail in the Western Pacific.

For centuries, American naval power has proven the decisive factor in our security and prosperity. The U.S. Navy secured our victory in the American Revolution during the 18th century. It enabled our transformation into a world power in the 19th century. It defeated adversaries in two world wars in the 20th century, and it will decide our success or failure this century.

China’s rising strength on the seas is a direct threat to international peace and security. Their ability to exercise total control of the major sea lanes strikes at the heart of free and market-based economies in Asia and around the globe. For a few minutes today, I will outline the threat, our lack of preparedness, and what it will take for us to deter China from acting in an irresponsible way.

The Chinese Communist Party understands a truth that 19th century American CAPT Alfred Thayer Mahan summarized when he said, “Whoever rules the waves rules the world.” Beijing knows a great navy is a necessary step in their march for regional dominance.

And so, while our own shipyards were closing and downsizing and our shipbuilding budgets shrank, China went to sea.

According to the Secretary of the Navy, China has more shipbuilding capacity in just one shipyard than we have in our entire industrial base. By the end of this decade, China is expected to have a fleet of 440 warships. If the Navy’s latest 30-year shipbuilding plan is a guide, we would have only 290. Of course, the statutory requirement enacted by the Congress and signed by the President of the United States is 355.

A Chinese navy of the size I mentioned—440—and a strength relative to our own directly endangers our partner Taiwan, our allies in Japan and in the Philippines, and our military bases in the Pacific. More Chinese ships means more sea-based Chinese vertical launch cells—missile delivery systems, which are the primary offensive tool of any navy. A recent analysis found Beijing has more vertical launch cells than the United States and our allies combined. Those cells, in addition to China’s extensive sensing capabilities on the ground and in space, increase their advantage in the Western Pacific as our Navy plays an away game far from home.

These troubling facts demand a decisive response. Yet our Navy has failed to keep up. The Department of Defense recently delivered another 30-year shipbuilding plan that fails to meet Congress’s requirement. Their plan contains three building options, only one of which would grow the fleet to

the legally required battle force size of 355 ships. Even then, it would take two decades to get there.

This is not a blueprint for long-term American command of the sea. Instead, the administration is ceding control of the Western Pacific to dictator Xi Jinping and his Communist fleet. In fact, we are still living off the remains of the Reagan-era defense buildup, retiring ships we built at the end of the Cold War, without replacing them. Our shipbuilding pace has slowed. At the peak of the 1980s production surge, we constructed four Los Angeles-class attack submarines every year. Today, we struggle to build just two advanced submarines annually.

Some put a positive spin on this policy, labeling it a “strategic pause” or saying this is a deliberate strategy of “divest to invest.” Whatever the catch phrase, it is dangerous. We are shrinking our fleet and leaving our sailors to fight a war without the tools to win.

In some cases, technicians are forced to repair destroyers by taking parts off of other destroyers just to meet deployment requirements. One of our most vital submarines in the Indo-Pacific, the USS Connecticut, sustained damage 2 years ago and will likely not be repaired for another 5 years—another 5 years. Congress has already appropriated \$50 million to repair the Connecticut, and we will probably need to set aside more funds. The USS Boise—one of our fast-attack nuclear submarines—has spent 8 years in dry dock—8 years in dry dock—to receive rudimentary maintenance—8 years. This is absolutely unacceptable. It will cost over \$350 million to repair the Boise on top of the costs associated with keeping it in port for nearly a decade.

A diminished fleet size is not just about numbers; it has other cascading negative effects, particularly on our sailors. When we have fewer assets and yet ask our Navy to perform the same mission, we make sailors take longer deployments. That means a lower quality of life and higher stress on our ships and on our sailors, both of which impede our readiness efforts—and our recruitment and retention, I might add.

This diminished naval strength leaves us in a dangerous near-term situation with China, whose ambitions to dominate Asia loom large over the next decade.

Time is not on our side. We have promising new military technology set to come online in a decade or more, but China will likely reach its strongest position against us much sooner, well before that new technology of ours is in operation. That, combined with the retirement of ships built in the 1980s, has led some to dub the coming decade as the “terrible 20s.”

Our Navy struggles to meet basic requirements, while Xi Jinping visits Chinese military installations and tells its sailors to prepare for war. This discrepancy led Director of Naval Intel-

ligence RADM Mike Studeman to say that we have “China blindness.” It is no small thing for a one-star to tell us we are blind to the capabilities and urgency of our chief adversary’s military.

We are short on time, but we are not out of time. We do not want a conflict with China. China and the United States can prosper and coexist, but the best way to achieve peace is deterrence. To deter China in the short term and restore our long-term maritime strength, I propose three concrete steps that we can take right now.

First, we need to make a monumental investment in maritime infrastructure. Our shipbuilders are ready to build more, but they need the investments in machine tooling, workforce, and materials.

As our Chief of Naval Operations recently testified, our Navy should get a second shipyard for Constellation-class frigate construction, and we should increase investments in our submarine industrial base if we have any hope of implementing the AUKUS deal. The AUKUS deal is a 2022 agreement in which we promised to sell submarines to Australia as fast as we can build them.

Congress can spark a renaissance of shipbuilding by offering a demand signal for a major maritime buildup. Alongside a bipartisan group of Representatives and Senators, I have introduced the SHIPYARD Act to offer just such a demand signal.

The act authorizes \$25 billion of investment in our shipbuilding efforts. It empowers our shipyards to build the future of the U.S. Navy fleet and could be immediately implemented into this year’s defense funding measures.

Increased funding could push the Department of the Navy’s Shipyard Infrastructure Optimization Program to new levels of efficacy. This would add to the success we are already seeing, and there is no time to waste.

Second, we must immediately give the Navy the capabilities they need to deter a conflict in the next 5 years. This means taking technologies and concepts that are already on the shelf and integrating them into our Western Pacific posture. We should be forging ahead with purchases of sea mines, unmanned platforms, and long-range munitions, which would all be relevant and capable in the near term.

We also need to accelerate our efforts to field maritime target cells to ensure our fleet is properly able to coordinate and target adversarial assets far from our shores.

Third, we should continue to boost the programs within the Navy that are already making major strides toward deterring China. Commandant of the Marine Corps David Berger’s Force Design 2030 has transformed the Marine Corps into the cutting edge of our deterrent posture in the Pacific, and General Berger needs a fleet of amphibious ships to complete the job. Congress should step up and add funding for amphibious ships in this year’s NDAA.

Multiyear block buys would also signal demand to the shipbuilding industry.

These programs will be difficult and will, of course, cost money, but failing to complete them will facilitate China’s advance and be much more difficult and much more expensive in the long run.

We are in our most dangerous national security moment since World War II. We are in our most dangerous security moment since World War II, and we must urgently restore our naval deterrent to meet the moment.

Others have recognized this throughout our history. Reflecting on the dark days of World War II in early 1942, Winston Churchill wrote:

The foundation of all our hopes and dreams was the immense shipbuilding program of the United States.

Once again, the peace and security of the free world depends on our Navy. We need to rebuild it with haste.

The PRESIDING OFFICER. The senior Senator from Ohio.

DR. MARTIN LUTHER KING, JR.’S LETTER FROM BIRMINGHAM JAIL

Mr. BROWN. Madam President, it is an honor to join my colleagues of both parties on the floor today to read one of the greatest pieces of writing of the 20th century, Dr. King’s letter from the Birmingham jail.

I thank Senators WARNOCK, TILLIS, CASEY, CAPITO, BOOZMAN, and ROSEN for joining me.

Madam President, I ask unanimous consent that after I speak briefly, you will recognize, in this order, Senators WARNOCK, TILLIS, CASEY, then me, then CAPITO, then BOOZMAN, then ROSEN.

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

Mr. BROWN. Mr. President, our former colleague, Doug Jones from Alabama, began this bipartisan tradition. It happened in his State, and it is an honor to carry it.

Today, we recommit to Dr. King’s mission—equal rights for all—to ensuring that every voice is heard and to the dignity of work.

On Friday, we marked Workers Memorial Day, when we honor workers killed on the job over the past year and throughout our history. People don’t talk enough about what Dr. King was doing when he was assassinated. He was killed in Memphis while fighting for sanitation workers, AFSCME Local 1633, some of the most exploited workers in our country.

He traveled there following the death of two sanitation workers on the job. Not only was it a segregated neighborhood in Memphis, but, of course, even the garbage truck was segregated. Two White workers worked in the cab, and two Black workers worked in the back of the truck. They were killed when the truck malfunctioned and crushed them.

Dr. King understood the deep connection between workers’ rights and civil rights. Speaking to those workers, he said:

[W]henver you are engaged in work that serves humanity and is for the building of



humanity, it has dignity and it has worth. . . . All labor has dignity.

Until we have equal rights for all and dignity for all workers, our work here remains unfinished. We have a long road left to travel. It is up to us to push our country further along the road. That is the message to me in Dr. King's words in the letter we read today.

Just a quick preface of what this letter was about and then we will turn to Reverend WARNOCK. In April 1963, Dr. King was held in a Birmingham, AL, jail for the supposed crime of leading a series of peaceful protests and boycotts. The goal was to pressure the business community to end discrimination in their hiring for local jobs.

Some White ministers from Alabama had taken issue with the boycotts. They told him: Dr. King, slow down. We are supporting you. We are for voting rights, too, but slow down. Don't move too fast. Don't demand too much all at once.

Dr. King rejected that premise.

It is up to all of us—as citizens, as leaders, as members of our churches in our communities—to get to work to demand justice and equality now, not at some hazy, far-off point in the future that never seems to get here.

Dr. King made that point more eloquently and persuasively than any of us ever could. So I will turn to my colleague, the Reverend Senator WARNOCK.

The PRESIDING OFFICER. The junior Senator from Georgia.

Mr. WARNOCK. Thank you so much.

I am deeply honored to participate in this great tradition started by Senator Doug Jones of Alabama during his tenure and carried out by my colleague Senator BROWN.

I am always honored to revisit these words from Dr. King from the letter from a Birmingham jail. So without delay:

MY DEAR FELLOW CLERGYMEN:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my working ideas. If I sought to answer all of the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of a day, and I would have no time for constructive work. But since I feel you are men of genuine good will and that your criticisms are sincerely set forth, I will try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a non-violent direct action program if such were

deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea.

Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

Now, you deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began

a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?" We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the by product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bull" Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having aided in this community need, we felt that our direct action program could be delayed no longer.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from North Carolina.

Mr. TILLIS. Mr. President, I will continue:

You may well ask: "Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil



rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I will continue the reading of Martin Luther King's letter from the Birmingham jail.

I hope, sirs, you can understand our legitimate and unavoidable impatience. You ex-

press a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: Just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I it" relationship for an "I thou" relationship and ends up relegating persons to the status of things. Hence, segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willing-

ness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I will continue.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate.

I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.

I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and

light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated

Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self evident, that all men are created equal . . ." So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were

crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as "dirty nigger-lovers." Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

Mr. BOOZMAN.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: "Follow this decree because

integration is morally right and because the Negro is your brother." In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: "Those are social issues, with which the gospel has no real concern." And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: "What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful—in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being "disturbers of the peace" and "outside agitators." But the Christians pressed on, in the conviction that they were "a colony of heaven," called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be "astronomically intimidated." By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust. Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world?

Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true *ekklesia* and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. ROSEN. Mr. President, I would like to continue finishing the letter from the Birmingham jail:

Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather "nonviolently" in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or

perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T. S. Eliot has said: "The last temptation is the greatest treason: To do the right deed for the wrong reason."

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My feet is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, Jr.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Senator ROSEN.

Thank you to my colleagues who joined us today to read these powerful words: Senators WARNOCK, TILLIS, CASEY, CAPITO, BOOZMAN, and ROSEN.

This is a diverse group on the floor today whose States reflect the vibrant

and wonderful diversity of our great Nation, from the Deep South to the Mountain West, to the Industrial Midwest. We represent different places. We may disagree on many things, but we love this country. We know we can do better for the people who make it work.

Dr. King and the civil rights leaders of his generation did more than just about anyone to push this country to live up to our founding ideals and to make the dream of America real for everyone. Protesting, working for change, organizing, demanding our country do better—those are some of the most patriotic things all of us can do. That is Dr. King's charge in this letter.

My favorite single line certainly in this letter and maybe in all of Dr. King's preachings and teachings and writings: "Progress never rolls in on [the] wheels of inevitability."

"Progress never rolls in on [the] wheels of inevitability." It rolls in because we make it so. That is our charge.

Think about that campaign Dr. King was waging when he was martyred in Memphis. Think about who he was talking to—a union, Sanitation Workers Local 1613, AFSCME. Think of the circumstances. This was a very segregated Memphis. He was in a segregated, White neighborhood. Even the sanitation trucks where these workers were working were segregated. The cab of the truck was two White workers; the back of the truck was doing the actual lifting and picking up garbage—two Black workers.

In February, before Dr. King first visited, the garbage truck—there was a torrential downpour in this White, segregated neighborhood. There was nowhere for these Black sanitation workers to go. They crawled in the back of the truck. It malfunctioned and crushed these two workers. That is why Dr. King was in Memphis the first time and the second time.

As he wove together worker rights and civil rights and labor rights, he told these workers:

What does it profit a man to be able to eat at an integrated lunch counter if he doesn't earn enough money to buy a hamburger and a cup of coffee?

Those workers were vital to their community. They worked hard to provide for their families. They were denied fair pay, denied political rights, denied basic safety on the job.

Now, the Presiding Officer today is Senator CORTEZ MASTO from Nevada, who has joined in so many efforts on the Senate floor to fight for workers, to fight for the dignity of work, to fight for safety and civil rights and worker rights. It is not a coincidence that the workers who are so often the most exploited are low-income workers, especially Black workers.

Until all workers have the dignity they have earned, Dr. King's work will remain unfinished. It means paying all workers a living wage. It means giving

them power over their schedules. It means providing good benefits and safety on the job. It means letting them, if they so choose, organize a union. It is about the dignity of work. All workers get a fair share of the wealth they create. When we empower workers, we bring us closer to the society Dr. King envisioned where all labor has dignity.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Ohio.

#### THE CALENDAR

Mr. BROWN. Madam President, I ask unanimous consent that the Senate Committee on the Judiciary be discharged from further consideration of S. Res. 152 and S. Res. 185 and that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 152, S. Res. 185, S. Res. 192, S. Res. 193, and S. Res. 194.

There being no objection, the committee was discharged of the relevant resolutions, and the Senate proceeded to consider the resolutions en bloc.

Mr. BROWN. 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 S. Res. 152, designating April 2023 as "National Native Plant Month"; S. Res. 185, designating April 2023 as "Financial Literacy Month"; S. Res. 192, recognizing April 30, 2023, as "El Dia de los Ninos—Celebrating Young Americans"; S. Res. 193, designating April 2023 as "Second Chance Month"; and S. Res. 194, designating May 5, 2023, as the "National Day of Awareness for Missing and Murdered Native Women and Girls" en bloc?

The resolutions (S. Res. 152, S. Res. 185, S. Res. 192, S. Res. 193, and S. Res. 194) were agreed to en bloc.

Mr. BROWN. Madam President, 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.

(The resolution (S. Res. 152), with its preamble, is printed in the RECORD of March 30, 2023, under "Submitted Resolutions.")

(The resolution (S. Res. 185), with its preamble, is printed in the RECORD of April 27, 2023, under "Submitted Resolutions.")

(The resolutions (S. Res. 192, S. Res. 193, and S. Res. 194), with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I will speak briefly. I know we are expecting a vote at 5:30. I will not speak nearly that long, but I know we are about to vote on the Congressional Review Act on an issue that I happen to disagree with the President on.

My whole career has been standing up for workers. My whole career has

been standing up for, sometimes, the Presidents—the Presidents of both parties.

I think, if you look at the history of trade in this country and what we have done, we have seen, frankly, that this body, that down the hall in the House of Representatives, and that the White House have historically not stood up for workers.

I grew up in Mansfield, OH, in a small, industrial city of about 50,000 people. It was a very industrial city, less so now. I went to Johnny Appleseed Junior High School, and I remember walking the halls with the sons and daughters of machinists who worked at Tappan Stove and rubberworkers who worked for Mansfield Tire and steelworkers at Empire in Detroit. "Empire-Reeves," I believe, was the company's name then. I remember the autoworkers who worked at General Motors, a number of electrical workers at Westinghouse, and also the sons and daughters of people in the trades, who were electricians and carpenters, insulators and pipefitters, plumbers and operating engineers and laborers—people highly skilled who built America.

Companies and corporations—particularly in my part of the country but also in Nevada and everywhere—began to shut down plants in the industrial Midwest. They moved those plants to low-wage areas—Alabama, Mississippi, Louisiana, Georgia, North and South Carolina especially. Because those wages weren't quite low enough to satisfy the greed—I think there is no other word other than the "greed" of corporate America—then those same companies began to lobby Congress.

One of my first votes as a Member of Congress many years ago was in opposition to the North American Free Trade Agreement. Those of us who opposed NAFTA predicted with almost certainty what was almost certainly and inevitably going to happen. Once you pass a trade agreement giving these companies the opportunity to go to Mexico and then to China with no tariffs and to go for very low wages to exploit workers in those countries, which is what they did, you begin to see plants shut down.

We know what happened. We know that far too many of our colleagues in the House and Senate were willing to pass these free-trade agreements, like NAFTA. We also know that, down the hall, the House of Representatives did the same thing; the Senate did it; and, frankly, we had Presidents of both parties who sold out American workers. The lobbyists were here, pushing for NAFTA and pushing later for the PNTR with China, weakening the rules there so that these companies were up and gone. They left. They left Ohio. They left Indiana. They left Illinois. They left so much of the industrial Midwest because this Congress and the Presidents of both parties, from Trump all the way back to Clinton—I would include Obama and both Bushes and

Clinton and Trump—were willing to sell out American workers to the lobbyists who pushed for these trade agreements as they could seek cheaper wages in China.

There is another thing that happened with China. What we did when we moved all of these jobs to China was we built up the Chinese military because we provided the technology and the wealth to the Chinese Communist Party that then was able to build up a high-tech military—not quite rivaling ours, but it was certainly dangerous enough that we paid attention.

My vote against NAFTA was one of my proudest votes and my vote against the PNTR with China, the most favored nation status with China. So we are seeing what that has yielded.

In the end, it is a simple choice: Whose side are you on? Are you on the side of the Chinese Communist Party or are you on the side of American workers? That, to me, is what this vote is about today with the Congressional Review Act about solar tariffs.

I would add full disclosure. One of the biggest solar manufacturers—I believe still the biggest single solar manufacturing plant in America—is near Toledo, just south of Toledo, in Northwest Ohio. Those workers will benefit if we vote yes and then override the President's veto.

It is what I urge my colleagues to do today—to pass this simple resolution to continue these tariffs on China—because as long as they keep cheating, as long as American companies are willing to take the products from slave labor and underpaid labor and exploited labor and bring them into this country, these problems will continue for our industrial base.

I heard the President of the United States down the hall, I believe, in his last State of the Union, saying the term “Rust Belt” and that we are burying the term “Rust Belt.” I have talked to the President about burying that term. He mentioned it that day, in the State of the Union that evening.

Mostly, we are starting to see in this country a reindustrialization of America. We are seeing chips now. Chips were invented in the United States, but 90 percent of them are made mostly in Taiwan and China. The light bulb was invented by an Ohioan, Thomas Edison. He grew up not far from where I grew up. Now 100 percent of LEDs are made overseas. So if we are going to reindustrialize this country and bring these jobs back, that is what the CHIPS legislation is all about, and that is what we are doing with Intel in Columbus.

This sets us back. The President's veto of this bill sets us back a couple more years in redeveloping and bringing these jobs back and doing the kind of in-sourcing that Senator CASEY and others have fought for here.

As I wrap up, I am asking my colleagues to vote yes on this Congressional Review Act on solar tariffs because, again, whose side are you on? Are you on the side of the Chinese

Communist Party or are you on the side of American workers? To me, it is as clear as day which side to be on.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, today—in fact, in a few minutes from now—the Senate will act in an effort to protect farmers, ranchers, and producers from the unnecessary consequences of listing the lesser prairie-chicken.

Even as I say the words, it brings back so many instances in which we have had this conversation on the Senate floor, going back to my earliest days in the Senate. This issue has been with us now for a long number of years.

Range-wide studies over the last decade have shown that conservation efforts are helping bird populations in the five habitat States, including Kansas. So the lesser prairie-chicken is a native bird to five States in our part of the country, and its populations are important to us in Kansas and to those other States and to the country.

What strikes me is that this administration claims that American agriculture is at the heart of needing to list the lesser prairie-chicken as either an endangered species or as a threatened species because agriculture is causing harm to the populations.

A quote from the rule states:

Grazing by domestic livestock is not inherently detrimental to lesser prairie-chicken management and, in many cases, is needed to maintain appropriate vegetative structure.

That is a pretty good paragraph to indicate the value of production agriculture when it comes to the well-being of the lesser prairie-chicken.

In other words, what that is saying is that agricultural management practices and voluntary conservation practices of grasslands, including grazing by ranchers, improve—improve—their habitat.

Listing the bird as a threatened or endangered species is not the answer. Plain and simple, we need more rainfall. We need moisture in Kansas and in other States in the West. We need more rainfall, not more regulations.

I conclude here by saying that farmers and ranchers have always been and will always be the original conservationists. Their livelihoods depend on the continued conservation efforts of the soil and water they use to produce crops and raise livestock. I am confident there are ways to conserve the species without hindering economic opportunity in rural communities, and I will continue to push for what Kansans have been pursuing for years now—voluntary solutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I want to take a moment to address some of what we have heard here on the Senate floor today.

There have been a lot of accusations made about what this CRA does, and I

will clear that up in a minute, but first I would like to set the record straight on what this measure does not do.

My colleagues often talk about their work to protect human rights. I would ask this simple question: What could possibly be a greater threat to human rights than the United States of America's turning a blind eye to child slave labor? What message does it send to the world?

We have heard today that this measure will force American companies to pay for these tariffs. Not true. What this measure does do is rightfully punish foreign companies that are actively working to get around U.S. trade law and help import product made with slave and child labor into the United States. The only entities that will pay tariffs are Chinese-affiliated manufacturers.

If you are doing the right thing, this measure doesn't change a darned thing about how you do business, but if you are working with people who believe slavery has a role in supply chains, you are darned right I have a problem with that and will do whatever I can to stop it.

I have also heard today that the rule that this CRA would eliminate was negotiated by the solar panel industry. We have heard that the solar panel industry agrees we need this exemption and therefore it is good. Of course, the solar panel industry that supports the rule is the Chinese solar panel industry. American manufacturers do not.

Thanks to the Biden administration's waiver that we are working to repeal here today, Chinese companies have been given everything they need to dominate the solar market, just like how Russia has dominated cheap gas supply to Europe.

I have also heard some of my colleagues say that this CRA is unnecessary because we have already passed a law that says products made with slave labor cannot be sold in the United States. We did pass a good bill that prevents products made with slave labor from being sold here, and I thank God we did that. But since when has U.S. law meant anything to communist China?

We know companies controlled by the CCP lie, cheat, and steal. We know that companies in communist China are moving solar panels made with slave and child labor to other countries to circumvent our laws, and they aren't being caught.

President Biden's own Commerce Department has proven that to be true. When half the world's solar panels are coming from a region with well-documented child and slave labor, are we really expected to believe that the companies making these panels aren't using slave labor? No, we know that is not reality.

Finally, I have heard the claim that this CRA would somehow be terrible for American jobs. This one actually surprised me. Here is how that logic goes: Letting communist China dominate a market by using slave and child

labor is better than supporting American manufacturing and American jobs here at home. Let me know if you can figure that one out, see how that makes sense.

Some of my colleagues on the left claim that 30,000 jobs will be lost. That is not even close to being true. Guess who gave them that information? The Chinese-dominated solar lobby group. That is the same group that is perfectly happy to keep things the way they are so they can make a buck on the back of slave and child labor.

When I went to look at this report today, I couldn't find it. It is not on their website. This is what you get when you try to look at their so-called analysis: "Sorry, we couldn't find that page."

Honestly, I think our colleague from Pennsylvania got it exactly right when he told a news outlet this week:

Too often, China gets away with undermining our markets, undermining our companies, and every time they cheat, we lose jobs in Pennsylvania.

Senator CASEY is right. It is not just true in Pennsylvania; it is true in every State across our great country.

Senator WYDEN is right too. Discussing the same issue, he said:

Red, white and blue manufacturing, particularly now, when people see we're serious about it, that's the key time in this two year window when the Chinese can hit us.

To be honest, I am shocked by excuses from some of my colleagues. I note that it is only some because this CRA is actually a bipartisan bill.

The excuses for inaction by some on the left don't make sense to me. What we are talking about tonight is whether anything is worth turning a blind eye to slavery and child labor.

The Chinese-dominated industry has agreed that this waiver is a good thing. What a shocker. What some of my colleagues on the left are saying is that the endorsement of Chinese manufacturers is enough to turn a blind eye to slave and child labor. I clearly disagree.

With this rule repealed by this CRA, tariffs first put in place by President Obama's Commerce Department to hold Chinese manufacturers that violate our trade laws accountable will be reinstated, forcing companies to work with only those partners that aren't actively involved in slave and child labor. To that, I say what a good thing for the Senate to put it behind us and to support it.

President Xi is a dictator and human rights violator. He is yet another communist leader trying to be the dominant world player. The Chinese Communist Party has stripped the people of Hong Kong of their freedoms. They have cracked down on dissidents, militarized the South China Sea, threatened Taiwan and surveilled its citizens, and committed a genocide against the Uighurs simply because of their religion.

We know the Chinese Communist Party will do anything to destroy

America. The national security threat of communist China cannot be taken lightly, and the human rights abuses against the Uighurs, including slave labor, child labor, and genocide cannot be ignored. The United States cannot tolerate communist China's horrific human rights abuses and genocide of Uighurs.

In addition to this, communist China will stop at nothing to exploit American markets and take advantage of U.S. investors and companies doing business within its country. Communist China poses a clear and present threat to the United States and the world.

In 2022, the Department of Commerce caught communist China circumventing U.S. trade laws. To avoid American tariffs, Xi's regime started sending Chinese-made solar products made with slave labor to Southeast Asian countries, claiming they are made in the corresponding nation.

Here is what they are doing. It was made here. They shipped them down here and said they were made here and shipped them here so they didn't have to pay their tariffs.

These Chinese-made products—again, made with slave and child labor, and you can see, there are not a lot of pictures that come out of this area, but these are some of the Uighurs, and they are clearly being put to work to do whatever the Communist Party wants them to do.

These Chinese-made products—again, made with child and slave labor—were then imported into the United States.

Despite his own Department of Commerce investigation, President Biden issued an emergency declaration exempting these Chinese-made solar products—again, made with slave and child labor—from our trade law for a full 2 years.

President Biden's solar emergency declaration is a giveaway to President Xi and the Chinese Communist Party. It is a massive gift to a regime that is using slave and child labor, a favor to an evil regime that wants to destroy our great country. There is no other way to describe it.

The declaration allows communist China to circumvent U.S. trade laws with impunity and continue to dominate the solar industry at the expense of American manufacturers and American jobs. It is an approval of slave and child labor. It is anti-American jobs.

Communist China's solar manufacturing is based on forced labor, government subsidies, and trade abuses. Communist China isn't doing the United States any favor through their dominance of the solar industry. We are building dependence on them.

Even today, communist China is using forced labor to produce solar panels. Purchasing these solar panels is helping fuel these human rights abuses. Because of this, the Uyghur Human Rights Project has announced its support of this CRA, so this is why we are taking this vote today.

This CRA would reinstate the Department of Commerce's own findings that certain companies in Southeast Asian companies are acting in violation of U.S. law by importing Chinese-made solar products—again, made with slave labor. Therefore, tariffs should apply to these specific bad actors.

The tariffs would only apply to these companies. It would not apply to any other industry or to any companies that are lawfully importing solar products not made with slave labor into the United States.

This measure is pro-American jobs and anti-Chinese forced and child labor. It is that simple.

Passing this CRA will send a message to President Xi and communist China: When you break American trade laws and use slave labor, you pay the price.

Under the leadership of my friend and fellow Floridian, Congressman BILL POSEY, this CRA has already passed the House with bipartisan support. Now it is time for the Senate to finish the job in Congress and send this to President Biden's desk. This isn't partisan. It is about human rights.

I will not stand by, and I hope the U.S. Senate will not stand by, and accept excuses to turn a blind eye to communist China's human rights atrocities.

The United States is a beacon of freedom to people all over the world. Voting tonight against holding accountable those who enslave others, including children, will be a stain on our Nation that the freedom-loving people of the world will not soon forget.

I look forward to all of my colleagues supporting this CRA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, I ask unanimous consent to use a prop during my remarks.

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

Mr. MARSHALL. Madam President, today, I rise in support of S.J. Res. 9, providing for congressional disapproval of the U.S. Fish and Wildlife Service's rule regarding the lesser prairie-chicken under the Congressional Review Act.

Since I was 10 years old, my family has enjoyed hunting prairie chickens. As a matter of fact, the first bird I ever shot, the first time I ever went hunting, 10 years of age with a 20-gauge single shotgun, I was able to down one of these beautiful birds.

But last November, the Fish and Wildlife Service ignored decades of voluntary conservation efforts and published a rule lifting the lesser prairie-chicken species as endangered and threatened under the Endangered Species Act.

Enacted in 1973, the Endangered Species Act, the ESA, was created to protect species believed to be on the brink of extinction. Today, the consequences of this law reach far beyond its original intent. If saving species were the only



consideration, then this administration wouldn't be listing the lesser prairie-chicken whose population is considered stable in my home State of Kansas.

I ask you, was the ESA made for the good of human kind or was human kind made for the good of the ESA?

Make no mistake about it, the listing of any species adds more rules, more hoops to jump through, more time and costs from everyone, from our farmers and ranchers, our oilfield workers, and our utility linemen who are building out new power poles and electric lines to get wind-generated electricity out to more populated States.

The ESA is just another weaponized tool that this President uses to attack rural America. This move is not surprising, considering the President recently vetoed the bipartisan resolution to strike down the WOTUS rule. This White House continues to push policies and resurrect taxes that disproportionately hurt rural America.

For over 20 years now, Federal, State, and private landowners have voluntarily collaborated with Fish and Wildlife Services to conserve the lesser prairie-chicken and its habitat.

These partnerships have already resulted in conservation agreements covering roughly 15 million acres of potential habitat for species. To list the bird now, after all the conservation effort, sends a message to stakeholders that no matter how much good work you do, the hammer will still fall, the heavy-handed government will still step in and list species under the ESA and attempt to regulate your industry out of existence, all in the name of climate.

The Federal Government thinks it knows best when it comes to conservation, but this law continues to fail its most basic mission: recovering and delisting species. Despite billions of dollars spent in the name of the ESA, less than 2 percent of all listed species have been removed from its ESA protection since 1973—just 2 percent.

Through a combination of public and private efforts, the lesser prairie-chicken is better protected now more than ever. Listing them as threatened or endangered will not provide any additional conservation benefits above what already exists.

As this chart shows, while the prairie chicken numbers tend to follow rainfall, they have been growing since the Obama administration first attempted to list the bird in 2014.

No one in this body wants to see this beautiful bird go extinct. As a matter of fact, we are fighting to preserve it. My hope is that one day, once again, my grandchildren can hunt lesser prairie-chickens like their great-great-grandfathers did.

No oil producer, no rancher, no farmer, no wind energy producer wants the demise of the lesser prairie-chicken. That is why voluntary partnerships have worked and are working. Just like all my fellow Kansans, I am committed to saving our environment for future generations.

To share some wise words from one of my friends:

We are passengers on this planet, not captains.

We need to continue to work with Mother Nature, not punish hard-working Americans. A listing of this species now will only slow down and drive up the cost of our wind energy exports from Kansas, which shares many of the same range. The listing will also push oil and gas development to countries that have long track records of violating human rights or the extraction of these important and necessary energy sources in a manner much more harmful to the environment than those utilized by American producers.

Whether it is gas or diesel or wind energy, this decision to list the chicken would increase the cost of energy. It would federalize millions of acres of ranch lands and expand the regulatory burden on our farmers and ranchers, ultimately, increasing the cost of food. But for what? An attempt to protect the species by an Agency that has only successfully recovered 2 percent of the species that it has listed.

No, thanks. The local communities have and will continue to do what is best for the bird and, more importantly, for the environment through ongoing, proven conservation efforts—conservation efforts passed on from one generation of farmers and ranchers to the next.

This administration ignores the impact that overregulation has on American industries. And I hear this from everyone who visits my office. The costs of this administration's rules and regulations already outpace the last two administrations combined, with \$363 billion in rules so far. Since January 1 of this year alone, that number is \$148 billion.

Under this administration, the annual paperwork burden on businesses has increased to over 220 million hours. Since January 1, that number is approaching 50 million hours—indeed, a redtape of nightmare for businesses.

This resolution is one of many vital steps the Senate GOP is taking to unleash the economy from the bureaucratic harassment that the White House has deployed. I am asking you to join me in applauding, rather than punishing, voluntary conservation efforts and support the joint resolution for congressional disapproval of the lesser prairie-chicken listing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent to yield back all time and the vote begin immediately.

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

Under the previous order, the joint resolutions are considered read a third time.

The joint resolution (H.J. Res. 39) was ordered to a third reading and was read the third time.

The joint resolution (S.J. Res. 9) was ordered to be engrossed for a third reading and was read the third time.

VOTE ON H.J. RES. 39

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BARRASSO. 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. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 109 Leg.]

#### YEAS—56

Baldwin	Fetterman	Peters
Barrasso	Fischer	Ricketts
Blackburn	Graham	Risch
Boozman	Grassley	Romney
Braun	Hagerty	Rounds
Britt	Hawley	Rubio
Brown	Hoeben	Schmitt
Budd	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Casey	Kennedy	Stabenow
Cassidy	Lankford	Sullivan
Collins	Lee	Tester
Cornyn	Lummis	Thune
Cotton	Manchin	Tuberville
Cramer	Marshall	Vance
Crapo	McConnell	Wicker
Cruz	Moran	Wyden
Daines	Mullin	Young
Ernst	Murkowski	

#### NAYS—41

Bennet	Kaine	Rosen
Blumenthal	Kelly	Sanders
Booker	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lujan	Shaheen
Carper	Markey	Sinema
Coons	Menendez	Smith
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Gillibrand	Murray	Warnock
Hassan	Ossoff	Warren
Heinrich	Padilla	Welch
Hickenlooper	Paul	Whitehouse
Hirono	Reed	

#### NOT VOTING—3

Durbin	Feinstein	Tillis
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The joint resolution (H.J. Res. 39) was passed.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Colorado.

Mr. BENNET. I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

VOTE ON S.J. RES. 9

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HAGERTY. 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 senior assistant legislative clerk called the roll.



Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 110 Leg.]

#### YEAS—50

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

#### NAYS—48

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

#### NOT VOTING—2

Feinstein	Shaheen
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The joint resolution (S. J. Res. 9) was passed, as follows:

#### S.J. RES. 9

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment" (87 Fed. Reg. 72674 (November 25, 2022)), and such rule shall have no force or effect.*

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Ms. HASSAN). Under the previous order, the Senate will resume executive session.

#### VOTE ON HSU NOMINATION

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

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEIN-

STEIN) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Tennessee (Mr. HAGERTY).

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 111 Ex.]

#### YEAS—53

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

#### NAYS—43

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

#### NOT VOTING—4

Cramer	Hagerty
Feinstein	Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. 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 action.

#### 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. 125, LaShonda A. Hunt, of Illinois, to be United States District Judge for the Northern District of Illinois.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

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 LaShonda A. Hunt, of Illinois, to be United States District Judge for the Northern District of Illinois, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 112 Ex.]

#### YEAS—54

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

#### NAYS—42

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

#### NOT VOTING—4

Cramer	Sanders
Feinstein	Shaheen

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 42.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of LaShonda A. Hunt, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The majority leader.

#### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

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

#### RECOGNIZING PUBLIC SERVICE EMPLOYEES IN OREGON

Mr. WYDEN. Madam President, as the second week of May is Public Service Recognition Week, I wish to recognize the honorable public employees who work tirelessly to provide outstanding service to Oregonians. These men and women, who serve our Nation as Federal, State, Tribal, county, and local government employees work hard to support Oregonians and make our State and our country a great place to live. I would like to acknowledge the important work that public servants do, and I will give just a few examples to illustrate how valuable public service work is.

The Oregon Farm Service Agency is dedicated to helping local Oregon farmers with assistance when they face financial risk or a natural disaster, as well as providing funding for conservation programs. Thanks to the efforts of employees at the Oregon Farm Service Agency, countless farmers and their families have been able to sustain their livelihoods through hard times. Oregonians are fortunate to have such committed public servants in the Oregon Farm Service Agency.

I would also like to honor the many public service employees that work at the Oregon Social Security offices. Their professionalism and courtesy in serving Oregonians is commendable. Without this work, numerous families could miss out on vital benefits. My staff and I also appreciate these offices' assistance in answering our inquiries on behalf of constituents. The replies we receive have helped me help hundreds of people across Oregon.

Turning to another Agency, the National Oceanic and Atmospheric Administration—NOAA—Office for Coastal Management is making a difference in Oregon in countless ways. For example, NOAA's program on Oregon coastal and estuarine land conservation is vital for the preservation of Oregon's famous beaches. NOAA also helps with research on environmental challenges that Oregon communities might soon face and has partnerships with Oregon's Confederated Tribes to create opportunities for environmental education.

Public employees at the NOAA Fisheries office in Oregon also work tirelessly to ensure the conservation of fishery resources, eliminate overfishing, and maintain healthy commercial and recreational fisheries. For Oregon, the NOAA Fisheries office is vital to keeping ecosystems like the Willamette River healthy.

To give one more example, for over 100 years, public employees have worked for the National Park Service in order to maintain national parks, like the beautiful Crater Lake in Or-

egon, and to preserve local history and celebrate local heritage. National Park Service employees also work to provide funding for conservation projects throughout Oregon, making sure that Oregonians and people from all over the country are able to enjoy our State's natural beauty.

It is an honor during Public Service Recognition Week to recognize the wonderful public employees that work day in and day out to help Oregonians. Again, I thank public service employees for their dedication and their service.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MR. K-STATE

• Mr. MARSHALL. Madam President, I rise today to honor and celebrate the life and legacy of Mr. Ernie Barrett, synonymously known as Mr. K-State.

Ernie was born in Pratt, KS, on August 27, 1929. He is a proud graduate of Wellington High School, where he led his basketball team to their first State championship in 1947. He was recruited by the likes of the University of Kansas and Oklahoma State, but chose to attend Kansas State University in Manhattan, KS, beginning a lifelong affiliation with the school and town.

During his 3-year collegiate career, K-State won two Big Seven Conference titles in 1950 and 1951. As a First Team All-American for the 1951 season, Ernie led the team to the school's first and only NCAA National Championship game appearance. Ernie earned two degrees from K-State, a bachelor's in physical education and a master's degree in journalism.

He would go on to be selected by the Boston Celtics with the seventh overall pick in the 1951 NBA draft. However, he would not join the Celtics for another 2 years, as he proudly served his Nation in the U.S. Air Force from 1951–53. Despite a yearlong hiatus from professional basketball, Ernie played under legendary head coach Red Auerbach for the 1953–54 and 1955–56 seasons. He was a key contributor to two Celtics teams that reached the Eastern Division finals in both of his professional seasons.

Following his professional basketball career, Ernie came back to K-State as an assistant basketball coach where he helped lead the school to five Big Eight regular season titles in his 6 years as a coach. His service to K-State was not limited to the basketball court, as he would go on to serve as assistant athletics director, director of athletics, university consultant, and director of development throughout his career as a university administrator. A legendary fundraiser and promoter for K-State, his efforts contributed to the development of Bill Snyder Family Stadium, R.V. Christian Track and Field Complex, Bramlage Coliseum, Tointon Family Stadium, Colbert Hills Golf Course, as well as many other projects

that have greatly impacted the students of K-State and the residents of Manhattan, KS.

After 75 years of service to K-State, Ernie passed away on April 21, 2023. His list of accomplishments are endless, and his impact on K-State, and Manhattan, KS, is timeless. There will certainly never be another Mr. K-State.

I now ask my colleagues to join me in honoring the life and legacy of Mr. Ernie Barrett, as well as celebrate his tremendous impact on Kansas State University.●

##### TRIBUTE TO SATOURI ROBINS

• Mr. ROUNDS. Madam President, today I recognize Satouri Robins, an intern in my Washington, DC, office, for all the hard work she has done on behalf of my office and the state of South Dakota.

Ms. Robins is a graduate of Mission Viejo High School in Mission Viejo, CA. Currently, she is attending New York University, where she studies international relations and French. Ms. Robins is a dedicated and diligent individual who has been devoted to getting the most out of her internship experience. Ms. Robins has been a true asset to my office.

I extend my sincere thanks and appreciation to Ms. Robins for all of the work she has done and wish her continued success in the years to come.●

#### 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-1148. A communication from the Federal Register Liaison Officer, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Risk Management, Financial Assurance, and Loss Prevention—Decommissioning Activities and Obligations" ((RIN1082-AA02) (Docket ID BSEE-2020-0016)) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Energy and Natural Resources.

EC-1149. A communication from the Biologist of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Pearl Darter" (RIN1018-BE55) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1150. A communication from the Biologist of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Bracted Twistflower and Designation of Critical Habitat" (RIN1018-BE44) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1151. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Plans; 2015 8-Hour Ozone Nonattainment Area Requirements; Clean Fuels or Advanced Control Technology for Boilers; San Joaquin Valley and Los Angeles—South Coast Air Basin, California” (FRL No. 10482-02-R9) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1152. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “South Carolina: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL No. 10671-02-R4) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1153. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Listing of Substitutes under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning, and Fire Suppression” (FRL No. 6399-02-OAR) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1154. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Testing Provisions for Air Emission Sources; Correction” (FRL No. 8335-04-OAR) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1155. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Oklahoma; Revisions to Air Pollution Control Rules” (FRL No. 9407-02-R5) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1156. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Michigan; Revisions to Part 1 and 2 Rules” (FRL No. 10162-04-R5) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1157. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Michigan; Part 4 Rule” (FRL No. 10255-02-R5) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1158. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Texas; Reasonable Further Progress Plan for the Dallas-Fort Worth Ozone Nonattainment Area” (FRL No. 10428-02-R6) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1159. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plan; Mohegan Tribe of Indians of Connecticut” (FRL No. 10562-02-R1) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1160. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Oklahoma; Excess Emission and Malfunction Reporting Requirements” (FRL No. 10596-02-R6) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1161. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Revision; California; Technical Amendments” (FRL No. 10771-01-R9) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Environment and Public Works.

EC-1162. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “The Medicare Secondary Payer Commercial Reimbursement Center in Fiscal Year 2022”; to the Committee on Finance.

EC-1163. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Procedure: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability” (Rev. Proc. 2023-21) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Finance.

EC-1164. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Federal Tax Treatment of Certain Red Hill Fuel Spill Payments” (Announcement 2023-07) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Finance.

EC-1165. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2022 Revision of Form 3115” (Announcement 2023-12) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Finance.

EC-1166. 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 Finance.

EC-1167. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly” (RIN0938-AU96) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Finance.

EC-1168. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Annual

Report to Congress on the Open Payments Program”; to the Committee on Finance.

EC-1169. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Under Secretary, Department of Treasury received in the Office of the President of the Senate on April 17, 2023; to the Committee on Finance.

EC-1170. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Announcement and Report Concerning Advance Pricing Agreements” (Announcement 2023-10) received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2023; to the Committee on Finance.

EC-1171. A communication from the Deputy Commissioner of Legislation and Congressional Affairs, Social Security Administration, transmitting, pursuant to law, reports entitled “2023 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds” and the “2023 Annual Report of the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds”; to the Committee on Finance.

EC-1172. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 (FAA) to Provide Military Assistance to Ukraine”; to the Committee on Foreign Relations.

EC-1173. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of intent to provide assistance to Ukraine, including for self-defense and border security operations; to the Committee on Foreign Relations.

EC-1174. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notice concerning an amendment to the United States Munitions List (USML), located at part 121.1 of title 22 of the Code of Federal Regulations, as part of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-1175. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendments to paragraph (c)(5) of Category XI of the U.S. Munitions List, within the International Traffic in Arms Regulations, 22 C.F.R. pts 120-130; to the Committee on Foreign Relations.

EC-1176. 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 Foreign Relations.

EC-1177. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 (FAA) to Provide Military Assistance to Ukraine”; to the Committee on Foreign Relations.

EC-1178. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “International Traffic in Arms Regulations:

Amendments to Supplement No. 1 to part 126 in Support of Allies" (RIN1400-AF55) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Foreign Relations.

EC-1179. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, the Foundation's FY24 Annual Performance Plan (APP); to the Committee on Foreign Relations.

EC-1180. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Federal Coordinated Health Care Office's fiscal year 2022 report; to the Committee on Finance.

EC-1181. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2023-0023 - 2023-0028); to the Committee on Foreign Relations.

EC-1182. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending June 30, 2021"; to the Committee on Foreign Relations.

EC-1183. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending December 31, 2021"; to the Committee on Foreign Relations.

EC-1184. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "U.S. Compliance with the Authorization for Use of Military Force in Iraq" received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-1185. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Observer Status for Taiwan at the Summit of the World Health Organization" received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-1186. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Cuban Compliance with the Migration Accords" received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-1187. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Millennium Challenge Corporation Annual Report for FY 2022" received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-1188. A communication from the Chief Diversity Officer and Director, Office of Minority and Women Inclusion, Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's fiscal year 2022 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-1189. A communication from the Director of the Regulatory Secretariat Division, Office of Acquisition Policy, General Serv-

ices Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation (GSAR); Federal Supply Schedule Clause Corrections" (GSAR Case 2023-G504) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Homeland Security and Governmental Affairs.

EC-1190. A communication from the Director, Office of Civil Rights, Department of Commerce, transmitting, pursuant to law, the Department's fiscal year 2022 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-1191. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's fiscal year 2022 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-1192. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's fiscal year 2022 report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-1193. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Postal Service Reform Act; Establishment of the Postal Service Health Benefits Program" (RIN3206-AO43) received in the Office of the President of the Senate on April 25, 2023; to the Committee on Homeland Security and Governmental Affairs.

EC-1194. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's fiscal year 2022 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-1195. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, an annual report to Congress on agencies' use of student loan repayments as a strategic tool for the purposes of recruitment and retention during calendar year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-1196. A communication from the Agency Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency's fiscal year 2022 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-1197. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1198. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the

amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1199. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1200. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1201. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 119. A resolution recognizing the 202nd anniversary of the independence of Greece and celebrating democracy in Greece and the United States.

S. Res. 157. A resolution commemorating the 25th anniversary of the signing of the Good Friday Agreement, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Nicole D. Theriot, of Louisiana, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Nominee: Nicole Dawn Theriot.

Post: Co-Operative Republic of Guyana.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Nicole D. Theriot: None.

Thomas G.A. Agnew: None.

Pamela M. Tremont, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Pamela M. Tremont.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Zimbabwe.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

Vivek Hallegere Murthy, of Florida, to be Representative of the United States on the

Executive Board of the World Health Organization.

Elizabeth Allen, of New York, to be Under Secretary of State for Public Diplomacy.

Elizabeth Shortino, of the District of Columbia, to be United States Executive Director of the International Monetary Fund for a term of two years.

Kathleen Cunningham Matthews, of Maryland, to be a Member of the International Broadcasting Advisory Board for a term expiring January 1, 2027.

Jeffrey Gedmin, of the District of Columbia, to be a Member of the International Broadcasting Advisory Board for a term expiring January 1, 2025.

Kenneth M. Jarin, of Pennsylvania, to be Chair of the International Broadcasting Advisory Board.

Kenneth M. Jarin, of Pennsylvania, to be a Member of the International Broadcasting Advisory Board for a term expiring January 1, 2027.

Luis Manuel Botello, of Maryland, to be a Member of the International Broadcasting Advisory Board for a term expiring January 1, 2025.

Michelle Mai Selesky Giuda, of Virginia, to be a Member of the International Broadcasting Advisory Board for a term expiring January 1, 2027.

Mr. MENENDEZ. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning with Kara Miriam Abramson and ending with Faris Y. Asad, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2023.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. CORTEZ MASTO (for herself and Ms. CANTWELL):

S. 1410. A bill to amend the Federal Power Act and the Natural Gas Act with respect to the enforcement of certain provisions, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. ERNST:

S. 1411. A bill to amend title 5, United States Code, to require greater transparency for Federal regulatory decisions that impact small businesses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 1412. A bill to amend title 18, United States Code, to provide a penalty for assault against journalists, and for other purposes; to the Committee on the Judiciary.

By Mr. KING (for himself and Ms. COLLINS):

S. 1413. A bill to amend chapter 62 of the Harmonized Tariff Schedule of the United States to modify the requirements for a gar-

ment to be considered water resistant; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. CRUZ):

S. 1414. A bill to improve the instant messaging service used by the National Weather Service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. HOEVEN, Ms. SMITH, and Mr. CRAMER):

S. 1415. A bill to establish the Rural Export Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CANTWELL (for herself and Mr. CRUZ):

S. 1416. A bill to provide guidance for and investment in the upgrade and modernization of the National Oceanic and Atmospheric Administration Weather Radio All Hazards Network, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 1417. A bill to amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repeatedly damaged by floods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1418. A bill to amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and teens, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHMITT (for himself, Mr. BRAUN, Mrs. BRITT, Mr. HAWLEY, and Mr. SCOTT of Florida):

S. 1419. A bill to require each agency to repeal 3 existing regulations before issuing a new regulation, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. CAPITO, Mr. CARPER, Mr. BOOZMAN, and Mr. WICKER):

S. 1420. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Ms. BALDWIN (for herself, Mr. VANCE, Mr. SCOTT of Florida, Mr. HAWLEY, Mr. BRAUN, and Mr. BROWN):

S. 1421. A bill to require origin and location disclosure for new products of Foreign origin offered for sale on the internet; to the Committee on Commerce, Science, and Transportation.

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

S. 1422. A bill to authorize grants for emotional support services for incarcerated victims of sexual abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. BOOKER, and Ms. KLOBUCHAR):

S. 1423. A bill to amend the Public Health Service Act to authorize a scholarship and loan repayment program to incentivize physicians to enter into the field of sickle cell disease research, treatment, and patient care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself and Mr. CRAMER):

S. 1424. A bill to amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1425. A bill to require a report on Federal support to the cybersecurity of commercial satellite systems, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mrs. CAPITO, Ms. DUCKWORTH, and Ms. MURKOWSKI):

S. 1426. A bill to improve the identification and support of children and families who experience trauma; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER):

S. 1427. A bill to exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRUZ:

S. 1428. A bill to require a report on efforts by Venezuelan state actors and transnational criminal organizations to capture and detain United States citizens as hostages; to the Committee on Foreign Relations.

By Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER):

S. 1429. A bill to exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER):

S. 1430. A bill to exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE:

S. 1431. A bill to require agencies to publish a reference to the specific provision of law, including any relevant statutory language, under which agency rules are proposed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER):

S. 1432. A bill to exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for the release of certain perfluoroalkyl or polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER):

S. 1433. A bill to exempt certain aviation entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for the release of certain perfluoroalkyl or polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HAWLEY:

S. 1434. A bill to require certain businesses to disclose and eradicate the use of unlawful child labor in their supply chain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. CRAMER, Mr. CRAPO, Mr. HOEVEN, Mr. LEE, Ms. LUMMIS, Mr. RISCH, Mr. ROMNEY, Mr. SULLIVAN, and Mrs. FISCHER):

S. 1435. A bill to require the Director of the Bureau of Land Management to withdraw a rule of the Bureau of Land Management relating to conservation and landscape health; to the Committee on Energy and Natural Resources.

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

S. 1436. A bill to expand and extend benefits available to veterans in response to the COVID-19 pandemic, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. DUCKWORTH:

S. 1437. A bill to establish a partnership program to assist the military forces of partner countries in developing and maintaining military-wide transformational strategies for operational energy, and for other purposes; to the Committee on Foreign Relations.

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

S. 1438. A bill to make improvements to the small community air service development program; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. KAINE, Mr. CARDIN, Mr. MERKLEY, and Mr. VAN HOLLEN):

S. Res. 191. A resolution recognizing widening threats to freedom of the press and free expression around the world, reaffirming the vital role that a free and independent press plays in combating the growing threats of authoritarianism, misinformation, and disinformation, and reaffirming freedom of the press as a priority of the United States Government in promoting democracy, human rights, and good governance in commemoration of World Press Freedom Day on May 3, 2023; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Mr. CRAPO):

S. Res. 192. A resolution recognizing April 30, 2023, as "El Dia de los Ninos-Celebrating Young Americans"; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. CRAMER):

S. Res. 193. A resolution designating April 2023 as "Second Chance Month"; considered and agreed to.

By Mr. DAINES (for himself, Mr. TESTER, Mr. GRASSLEY, Mr. CRAMER, Mr. HOEVEN, Mr. LANKFORD, Mr. RICKETTS, Mr. ROUNDS, Mr. MORAN, Mr. SCHATZ, Mr. HEINRICH, Mr. PADILLA, Ms. SINEMA, Ms. CANTWELL, Ms. CORTEZ MASTO, Mr. LUJAN, Ms. SMITH, Ms. HIRONO, Mr. FETTERMAN, Mr. WYDEN, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. SULLIVAN):

S. Res. 194. A resolution designating May 5, 2023, as the "National Day of Awareness for Missing and Murdered Native Women and Girls"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 120

At the request of Mr. CASSIDY, the names of the Senator from Ohio (Mr.

VANCE) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 120, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students.

S. 130

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 130, a bill to amend the Rural Electrification Act of 1936 to reauthorize and improve the ReConnect loan and grant program, and for other purposes.

S. 133

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 134

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 134, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 173

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 173, a bill to amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

S. 198

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to modernize provisions relating to rural health clinics under Medicare.

S. 230

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 230, a bill to amend title XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

S. 344

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 413

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 413, a bill to amend the Internal Revenue Code of 1986 to increase the rate of the excise tax on the

repurchase of corporate stock, and for other purposes.

S. 448

At the request of Mr. PADILLA, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 448, a bill to codify the existing Outdoor Recreation Legacy Partnership Program of the National Park Service, and for other purposes.

S. 479

At the request of Mr. PADILLA, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 479, a bill to modify the fire management assistance cost share, and for other purposes.

S. 485

At the request of Mr. PADILLA, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 485, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide hazard mitigation assistance for mitigating and preventing post-wildfire flooding and debris flow, and for other purposes.

S. 547

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 547, a bill to award a Congressional Gold Medal, collectively, to the First Rhode Island Regiment, in recognition of their dedicated service during the Revolutionary War.

S. 596

At the request of Mr. KAINE, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 610

At the request of Ms. SINEMA, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Virginia (Mr. KAINE), the Senator from North Carolina (Mr. BUDD) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 610, a bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

S. 626

At the request of Ms. STABENOW, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 626, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 668

At the request of Mr. BOOZMAN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Montana (Mr. TESTER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 668, a



bill to require the Secretary of the Treasury to mint coins to honor and memorialize the tragedy of the Sultana steamboat explosion of 1865.

S. 704

At the request of Ms. ROSEN, the name of the Senator from Oregon (Mr. WYDEN) 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. 760

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 760, a bill to amend the Department of Agriculture Reorganization Act of 1994 to authorize mandatory funding for the Healthy Food Financing Initiative.

S. 786

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 786, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 915

At the request of Mr. SCOTT of Florida, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of S. 915, a bill to require Presidential appointment and Senate confirmation of the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection.

S. 919

At the request of Ms. DUCKWORTH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 919, a bill to restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes.

S. 977

At the request of Mr. VAN HOLLEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 977, a bill to provide grants for fire station construction through the Administrator of the Federal Emergency Management Agency, and for other purposes.

S. 1038

At the request of Mr. WELCH, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1038, a bill to amend title XIX of the Social Security Act to improve transparency and prevent the use of abusive spread pricing and related practices in the Medicaid program.

S. 1138

At the request of Mr. MARKEY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 1138, a bill to amend the Bank Holding Company Act of 1956

and the Financial Stability Act of 2010 to require a reduction of financed emissions to protect financial stability, and for other purposes.

S. 1176

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1176, a bill to direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

S. 1205

At the request of Mr. BROWN, the name of the Senator from Colorado (Mr. BENNET) 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. 1211

At the request of Mr. MURPHY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1211, a bill to amend title II of the Social Security Act to credit individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service.

S. 1212

At the request of Mr. CRAMER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1212, a bill to authorize notaries public to perform, and to establish minimum standards for, electronic notarizations and remote notarizations that occur in or affect interstate commerce, to require any Federal court to recognize notarizations performed by a notarial officer of any State, to require any State to recognize notarizations performed by a notarial officer of any other State when the notarization was performed under or relates to a public Act, record, or judicial proceeding of notarial officer's State or when the notarization occurs in or affects interstate commerce, and for other purposes.

S. 1246

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) 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. 1297

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1297, a bill to ensure the right to provide reproductive health care services, and for other purposes.

S. 1298

At the request of Mr. KAINE, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1298, a bill 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.

S. 1315

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor 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. 1325

At the request of Mr. RISCH, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1325, a bill to establish a partnership with nations in the Western Hemisphere to promote economic competitiveness, democratic governance, and security, and for other purposes.

S. 1336

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1336, a bill to amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated using the value of the low-cost food plan, and for other purposes.

S. 1343

At the request of Mr. PADILLA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1343, a bill to amend the Immigration and Nationality Act to alter the definition of "conviction", and for other purposes.

S. 1375

At the request of Mr. KAINE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1375, a bill to amend title XXVII of the Public Health Service Act to apply additional payments, discounts, and other financial assistance towards the cost-sharing requirements of health insurance plans, and for other purposes.

S. 1384

At the request of Mr. COTTON, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1384, a bill to promote and protect from discrimination living organ donors.

S. 1392

At the request of Mr. PADILLA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1392, a bill to amend the Immigration and Nationality Act to provide for the adjustment of status of essential workers, and for other purposes.

S.J. RES. 25

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Wisconsin (Mr. JOHNSON) 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. 91

At the request of Mr. VAN HOLLEN, the names of the Senator from Montana (Mr. DAINES), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from North Carolina (Mr. BUDD) were added as cosponsors of S. Res. 91, a resolution expressing the sense of the Senate on the value of a tax agreement with Taiwan.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHMITT (for himself, Mr. BRAUN, Mrs. BRITT, Mr. HAWLEY, and Mr. SCOTT of Florida);

S. 1419. A bill to require each agency to repeal 3 existing regulations before issuing a new regulation, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. SCHMITT. 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. 1419

*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 “Expediting Reform and Stopping Excess Regulations Act” or the “ERASER Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY; RULE.—The terms “agency” and “rule” have the meanings given those terms in section 551 of title 5, United States Code.

(2) MAJOR RULE.—The term “major rule” has the meaning given the term in section 804 of title 5, United States Code.

(3) STATE.—The term “State” means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

#### SEC. 3. REPEAL OF REGULATIONS REQUIRED BEFORE ISSUANCE OF A NEW RULE.

(a) REQUIREMENT FOR RULE.—An agency may not issue a rule unless the agency has repealed 3 or more rules described in subsection (c) that, to the extent practicable, are related to the rule.

(b) REQUIREMENT FOR MAJOR RULE.—

(1) REPEAL REQUIRED.—An agency may not issue a major rule unless—

(A) the agency has repealed 3 or more rules described in subsection (c) that, to the extent practicable, are related to the major rule; and

(B) the cost of the new major rule is less than or equal to the cost of the rules repealed.

(2) CERTIFIED COST.—For any rule issued in accordance with paragraph (1), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall certify that the cost of the new major rule is equal to or less than the cost of the rules repealed.

(c) REPEALED RULES DESCRIBED.—A rule described in this section—

(1) does not include an interpretative rule, general statement of policy, or rule of agency organization, procedure, or practice; and

(2) was issued through the notice and comment rule making process under section 553 of title 5, United States Code.

(d) PUBLICATION REQUIRED.—Any rule repealed under subsection (a) or (b) shall be published in the Federal Register.

(e) APPLICABILITY.—This section—

(1) applies to any rule or major rule that imposes a cost or responsibility on a non-governmental person or a State or local government; and

(2) shall not apply to any rule or major rule that relates to the management, organization, or personnel of an agency or procurement by the agency.

#### SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall conduct a study and submit to Congress a report that includes, as of the date on which the report is submitted—

(1) the number of rules that are in effect;

(2) the number of major rules that are in effect; and

(3) the total estimated economic cost imposed by the rules described in paragraphs (1) and (2).

By Mr. DURBIN. (for himself, Mrs. CAPITO, Ms. DUCKWORTH, and Ms. MURKOWSKI):

S. 1426. A bill to improve the identification and support of children and families who experience trauma; to the Committee on Health, Education, Labor, and Pensions.

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. 1426

*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 “Resilience Investment, Support, and Expansion from Trauma Act” or the “RISE from Trauma Act”.

#### TITLE I—COMMUNITY PROGRAMMING

#### SEC. 101. TRAUMA AND RESILIENCE-RELATED COORDINATING BODIES.

Title V of the Public Health Service Act is amended by inserting after section 520C (42 U.S.C. 290bb-34) the following:

#### “SEC. 520D. LOCAL COORDINATING BODIES TO ADDRESS COMMUNITY TRAUMA, PREVENTION, AND RESILIENCE.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the Assistant Secretary, shall award grants to State, county, local, or Indian tribe or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination Act and Education Assistance Act) or non-profit private entities for demonstration projects to enable such entities to act as coordinating bodies to prevent or mitigate the impact of trauma and toxic stress in a community, or promote resilience by fostering protective factors.

“(2) AMOUNT.—The Secretary shall award such grants in amounts of not more than \$6,000,000.

“(3) DURATION.—The Secretary shall award such grants for periods of 4 years.

“(b) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall include 1 or more representatives from at least 5 of the categories described in paragraph (2).

“(2) COMPOSITION.—The categories referred to in paragraph (1) are—

“(A) governmental agencies, such as public health, mental health, human services, or child welfare agencies, that provide training related to covered services or conduct activities to screen, assess, provide services or referrals, prevent, or provide treatment to support infants, children, youth, and their families as appropriate, that have experienced or are at risk of experiencing trauma;

“(B) faculty or qualified staff at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) or representatives of a local member of the National Child Traumatic Stress Network, in an area related to screening, assessment, service provision or referral, prevention, or treatment to support infants, children, youth, and their families, as appropriate, that have experienced or are at risk of experiencing trauma;

“(C) hospitals, health care clinics, or other health care institutions, such as mental health and substance use disorder treatment facilities;

“(D) criminal justice representatives related to adults and juveniles, which may include law enforcement or judicial or court employees;

“(E) local educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or agencies responsible for early childhood education programs, which may include Head Start and Early Head Start agencies;

“(F) workforce development, job training, or business associations;

“(G) nonprofit, community-based faith, human services, civic, or social services organizations, including participants in a national or community service program (as described in section 122 of the National and Community Service Act of 1990 (42 U.S.C. 12572)), providers of after-school programs, home visiting programs, family resource centers, agencies that serve victims of domestic and family violence or child abuse, or programs to prevent or address the impact of violence and addiction; and

“(H) the general public, including individuals who have experienced trauma who can appropriately represent populations and activities relevant to the community that will be served by the entity.

“(3) QUALIFICATIONS.—In order for an entity to be eligible to receive the grant under this section, the representatives included in the entity shall, collectively, have training and expertise concerning childhood trauma, resilience, and covered services.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities proposing to serve communities or populations that have faced or currently face high rates of community trauma, including from intergenerational poverty, civil unrest, discrimination, or oppression, which may include an evaluation of—

“(1) an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention;

“(2) an age-adjusted rate of violence-related (or intentional) injury deaths that is above the national average, as determined by

the Director of the Centers for Disease Control and Prevention; and

“(3) a rate of involvement in the child welfare or juvenile justice systems that is above the national average, as determined by the Secretary.

“(e) USE OF FUNDS.—An entity that receives a grant under this section to act as a coordinating body may use the grant funds to—

“(1) bring together stakeholders who provide or use services in, or have expertise concerning, covered settings to identify community needs and resources related to covered services, and to build on any needs assessments conducted by organizations or groups represented on the coordinating body;

“(2)(A) collect data, on indicators to reflect local priority issues, including across multiple covered settings and disaggregated by age, race, and any other appropriate metrics; and

“(B) use the data to identify unique community challenges and barriers, community strengths and assets, gaps in services, and high-need areas, related to covered services;

“(3) build awareness, skills, and leadership (including through trauma-informed and resilience-focused training and public outreach campaigns) on covered services in covered settings;

“(4) develop a strategic plan, in partnership with members of the served community or population, that identifies—

“(A) policy goals and coordination opportunities to address community needs and local priority issues (including coordination in applying for or utilizing existing grants, insurance coverage, or other government programs), including for communities of color and relating to delivering and implementing covered services; and

“(B) a comprehensive, integrated approach for the entity and its members to prevent and mitigate the impact of exposure to trauma or toxic stress in the community, and to assist the community in healing from existing and prior exposure to trauma through promotion of resilience and fostering protective factors;

“(5) implement such strategic plans in the local community, including through the delivery of covered services in covered settings; and

“(6) identify funding sources and partner with community stakeholders to sustainably continue activities after the end of the grant period.

“(f) SUPPLEMENT NOT SUPPLANT.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local public funds and private funds expended to provide trauma-related coordination activities.

“(g) EVALUATION.—At the end of the period for which grants are awarded under this section, the Secretary shall conduct an evaluation of the activities carried out under each grant under this section. In conducting the evaluation, the Secretary shall assess the outcomes of the grant activities carried out by each grant recipient, including outcomes related to health, education, child welfare, criminal justice involvement, or other measurable outcomes pertaining to wellbeing and societal impact.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$600,000,000 for each of fiscal years 2024 through 2031.

“(i) DEFINITIONS.—In this section:

“(1) COVERED SERVICES.—The term ‘covered services’ means culturally responsive services, programs, models, or interventions that are evidence-based, evidence-informed, or promising best practices to support infants, children, youth, and their families as appropriate by preventing or mitigating the im-

pact of trauma and toxic stress or promoting resilience by fostering protective factors, which may include the best practices developed under section 7132(d) of the SUPPORT for Patients and Communities Act (Public Law 115–271).

“(2) COVERED SETTING.—The term ‘covered setting’ means the settings in which individuals may come into contact with infants, children, youth, and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including schools, hospitals, settings where health care providers, including primary care and pediatric providers, provide services, early childhood education and care settings, home visiting settings, after-school program facilities, child welfare agency facilities, public health agency facilities, mental health treatment facilities, substance use disorder treatment facilities, faith-based institutions, domestic violence agencies, violence intervention organizations, child advocacy centers, homeless services system facilities, refugee services system facilities, juvenile justice system facilities, law enforcement agency facilities, Healthy Marriage Promotion or Responsible Fatherhood service settings, child support service settings, and service settings focused on individuals eligible for Temporary Assistance for Needy Families; and”.

#### **SEC. 102. EXPANSION OF PERFORMANCE PARTNERSHIP PILOT FOR CHILDREN WHO HAVE EXPERIENCED OR ARE AT RISK OF EXPERIENCING TRAUMA.**

(a) IN GENERAL.—Section 526 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014 (42 U.S.C. 12301 note) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) ‘To improve outcomes for infants, children, and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma’ means to increase the rate at which individuals who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved with the child welfare system, involved in the juvenile justice system, have been victims of violence (including community, family, or sexual violence), unemployed, or not enrolled in or at risk of dropping out of an educational institution and live in a community that has faced acute or long-term exposure to substantial discrimination, historical oppression, intergenerational poverty, civil unrest, a high rate of violence or drug overdose deaths, achieve success in meeting educational, employment, health, developmental, community reentry, permanency from foster care, or other key goals.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “FISCAL YEAR 2014” and inserting “FISCAL YEARS 2024 THROUGH 2028”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “Federal agencies” and inserting the following:

“(1) DISCONNECTED YOUTH PILOTS.—Federal agencies”;

(D) by adding at the end the following:

“(2) TRAUMA-INFORMED CARE PILOTS.—Federal agencies may use Federal discretionary funds that are made available in this Act or any appropriations Act, including across different or multiple years, for any of fiscal years 2024 through 2028 to carry out up to 10 Performance Partnership Pilots. Such Pilots shall—

“(A) be designed to improve outcomes for infants, children, and youth, and their fami-

lies as appropriate, who have experienced or are at risk of experiencing trauma; and

“(B) involve Federal programs targeted on infants, children, and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma.”;

(3) in subsection (c)(2)—

(A) in subparagraph (A), by striking “2018” and inserting “2027”; and

(B) in subparagraph (F), by inserting before the semicolon “, including the age range for such population”; and

(4) in subsection (e), by striking “2018” and inserting “2027”.

(b) REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Director of the Office of Management and Budget, working with the Attorney General and the Secretary of Labor, Secretary of Health and Human Services, Secretary of Education, and Secretary of Housing and Urban Development, and any other appropriate agency representative, shall, with respect to carrying out this section—

(1) explore authorities to enable the issuance of appropriate start-up funding;

(2) issue guidance documents, template waivers and performance measurements, best practices and lessons learned from prior pilot programs, recommendations for how to sustain projects after award periods, and other technical assistance documents as needed; and

(3) align application timing periods to provide maximum flexibility, which may include the availability of initial planning periods for awardees.

#### **SEC. 103. HOSPITAL-BASED INTERVENTIONS TO REDUCE READMISSIONS.**

Section 393 of the Public Health Service Act (42 U.S.C. 280b-1a) is amended by adding at the end the following:

“(c) HOSPITAL-BASED INTERVENTIONS TO REDUCE READMISSIONS.—

“(1) GRANTS.—The Secretary shall award grants to eligible entities to deliver and evaluate hospital-based interventions to improve outcomes and reduce subsequent reinjury or readmissions of patients that present at a hospital after overdosing, attempting suicide, or suffering violent injury or abuse.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection and entity shall—

“(A) be a hospital or health system (including health systems operated by Indian tribes or tribal organizations as such terms are defined in section 4 of the Indian Self-Determination Act and Education Assistance Act); and

“(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include demonstrated experience furnishing successful hospital-based trauma interventions to improve outcomes and prevent reinjury or readmission for patients presenting after overdosing, attempting suicide, or suffering violent injury or abuse.

“(3) USE OF FUNDS.—An entity shall use amounts received under a grant under this subsection to deliver, test, and evaluate hospital-based trauma-informed interventions for patients who present at hospitals with drug overdoses, suicide attempts, or violent injuries (such as domestic violence or intentional penetrating wounds, including gunshots and stabbings), or other presenting symptoms associated with exposure to trauma, violence, substance misuse, or suicidal ideation, to provide comprehensive education, screening, counseling, discharge planning, skills building, and long-term case management services to such individuals,

and their guardians or caregivers as appropriate, to prevent hospital readmission, injury, and improve health, wellness, and safety outcomes. Such interventions may be furnished in coordination or partnership with qualified community-based organizations and may include or incorporate the best practices developed under section 7132(d) of the SUPPORT for Patients and Communities Act (Public Law 115-271).

“(4) **QUALITY MEASURES.**—An entity that receive a grant under this section shall submit to the Secretary a report on the data and outcomes developed under the grant, including any quality measures developed, evaluated, and validated to prevent hospital readmissions for the patients served under the program involved.

“(5) **SUSTAINABLE COVERAGE.**—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall evaluate existing authorities, flexibilities, and policies and disseminate appropriate and relevant information to eligible entities on the opportunities for health insurance coverage and reimbursement for the activities described in paragraph (3).”.

#### **SEC. 104. REAUTHORIZING THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.**

Section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(3) collaboration among all NCTSI grantees for purposes of developing evidence-based resources, training, interventions, practices, and other information, as an integral part of required grant activities.”;

(2) in subsection (d), by adding at the end the following: “In carrying out this subsection, the Secretary shall permit all grantees to deliver both training and services, as appropriate.”; and

(3) in subsection (j), by striking “\$63,887,000 for each of fiscal years 2019 through 2023” and inserting “\$93,887,000 for each of fiscal years 2024 through 2028”;

#### **SEC. 105. REAUTHORIZING THE TRAUMA SUPPORT SERVICES IN SCHOOLS GRANT PROGRAM.**

Section 7134(l) of the SUPPORT for Patients and Communities Act (Public Law 115-271) is amended by striking “fiscal years 2019 through 2023” and inserting “fiscal years 2024 through 2028”.

#### **SEC. 106. REAUTHORIZING CDC SURVEILLANCE AND DATA COLLECTION ACTIVITIES.**

Section 7131(e) of the SUPPORT for Patients and Communities Act (Public Law 115-271) is amended by striking “\$2,000,000 for each of fiscal years 2019 through 2023” and inserting “\$9,000,000 for each of fiscal years 2024 through 2028”.

### **TITLE II—WORKFORCE DEVELOPMENT**

#### **SEC. 201. REAUTHORIZING THE INTERAGENCY TASK FORCE ON TRAUMA-INFORMED CARE.**

Section 7132(i) of the SUPPORT for Patients and Communities Act (Public Law 115-271) is amended by striking “2023” and inserting “2028”.

#### **SEC. 202. TRAINING AND RECRUITMENT OF INDIVIDUALS FROM COMMUNITIES THAT HAVE EXPERIENCED HIGH LEVELS OF TRAUMA, VIOLENCE, OR ADDICTION.**

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

“**SEC. 742. INDIVIDUALS FROM COMMUNITIES THAT HAVE EXPERIENCED HIGH LEVELS OF TRAUMA, VIOLENCE, OR ADDICTION.**

“In carrying out activities under this part, the Secretary shall ensure that emphasis is

provided on the recruitment of individuals from communities that have experienced high levels of trauma, violence, or addiction and that appropriate activities under this part are carried out in partnership with community-based organizations that have expertise in addressing such challenges to enhance service delivery.”.

#### **SEC. 203. FUNDING FOR THE NATIONAL HEALTH SERVICE CORPS.**

Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(I) in addition to the amounts provided for under subparagraph (H) for fiscal year 2023, \$50,000,000 for each of fiscal years 2024 through 2028, to be allocated in each such fiscal year for awards to eligible individuals whose obligated service locations are in schools or community-based settings as described in section 338N of the Public Health Service Act.”.

#### **SEC. 204. INFANT AND EARLY CHILDHOOD CLINICAL WORKFORCE.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g) is amended by adding at the end the following:

##### **“SEC. 399V-8. INFANT AND EARLY CHILDHOOD CLINICAL WORKFORCE.**

“(a) **IN GENERAL.**—The Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau, shall establish an Infant and Early Childhood Mental Health Clinical Leadership Program to award grants to eligible entities to establish a national network of training institutes for infant and early childhood clinical mental health.

“(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section, an entity shall—

“(1) be—

“(A) an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, including historically Black colleges and universities (as defined for purposes of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)), and Tribal colleges (as defined for purposes of section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c)); or

“(B) be a hospital with affiliation with such an institution of higher education, or a State professional medical society or association of infant mental health demonstrating an affiliation or partnership with such an institution of higher education; and

“(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) **USE OF GRANT.**—An entity shall use amounts received under a grant under this section to establish training institutes to—

“(1) equip aspiring and current mental health professionals, including clinical social workers, professional counselors, marriage and family therapists, clinical psychologists, child psychiatrists, school psychologists, school counselors, school social workers, nurses, home visitors, community health workers, and developmental and behavioral pediatricians with specialization in infant and early childhood clinical mental health, and those pursuing certification or licensure in such professions; and

“(2) emphasize equipping trainees with culturally responsive skills in prevention, mental health consultation, screening, assessment, diagnosis, and treatment for infants and children, and their parents as appropriate, who have experienced or are at risk of

experiencing trauma, including from intergenerational poverty, civil unrest, discrimination, or oppression, exposure to violence or overdose, as well as prevention of secondary trauma, through—

“(A) the provision of community-based training and supervision in evidence-based assessment, diagnosis, and treatment, which may be conducted through partnership with qualified community-based organizations;

“(B) the development of graduate education training tracks;

“(C) the provision of scholarships, stipends, and trainee supports, including to enhance recruitment, retention, and career placement of students from populations under-represented populations in the mental health workforce; and

“(D) the provision of mid-career training to develop the capacity of existing health practitioners.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$25,000,000 for each of fiscal years 2024 through 2028.”.

#### **SEC. 205. TRAUMA-INFORMED TEACHING AND SCHOOL LEADERSHIP.**

(a) **PARTNERSHIP GRANTS.**—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)—

(A) by redesignating subparagraphs (H) through (K) as subparagraphs (I) through (L), respectively; and

(B) by inserting after subparagraph (G) the following:

“(H) how the partnership will prepare general education and special education teachers and, as applicable, early childhood educators, to support positive learning outcomes and social and emotional development for students—

“(i) who have experienced trauma (including students who are involved in the foster care or juvenile justice system or runaway or homeless youth); and

“(ii) in alternative education settings in which high populations of youth with trauma exposure may learn (including settings for correctional education, juvenile justice, pregnant, expecting, and parenting students, or youth who have re-entered school after a period of absence due to dropping out);”;

(2) in subsection (d)(1)(A)(i)—

(A) in subclause (II), by striking “and” after the semicolon;

(B) by redesignating subclause (III) as subclause (IV); and

(C) by inserting after subclause (II) the following:

“(III) such teachers and, as applicable, early childhood educators, to adopt evidence-based approaches for—

“(aa) improving behavior (such as positive behavior interventions and supports and restorative justice practices);

“(bb) supporting social and emotional learning;

“(cc) mitigating the effects of trauma;

“(dd) improving the learning environment in the school;

“(ee) preventing secondary trauma, compassion fatigue, and burnout; and

“(ff) alternatives to punitive discipline practices, including suspensions, expulsions, corporal punishment, referrals to law enforcement, and other actions that remove students from the learning environment; and”;

(3) in subsection (d), by adding at the end the following:

“(7) **TRAUMA-INFORMED AND RESILIENCE-FOCUSED PRACTICE AND WORK IN ALTERNATIVE EDUCATION SETTINGS.**—Developing the teaching skills of prospective and, as applicable, new, early childhood educators and elementary school and secondary school teachers to

adopt evidence-based trauma-informed and resilience-focused teaching strategies—

“(A) to—

“(i) recognize the signs of trauma and its impact on learning;

“(ii) maximize student engagement and promote the social and emotional development of students;

“(iii) implement alternative practices to suspension and expulsion that do not remove students from the learning environment; and

“(iv) engage with other school personnel, including administrators and nonteaching staff, to foster a shared understanding of the items described in clauses (i), (ii), and (iii); and

“(B) including programs training teachers and, as applicable, early childhood educators to work with students—

“(i) with exposure to traumatic events (including students involved in the foster care or juvenile justice system or runaway and homeless youth); and

“(ii) in alternative academic settings for youth unable to participate in a traditional public school program in which high populations of students with trauma exposure may learn (such as students involved in the foster care or juvenile justice system, pregnant, expecting, and parenting students, runaway and homeless students, students exposed to family violence or trafficking, and other youth who have re-entered school after a period of absence due to dropping out).”.

(b) ADMINISTRATIVE PROVISIONS.—Section 203(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1022b(b)(2)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon;

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

(3) by adding at the end the following:

“(C) to eligible partnerships that have a high-quality proposal for trauma-informed and resilience-focused training programs for general education and special education teachers and, as applicable, early childhood educators.”.

(c) GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—Section 202(f)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1022a(f)(1)(B)) is amended—

(1) in clause (v), by striking “and” after the semicolon;

(2) in clause (vi), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(vii) identify students who have experienced trauma and connect those students with appropriate school-based or community-based interventions and services.”.

#### SEC. 206. TOOLS FOR FRONT-LINE PROVIDERS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with appropriate stakeholders with subject matter expertise which may include the National Child Traumatic Stress Network or other resource centers funded by the Department of Health and Human Services, shall carry out activities to develop accessible and easily understandable toolkits for use by front-line service providers (including teachers, early childhood educators, school and out-of-school program leaders, paraeducators and school support staff, home visitors, mentors, social workers, counselors, health care providers, child welfare agency staff, individuals in juvenile justice settings, faith leaders, first responders, kinship caregivers, domestic violence agencies, child advocacy centers, homeless services personnel, and youth development and community-based organization personnel) for appropriately identifying, responding to, and supporting infants, children, and youth, and their families, as appropriate, who have experienced or

are at risk of experiencing trauma or toxic stress. Such toolkits shall incorporate best practices developed under section 7132(d) of the SUPPORT for Patients and Communities Act (Public Law 115-271), and include actions to build a safe, stable, and nurturing environment for the infants, children, and youth served in those settings, capacity building, and strategies for addressing the impact of secondary trauma, compassion fatigue, and burnout among such front-line service providers and other caregivers.

#### SEC. 207. CHILDREN EXPOSED TO VIOLENCE INITIATIVE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101) is amended by adding at the end the following:

##### “PART PP—CHILDREN EXPOSED TO VIOLENCE AND ADDICTION INITIATIVE

#### “SEC. 3061. GRANTS TO SUPPORT CHILDREN EXPOSED TO VIOLENCE AND SUBSTANCE USE.

“(a) IN GENERAL.—The Attorney General may make grants to States, units of local government, Indian tribes and tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination Act and Education Assistance Act), and nonprofit organizations to reduce violence and substance use by preventing children’s trauma from exposure to violence or substance use and supporting infants, children, and youth, and their families, who have been harmed by violence, trauma, or substance use to heal.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—A grant under subsection (a) may be used to implement trauma-informed policies and practices that support infants, children, youth, and their families, as appropriate, by—

“(A) building public awareness and education about the importance of addressing childhood trauma as a means to reduce violence and substance use and improve educational, economic, developmental, and societal outcomes for infants, children, and youth;

“(B) providing training, tools, and resources to develop the skills and capacity of parents (including foster parents), adult guardians, and professionals who interact directly with infants, children, and youth, in an organized or professional setting, to reduce the impact of trauma, grief, and exposure to violence on children, including through the best practices developed under section 7132(d) of the SUPPORT for Patients and Communities Act (Public Law 115-271); and

“(C) supporting community collaborations and providing technical assistance to communities, organizations, and public agencies on how they can coordinate to prevent and mitigate the impact of trauma from exposure to violence and substance use on children in their homes, schools, and communities.

“(2) PRIORITY.—Priority in awarding grants under this section shall be given to communities that seek to address multiple types of violence and serve children who have experienced poly-victimization.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$11,000,000 for each of fiscal years 2024 through 2028.”.

#### SEC. 208. ESTABLISHMENT OF LAW ENFORCEMENT CHILD AND YOUTH TRAUMA COORDINATING CENTER.

(a) ESTABLISHMENT OF CENTER.—

(1) IN GENERAL.—The Attorney General, in coordination with the Civil Rights Division, shall establish a National Law Enforcement Child and Youth Trauma Coordinating Center (referred to in this section as the “Center”) to provide assistance to adult- and juvenile-serving State, local, and tribal law en-

forcement agencies (including those operated by Indian tribes and tribal organizations as such terms are defined in section 4 of the Indian Self-Determination Act and Education Assistance Act) in interacting with infants, children, and youth who have been exposed to violence or other trauma, and their families as appropriate.

(2) AGE RANGE.—The Center shall determine the age range of infants, children, and youth to be covered by the activities of the Center.

(b) DUTIES.—The Center shall provide assistance to adult- and juvenile-serving State, local, and tribal law enforcement agencies by—

(1) disseminating information on the best practices for law enforcement officers, which may include best practices based on evidence-based and evidence-informed models from programs of the Department of Justice and the Office of Justice Services of the Bureau of Indian Affairs or the best practices developed under section 7132(d) of the SUPPORT for Patients and Communities Act (Public Law 115-271), such as—

(A) models developed in partnership with national law enforcement organizations, Indian tribes, or clinical researchers; and

(B) models that include—

(i) trauma-informed approaches to conflict resolution, information gathering, forensic interviewing, de-escalation, and crisis intervention training;

(ii) early interventions that link child and youth witnesses and victims, and their families as appropriate, to age-appropriate trauma-informed services; and

(iii) preventing and supporting officers who experience secondary trauma;

(2) providing professional training and technical assistance; and

(3) awarding grants under subsection (c).

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, acting through the Center, may award grants to State, local, and tribal law enforcement agencies or to multi-disciplinary consortia to—

(A) enhance the awareness of best practices for trauma-informed responses to infants, children, and youth who have been exposed to violence or other trauma, and their families as appropriate; and

(B) provide professional training and technical assistance in implementing the best practices described in subparagraph (A).

(2) APPLICATION.—Any State, local, or tribal law enforcement agency seeking a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(3) USE OF FUNDS.—A grant awarded under this subsection may be used to—

(A) provide training to law enforcement officers on best practices, including how to identify and appropriately respond to early signs of trauma and violence exposure when interacting with infants, children, and youth, and their families, as appropriate; and

(B) establish, operate, and evaluate a referral and partnership program with trauma-informed clinical mental health, substance use, health care, or social service professionals in the community in which the law enforcement agency serves.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) \$6,000,000 for each of fiscal years 2024 through 2028 to award grants under subsection (c); and

(2) \$2,000,000 for each of fiscal years 2024 through 2028 for other activities of the Center.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—RECOGNIZING WIDENING THREATS TO FREEDOM OF THE PRESS AND FREE EXPRESSION AROUND THE WORLD, REAFFIRMING THE VITAL ROLE THAT A FREE AND INDEPENDENT PRESS PLAYS IN COMBATING THE GROWING THREATS OF AUTHORITARIANISM, MISINFORMATION, AND DISINFORMATION, AND REAFFIRMING FREEDOM OF THE PRESS AS A PRIORITY OF THE UNITED STATES GOVERNMENT IN PROMOTING DEMOCRACY, HUMAN RIGHTS, AND GOOD GOVERNANCE IN COMMEMORATION OF WORLD PRESS FREEDOM DAY ON MAY 3, 2023

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. KAINE, Mr. CARDIN, Mr. MERKLEY, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 191

Whereas the First Amendment to the United States Constitution and various State constitutions protect freedom of the press in the United States;

Whereas Thomas Jefferson, who championed the necessity of a free press for a thriving democratic society, wisely declared, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost.";

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted in Paris on December 10, 1948, states, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.";

Whereas, in 1993, the United Nations General Assembly proclaimed the third day of May of each year to be "World Press Freedom Day"—

(1) to celebrate the fundamental principles of press freedom;

(2) to evaluate press freedom around the world;

(3) to defend the media against attacks on its independence; and

(4) to pay tribute to journalists who have lost their lives while working in their profession;

Whereas the Daniel Pearl Freedom of the Press Act of 2009 (Public Law 111-166) expanded the examination of the freedom of the press around the world in the annual Country Reports on Human Rights Practices published by the Department of State;

Whereas, on December 18, 2013, and December 18, 2019, the United Nations General Assembly adopted Resolution 68/163 and Resolution 74/157, respectively, on the safety of journalists and the problem of impunity by unequivocally condemning all attacks on, and violence against, journalists and media workers, including torture, extrajudicial killing, enforced disappearance, arbitrary detention, and intimidation and harassment in conflict and non-conflict situations;

Whereas the United States Government has used the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328) to place tar-

geted visa and economic sanctions on individuals, including for their roles in the targeted killings of journalists;

Whereas, in an effort to combat attacks against journalists, Secretary of State Antony J. Blinken in February 2021, announced the Khashoggi Ban, a new policy allowing the Department of State to impose visa restrictions on individuals who, acting on behalf of a foreign government, are believed to have been directly engaged in serious, extraterritorial counter-dissident activities, including activities that suppress, harass, surveil, threaten, or harm journalists, activists, or other persons perceived to be dissidents for their work;

Whereas Reporters Without Borders, in their compiled data from 2022, provide alarming indications about growing divisions resulting from the spread of disinformation with the potential to weaken democratic societies;

Whereas, according to Reporters Without Borders, a record total of 533 journalists were in prison as of December 1, 2022, and the annual number of women journalists in prison has recently risen by nearly 30 percent;

Whereas Freedom House's Freedom in the World 2023 report marked the 17th consecutive year of decline in global freedom, with an estimated 39 percent of the global population living in countries deemed "Not Free";

Whereas worsening media freedom has been one of the key drivers of declines in global freedom, including attacks and prosecutions against journalists, pressure on media outlets, repressive regulatory and legal frameworks, internet shutdowns, and blocks on online sources of information;

Whereas journalists and media staff are being murdered, attacked, harassed and imprisoned around the world and the Committee to Protect Journalists has reported that—

(1) at least 67 journalists and media workers were killed around the world in 2022, representing a rise compared to the previous year of almost 50 percent;

(2) the vast majority of murders of journalists occur with impunity, with nearly 80 percent of the perpetrators of 263 murders of journalists from September 1, 2012 to August 31, 2022 facing no punishment;

(3) Iran, China, Burma, Turkey, and Belarus were responsible for nearly 60 percent of all imprisoned journalists; and

(4) journalists and media outlets around the world have been targeted by government actors with sophisticated spyware products that pose a severe risk to their security and the security of their sources and families;

Whereas, according to PEN America, at least 311 writers and public intellectuals, including columnists and editorial journalists, were imprisoned across 36 different countries during 2022;

Whereas, since the start of Russia's full-scale invasion of Ukraine in February 2022, Reporters Without Borders has documented attacks directly targeting journalists, including—

(1) the killing of 8 journalists and media workers;

(2) the torture by electric shock, beatings, and mock executions of journalists working for the international press;

(3) the targeted kidnappings of journalists and their families in occupied regions of Ukraine to put pressure on their reporting; and

(4) the deliberate attacks targeting media facilities;

Whereas, in the Ukrainian territory of Crimea, Ukrainian journalists and bloggers have repeatedly been threatened, arbitrarily arrested, and tortured for resisting Russian occupation, such as the detentions of

Vladyslav Yesypenko Iryna Danylovych, Amet Suleimanov, Asan Akhmetov, Marlen Asanov, Nariman Celal, Oleksiy Bessarabov, Osman Arifmemetov, Remzi Bekirov, Ruslan Suleimanov, Rustem Sheikhaliev, Server Mustafayev, Seyran Saliev, Timur Ibragimov, and Vilen Temeryanov;

Whereas media workers face heightened dangers in Russia, such as harassment, repression, censorship, and imprisonment, with 22 journalists imprisoned as of April 17, 2023, of whom 10 were arrested after the beginning of the invasion of Ukraine, including—

(1) Evan Gershkovich, a United States reporter with the *Wall Street Journal*, who was wrongfully detained on baseless espionage charges in March and faces up to 20 years in jail;

(2) Ivan Safronov, a correspondent with Russian business dailies *Kommersant* and *Vedomosti*, who was sentenced to 22 years in jail on treason charges in September 2022;

(3) Maria Ponomarenko, a correspondent with the *RusNews* independent news website, who was sentenced to 6 years in prison for spreading false information about the Russian military on February 15, 2023;

(4) Sergey Mikhaylov, publisher of independent newspaper *Listok*, who was arrested for spreading false information about the Russian military in April 2022;

(5) Mikhail Afanasyev, editor-in-chief of the online magazine *Novy Fokus*, who was arrested and charged with spreading false information about the Russian military in April 2022;

(6) *Novaya Gazeta*, a landmark independent newspaper founded in 1993, which—

(A) suspended operations in Russia in March 2022 after receiving warnings from the authorities citing the country's foreign agents law; and

(B) was stripped of its print and online media licenses in September 2022; and

(7) *Meduza*, a leading independent bilingual news website based outside of Russia, which—

(A) was designated by Russian authorities in January 2023 as an "undesirable organization" under the 2015 Undesirable Organization Law; and

(B) was banned from operating in the Russian Federation;

Whereas according to the Committee to Protect Journalists, the Government of the People's Republic of China had detained at least 43 journalists, as of December 1, 2022, and has unleashed an onslaught of attacks on press freedom in China and Hong Kong, including through—

(1) state-sponsored censorship and disinformation campaigns limiting access to information about any dissent, including recent protests against then-imposed COVID-19 restrictions, and by censoring protest-related keywords on social media platforms;

(2) attacks on press freedom in Hong Kong, including the passage of the National Security Law, which poses an existential threat to the city's tradition of press freedom, and the arrest and subsequent conviction of Jimmy Lai, owner of Hong Kong's largest media outlet, Apple Daily, and an outspoken democracy advocate;

(3) arrests or other repressive actions against independent journalists and others in mainland China attempting to share uncensored news or opinion about current affairs, including Sophia Huang Xueqin, who has written about women's rights and the protests in Hong Kong, and has been arbitrarily detained for more than 500 days;

(4) the detention of journalists critical of the Government of China, including Ruan Xiaohuan, who, after blogging about programming and politics, was sentenced to a 7-year term of imprisonment in early 2023, following 21 months of incommunicado detention; and



(5) the continued detention of Uyghur journalists, who account for nearly 50 percent of imprisoned journalists in China, including Ilham Tohti, founder of the news website *Uighurbiz*, who was detained in 2014 and is serving a life sentence;

Whereas Afghanistan, under the control of the Taliban, remains one of the most repressive countries for journalists, with journalists in Afghanistan being subject to arrest, beatings, and arbitrary restrictions on their work, including journalists Mortaza Behboudi and Khairullah Parhar, who have been detained by the Taliban since January 2023;

Whereas Belarus has witnessed sweeping attacks against the press since Alexander Lukashenko's fraudulent election in August 2020, with journalists and media workers harassed, assaulted, imprisoned, or otherwise retaliated against for their work, including—

(1) Katsiaryna Andrejeva, a correspondent with Poland-based independent broadcaster BelSat TV, who, while serving a 2-year prison term for filming a live broadcast of the violent dispersal of a protest against Lukashenko in November 2020, was sentenced to 8 additional years in prison on treason charges in July 2022;

(2) Ksenia Lutschina, a former correspondent for the state broadcaster BelteleRadio, who was sentenced to 8 years in prison on charges of conspiring to seize state power in September 2022, and who is not receiving appropriate medical care despite having a preexisting brain tumor that has grown during her detention;

(3) Maryna Zolotava, chief editor of independent news website Tut.by, who was sentenced to 12 years in prison on charges of incitement to hatred and distributing materials calling for actions aimed at harming national security in March 2023;

(4) Andrey Kuznechyk, a journalist who, while working for Radio Free Europe/Radio Liberty, was detained in November 2021, and sentenced in June 2022 to 6 years in prison on charges of forming an extremist group; and

(5) Ihar Losik, another Radio Free Europe/Radio Liberty journalist who was arrested in June 2020, and sentenced in December 2021 to 15 years in jail on bogus charges of preparation of actions that violate public order, who attempted suicide in March 2023, and whose wife Darya was sentenced in January 2023 to 2 years in prison on a charge of facilitating extremist activity;

Whereas Reporters Without Borders asserts that due to oppression by the military junta, “press freedom in [Burma] has been set back ten years in ten days” after the February 1, 2021 military coup, including through—

(1) media workers forced into hiding and confronting censorship, harassment, internet blocks, beatings, interrogations, threats, and injuries at the hands of the military;

(2) multiple independent media outlets had forced to cease operations or close altogether or had their licenses revoked by the military; and

(3) journalists being detained at alarming rates, with 75 journalists in prison as of April 17, 2023;

Whereas Cuba remains a highly restricted environment for independent media, marked by internet restrictions and constant harassment of journalists and news outlets, including journalist Lázaro Yuri Valle Roca who was sentenced to 5 years in prison for “enemy propaganda and resistance” in July 2022, a clear sign that the Cuban regime continues using the extreme measure of jailing journalists to maintain its regime of censorship;

Whereas Egypt's restrictions on the media have accelerated under President Abdel Fattah el-Sisi since 2013, with at least 21

journalists imprisoned as of December 1, 2022, according to the Committee to Protect Journalists, including—

(1) Alaa Abd El Fattah, a blogger sentenced to 5 years in prison for “broadcasting false news” who embarked on a hunger strike on April 2, 2022, to protest his mistreatment, which he escalated to a near-fatal “water strike” that prompted a forced medical intervention by prison officials upon the start of the United Nations COP 27 climate summit in Sharm El-Sheikh, Egypt on November 6, 2022;

(2) Hisham Abdel Aziz, an Al Jazeera journalist who is on the verge of losing his eyesight following untreated glaucoma while in prison; and

(3) Mahmoud Abou Zeid, who was released after 5 years in prison, but remains subject to a 5-year probation term that requires his continuous presence at a police station between 6:00 p.m. and 6:00 a.m. daily;

Whereas assaults on press freedom in El Salvador imperil its fragile democracy and include both verbal attacks on journalists by political leaders and the use of state power to intimidate independent media, such as—

(1) the ongoing criminal investigation against outlet *El Faro*, which was launched after it reported damaging information about the government, and which led the media outlet to relocate most of its operations to Costa Rica following harassment by Salvadorian police;

(2) the online attacks and threats to journalists from the outlet *Revista Factum*, which has been banned from press conferences at the presidential residence; and

(3) the adoption of a new law that imposes prison sentences ranging from 10 to 15 years for certain reporting on criminal groups, such as gangs;

Whereas, in India, government authorities frequently impose internet and communication blackouts in certain areas, and have recently detained and charged journalists covering political demonstrations, called for the temporary blockage of journalists and media accounts on Twitter, and subjected journalists to searches and arrests, including—

(1) the February 2023 raid on the British Broadcasting Company offices in Delhi and Mumbai, during which tax authorities seized employees' laptops and mobile phones, following an Income Tax Department order the previous month, widely viewed as an attempt to censor the outlet following the release of a documentary on key political figures in India; and

(2) the house arrest of Gautam Navlakha, a journalist and activist, who has been awaiting trial since April 2020 on charges of “instigating caste violence”;

Whereas Pakistan maintains high levels of media censorship and impunity persists in cases of killings and physical attacks on journalists who criticize the military and state institutions, including—

(1) the arrest of journalists Imran Riaz Khan, in July 2022, under sedition charges for his criticism of the military; and

(2) the assault of Ayaz Amir, an employee of Dunya News, on July 1, 2022, days after he had made comments criticizing former Prime Minister Imran Khan and the military;

Whereas Iran was the leading jailer of journalists and the most prolific jailer of female journalists in 2022, subjecting media workers to aggressive intimidation, arbitrary summons, arrests, travel bans, conditional releases, torture, inhumane treatment, and unsubstantiated and unjust sentences, including—

(1) Niloofar Hamed, correspondent of the daily newspaper *Shargh*, who was imprisoned in 2022 for trying to document the death of Mahsa Amini on charges that could result in the death penalty;

(2) Elahe Mohammadi, journalist for the daily *Ham Mihan*, who was also imprisoned in 2022 for the same action and on the same charges;

(3) Yalda Moaiery, a prominent female photojournalist who—

(A) while covering the nationwide protests in Tehran, was arrested by anti-riot police despite having press credentials;

(B) was later charged with “spreading propaganda against the system” and “acting against national security”; and

(C) was sentenced to 6 years in prison;

(4) freelance journalist Fariborz Kalantari, who was sentenced on February 7, 2021, to 7 years in prison and 74 lashes for using his telegram channel to circulate articles about corruption charges brought against the ex-Vice President's brother;

(5) Mahmoud Mahmoudi, the editor of the weekly newspaper *Agrin Rozh*, who was arrested by agents of the Ministry of Intelligence in Sanandaj after issuing an open letter calling for the release of detained Kurdish activists;

(6) freelance photojournalist Nooshin Jafari, who was arrested in 2021, and sentenced to a 4-year prison term for “spreading anti-state propaganda” and “insulting sanctities”; and

(7) Iranian journalist Navid Seyed-Mohammadi, a Kurdish reporter for the state-run Islamic Republic Radio and Television broadcaster, who was arrested in May 2020 and is serving a 7-year prison sentence for “espionage for hostile states”;

Whereas Mexico continues to be one of the world's deadliest countries for journalists, where 25 journalists are currently counted as missing, and reporters covering stories on political corruption and organized crime are frequently assaulted and murdered, including—

(1) Gustavo Sánchez Cabrera, a reporter who covered crime and politics and who was murdered in front of his son;

(2) Ricardo Domínguez López, the founder and editor of news website InfoGuaymas;

(3) Lourdes Maldonado López, a broadcast journalist, and Margarito Martínez, a photojournalist, who were both killed in Tijuana in January 2022;

(4) Juan Carlos Muñiz, a reporter who covered crime for the news website *Testigo Minero*; and

(5) Fredid Román, the founder of the newspaper *La Realidad* and a columnist for the newspaper *Vértice Diario de Chilpancingo*;

Whereas Haiti is the second deadliest country in the Western Hemisphere for journalists, with 7 journalists killed during 2022, following a steady uptick of violence against the press over the last several years;

Whereas the years-long persecution of journalists in Nicaragua continues, including news outlets being forced to close and individual journalists being threatened, harassed, sued, surveilled, jailed, and forced into exile, including—

(1) Miguel Mendoza, who along with 6 other journalists and media workers, was among the group of 222 political prisoners released by Nicaraguan authorities in February 2023, sent to the United States, and subsequently stripped of their Nicaraguan citizenship; and

(2) journalist Victor Ticay, who was arrested in April 2023, in connection to his April 5 reporting about a Catholic Easter celebration;

Whereas Honduras remains one of the Western Hemisphere's most dangerous countries for journalists, where those working for opposition media or who are outspoken critics of the government are subjected to harassment, intimidation, and death threats by the country's security forces and its affiliates;

Whereas criminal defamation lawsuits and legislation have been used in Peru to harass



and silence investigative journalists who write about prominent political figures and the violent repression of protestors has also increased the risk to journalists covering ongoing social unrest in Peru;

Whereas the Office of the Director of National Intelligence has concluded that the 2018 murder of Washington Post journalist and American resident Jamal Khashoggi in Istanbul was approved by Saudi Crown Prince Mohamed bin Salman and impunity continues for the Saudi officials involved in this crime;

Whereas the Kingdom of Saudi Arabia maintains an especially hostile environment towards journalists through systematic and arbitrary arrests, torture and inhumane or degrading treatment, lengthy pre-trial detentions, political persecution, and conditional release restrictions, which inhibit reporters and columnists from traveling or returning to their professional work post-detention, including—

(1) Maha Al-Rafidi Al-Qahtani, a journalist and writer arrested in September 2019, held in solitary confinement and physically abused while in prison;

(2) Abdulrahman Farhana, a columnist detained in February 2019, charged with membership in a terrorist organization;

(3) Zuhair Kutbi, a journalist jailed in January 2019, who reportedly suffers from torture, malnourishment, and denial of cancer treatment in prison; and

(4) blogger Raif Badawi, who recently completed a 10-year prison sentence on blasphemy and apostasy charges, and who remains subjected to a further 10-year travel ban, which prevents him from reuniting with his family who received asylum in Canada;

Whereas the battle for a free press continues to be fought in South Asia and Southeast Asia, where—

(1) Bangladeshi journalists are subjected to arbitrary arrests and charges under the Digital Security Act, and suffer killings and physical attacks with near-total impunity

(2) journalist, Nobel Prize laureate, and United States citizen Maria Ressa, despite rulings in her favor, continues to face lawfare for her reporting on President Duterte's "war on drugs", among other topics;

(3) Vietnamese journalists Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan were each sentenced to more than 10 years in prison; and

(4) Pham Doan Trang, a Vietnamese journalist and writer, following a year in detention, was sentenced to 9 years in prison for "anti-state propaganda" in a judicial proceeding and imprisonment declared "arbitrary" by the United Nations Working Group on Arbitrary Detention;

Whereas press freedom continues to face challenges in sub-Saharan Africa, including in—

(1) Ethiopia, where a crackdown on the press has included—

(A) the arbitrary arrests of journalists, which was exacerbated during the civil war and has continued even after the signing of a peace agreement in November 2022;

(B) internet disruptions deployed during times of political tension, including as recently as April 2023, making it difficult and dangerous for the press to report the news;

(C) the January 2023 suspension of 15 media outlets, including the BBC's Somali service, and their representatives from operating in the Somali Regional State; and

(D) the failure to provide a credible accounting for the 2021 killings of journalists Dawit Kebede Araya and Sisay Fida;

(2) Nigeria, where journalists have been repeatedly detained and charged for their work, including—

(A) Luke Binniyat, who was arrested in November 2021, released on bail in Feb-

ruary 2022, and is facing 3 years in prison if convicted of sending false information under the Cybercrimes Act;

(B) Agba Jalingo, publisher of the *CrossRiverWatch* news site, who was arrested on March 27, 2023, charged under the Cybercrimes Act for allegedly publishing false news, and released on bail on April 3, 2023; and

(C) Haruna Mohammed Salisu, publisher of the *WikkiTimes*, who was arrested while covering the February 25, 2023, Federal elections, charged under the penal code with inciting the public to disturb the Bauchi state governor, and released on bail on March 1, 2023;

(3) Eritrea, which is one of the world's most censored nations, and where at least 16 journalists, including editors Dawit Isaak and Amanuel Asrat, are detained, with most of these detentions commencing during a 2001 crackdown on the independent press, according to the Committee to Protect Journalists;

(4) Cameroon, where—

(A) 5 journalists were imprisoned as of December 2022;

(B) at least 2 journalists have died in government custody under suspicious circumstances since 2010; and

(C) journalist Martinez Zogo was abducted, tortured, and killed in January 2023;

(5) Rwanda, where—

(A) at least 4 journalists were imprisoned as of December 1, 2022, according to the Committee to Protect Journalists; and

(B) journalist John Williams Ntwali, who, after reporting on cases of torture, disappearances, and forced government evictions, was killed under suspicious circumstances;

(6) Somalia, where recent violations include the months-long legal harassment of the freelance journalist and press freedom advocate Abdalle Ahmed Mumin, who was detained several times and convicted of disobeying government orders in connection to his objection to government plans to censor media coverage of security issues and was released on March 26, 2023 after more than 1 month in prison;

(7) Burundi, where journalist Floriane Irangabiye is serving a 10-year prison sentence, following a January 2023 conviction in connection to her critical commentary on governance issues in the country;

(8) in Mali and Burkina Faso, where foreign journalists have been expelled and French media outlets have been banned; and

(9) in Zimbabwe, where the country's overly broad cybercrime legislation has been used to detain journalists and silence the press;

Whereas in Turkey, where the Erdogan government maintains one of the world's most repressive environments for journalists and continues to imprison at least 40 journalists in retaliation for their professional work, including 15 Kurdish journalists who were arrested in June 2022, but were never publicly charged;

Whereas Hatice Duman, the longest imprisoned journalist in Turkey, who has been serving a life sentence on terrorism charges since April 9, 2003, told the Committee to Protect Journalists in November that she had little hope for freedom in her current retrial;

Whereas, in Georgia, the free press is increasingly threatened, as evidenced by the conviction of former government minister and journalist Nika Gvaramia to a 42 month prison sentence on May 16, 2022, on charges widely denounced as politically motivated, and attempts to pass laws modeled after the Russian Federation's infamous "foreign agents" law, and insufficient prosecution of

frequent physical attacks on members of the press;

Whereas, in Tajikistan, where the government continues its systematic repression of the free press in 2022 by sentencing 6 journalists to lengthy prison terms on spurious charges in secretive, closed-door trials held in detention centers amid allegations of torture and forced confessions, including—

(1) Ulfatkhonim Mamadshoeva, a 66-year-old ethnic Pamiri journalist and human rights defender, who was sentenced to 20 years in prison; and

(2) journalists Daler Imomali, Abdullo Ghurbati, Zavqibek Saidamini, and Abdusattor Pirmuhammadzoda, who were sentenced to terms of imprisonment ranging from 7 to 10 years on spurious charges of extremism;

Whereas, in Kyrgyzstan, where the government has taken worrying steps to undermine the country's relative press freedom since the start of 2022, including by—

(1) blocking news websites under an arbitrary new "false information" law, including that of Radio Free Europe/Radio Liberty; and

(2) imposing spurious charges of illegal drug manufacture on investigative journalist Bolot Temirov and deporting him to the Russian Federation in retaliation for his reporting on corruption in the government's procurement processes;

Whereas the Government of Morocco has imposed severe crackdowns on freedom of expression and supporters of a free press and is currently detaining 13 journalists, including—

(1) Taoufik Bouachrine, the publisher and editor-in-chief of *Akhbar al-Youm*, who was arrested in February 2018 on retaliatory charges related to his journalism and is serving a 15-year prison sentence;

(2) Soulaïmane Raïssouni, a columnist and editor-in-chief of *Akhbar al-Youm*, who succeeded publisher Taoufik Bouachrine and was arrested on similar retaliatory charges in May 2020, and is serving a 5-year prison sentence;

(3) Ali Anouzla, a journalist and editor of the news website *Lakome*, who has been repeatedly arrested on retaliatory charges related to his journalism including "apologism for terrorism", "material aid for terrorism", and "incitement to terrorism";

(4) Maati Monjib, a historian and advocate for free press, who was detained in December 2020 for 3 months on spurious national security and fraud charges and remains subject to restrictive bail conditions; and

(5) Omar Radi, a journalist who was arrested on suspicion of espionage in June 2020 shortly after Amnesty International reported that the Moroccan authorities hacked his phone and monitored his activities;

Whereas in 2022 and 2023, press freedom in Algeria continued to deteriorate at an alarming pace, with the newspaper *Liberté* closing after 30 years in print following a decision by its owner, as a result of the interminable pressure exerted at the highest level in recent months against its editorial line, with the newspaper *El Watan* being subjected to strong pressures that led to a radical change in its editorial line, and before the recent adoption of an alarming media law, several journalists were summoned and prosecuted for their work, notably—

(1) Nadir Kerri, who was placed under judicial supervision;

(2) Belkacem Haouam, who was detained for 2 months in response to an article he published in late 2022; and

(3) Ihsane El Kadi, who was prosecuted several times and remains in prison after he was ultimately sentenced to 3 years in prison in April 2023;

Whereas the Maduro regime of Venezuela continues to target independent media outlets, restrict the exercise of freedom of expression, and severely limit Venezuelan access to accurate information;

Whereas American journalists have been victimized while reporting abroad, including—

(1) Christopher Allen, who was killed while covering the conflict in South Sudan on August 26, 2017, and whose killing has yet to be investigated by authorities after nearly 6 years;

(2) Austin Tice, who was kidnapped in Syria and has been held in captivity since August 12, 2012; and

(3) Brent Renaud, who was killed by Russian forces while covering the war in Ukraine on March 13, 2022; and

(4) Evan Gershkovich, who was arrested in Russia on charges of espionage on March 29, 2023;

Whereas, under the auspices of the United States Agency for Global Media, the United States Government provides financial assistance to several editorially independent media outlets, including Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Office of Cuba Broadcasting, and the Middle East Broadcasting Networks—

(1) which report and broadcast news, information, and analysis in critical regions around the world; and

(2) whose journalists regularly face harassment, fines, and imprisonment for their work; and

Whereas press freedom—

(1) is a key component of democratic governance, activism in civil society, and socioeconomic development; and

(2) enhances public accountability, transparency, and participation in civil society and democratic governance: Now, therefore, be it

*Resolved*, That the Senate—

(1) declares that a free press—

(A) is a central component of free societies and democratic governance;

(B) contributes to an informed civil society and government accountability;

(C) helps to expose corruption;

(D) enhances public accountability and transparency of governments at all levels; and

(E) disseminates information that is essential to improving public health and safety;

(2) expresses concerns about threats to the exercise of freedom of expression, including by the press, around the world;

(3) recognizes and commends journalism's role in providing trusted, accurate, and timely information and in holding governments and leaders accountable to citizens;

(4) is dismayed that, under cover of the COVID-19 pandemic, many governments have restricted the work of journalists reporting on the public health crisis and on peaceful protests on a variety of issues;

(5) pays tribute to journalists who made tremendous sacrifices, including the loss of their lives, in the pursuit of truth and justice;

(6) condemns all actions around the world that suppress press freedom;

(7) calls for the unconditional and immediate release of all wrongfully detained journalists;

(8) reaffirms the centrality of press freedom to efforts of the United States Government to support democracy, mitigate conflict, and promote good governance domestically and around the world; and

(9) calls upon the President and the Secretary of State—

(A) to preserve and build upon the leadership of the United States on issues relating to press freedom, on the basis of the protec-

tions for freedom of the press afforded the American people under the First Amendment to the Constitution of the United States;

(B) to transparently investigate and bring to justice the perpetrators of attacks against journalists; and

(C) to promote the respect and protection of press freedom around the world.

#### SENATE RESOLUTION 192—RECOGNIZING APRIL 30, 2023, AS “EL DÍA DE LOS NIÑOS—CELEBRATING YOUNG AMERICANS”

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

##### S. RES. 192

Whereas, each year in the United States, El Día de los Niños—Celebrating Young Americans is recognized as a day to affirm and recognize the importance of young children and adolescents in the United States;

Whereas children and adolescents represent the hopes and dreams of the people of the United States, and the well-being of children and adolescents is emphasized as a top priority in the United States;

Whereas, according to data of the Bureau of the Census, the Hispanic population in the United States is the youngest major racial or ethnic group in the United States, as—

(1) more than 18,800,000 Hispanics in the United States, a group that represents nearly  $\frac{1}{3}$  of the Hispanic population in the United States, are younger than 18 years of age; and

(2) in 2019, nearly 16,600,000 Hispanics in the United States, a group that represents more than  $\frac{1}{4}$  of the Hispanic population in the United States, were individuals between 18 and 34 years of age;

Whereas the Hispanic population in the United States continues to grow and is a significant part of the workforce in the United States, and children in the Hispanic population will be consumers, taxpayers, and voters in the future;

Whereas, as the United States becomes more culturally and ethnically diverse, the people of the United States must strive to bring about cultural understanding and celebrate a tradition that honors all children and adolescents on El Día de los Niños—Celebrating Young Americans, a day that acknowledges and shares traditions and customs with all people in the United States;

Whereas parents are at the center of teaching children about family values, morality, life preparation, health, survival, and culture;

Whereas the designation of a day of special recognition to honor children and adolescents in the United States—

(1) will help affirm the significance of family, education, health, and community among the people of the United States; and

(2) will provide an opportunity for those children and adolescents to reflect on their futures, to articulate their aspirations, to find comfort and security in the support of their family members, communities, and schools, and to grow to contribute to the United States; and

Whereas April 30, 2023, would be an appropriate day to recognize as “El Día de los Niños—Celebrating Young Americans”: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes April 30, 2023, as “El Día de los Niños—Celebrating Young Americans”;

(2) encourages the people of the United States—

(A) to nurture and invest in children and adolescents in order to preserve and enhance

economic prosperity, democracy, and the free and open exchange of ideas, which are concepts that are essential to the spirit of the United States; and

(B) to celebrate the gifts of children and adolescents and help children and adolescents take their rightful place in the future of the United States; and

(3) calls on the people of the United States to join with children, families, communities, schools, churches, cities, and States across the United States to observe El Día de los Niños—Celebrating Young Americans with appropriate ceremonies, including activities that—

(A) center on children and are free or of minimal cost so as to facilitate full participation by all people;

(B) uplift and help children positively envision a path to their futures by allowing children to voice their hopes and dreams;

(C) offer opportunities for children of diverse backgrounds to learn about the cultures of one another and to share ideas;

(D) include family members, especially extended and elderly family members, so as to—

(i) promote understanding and communication among generations within families; and

(ii) enable young people to learn from, and respect and benefit from the experiences of, their family elders;

(E) enable diverse communities to build relationships of understanding; and

(F) provide children with safe schools, homes, and communities that give them the long-term support they need to learn, develop, and become confident young adults who are ready and eager to believe in and contribute to the United States.

#### SENATE RESOLUTION 193—DESIGNATING APRIL 2023 AS “SECOND CHANCE MONTH”

Ms. KLOBUCHAR (for herself and Mr. CRAMER) submitted the following resolution; which was considered and agreed to:

##### S. RES. 193

Whereas every individual is endowed with human dignity and value;

Whereas redemption and second chances are values of the United States;

Whereas millions of citizens of the United States have a criminal record;

Whereas hundreds of thousands of individuals return to their communities from Federal and State prisons every year;

Whereas many individuals returning from Federal and State prisons have paid their debt for committing crimes but still face significant legal and societal barriers (referred to in this preamble as “collateral consequences”);

Whereas collateral consequences for an individual returning from a Federal or State prison are often mandatory and take effect automatically, regardless of—

(1) whether there is a nexus between the crime and public safety;

(2) the seriousness of the crime;

(3) the time that has passed since the individual committed the crime; or

(4) the efforts of the individual to make amends or earn back the trust of the public;

Whereas, for individuals returning to their communities from Federal and State prisons, gaining meaningful employment is one of the most significant predictors of successful reentry and has been shown to reduce future criminal activity;

Whereas many individuals who have been incarcerated struggle to find employment and access capital to start a small business because of collateral consequences, which

are often not directly related to the offenses the individuals committed or any proven public safety benefit;

Whereas many States have laws that prohibit an individual with a criminal record from working in certain industries or obtaining professional licenses;

Whereas, in addition to employment, education has been shown to be a significant predictor of successful reentry for individuals returning from Federal and State prisons;

Whereas an individual with a criminal record often has a lower level of educational attainment than the general population and has significant difficulty acquiring admission to, and funding for, educational programs;

Whereas an individual who has been convicted of certain crimes is often barred from receiving the financial aid necessary to acquire additional skills and knowledge;

Whereas an individual with a criminal record—

(1) faces collateral consequences in securing a place to live; and

(2) is often barred from seeking access to public housing;

Whereas collateral consequences prevent millions of individuals in the United States from contributing fully to their families and communities;

Whereas collateral consequences can contribute to recidivism, which increases crime and victimization and decreases public safety;

Whereas collateral consequences have particularly impacted underserved communities of color and community rates of employment, housing stability, and recidivism;

Whereas the inability to find gainful employment and other collateral consequences inhibit the economic mobility of an individual with a criminal record, which can negatively impact the well-being of the children and family of the individual for generations;

Whereas the bipartisan First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194) was signed into law on December 21, 2018, to increase opportunities for individuals incarcerated in Federal prisons to participate in meaningful recidivism reduction programs and prepare for their second chances;

Whereas the programs authorized by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657)—

(1) have provided reentry services to more than 164,000 individuals in 49 States and the District of Columbia since the date of enactment of the Act; and

(2) were reauthorized by the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194);

Whereas the anniversary of the death of Charles Colson, who used his second chance following his incarceration for a Watergate-related crime to found Prison Fellowship, the largest program in the United States that provides outreach to prisoners, former prisoners, and their families, falls on April 21; and

Whereas the designation of April as “Second Chance Month” may contribute to—

(1) increased public awareness about—

(A) the impact of collateral consequences; and

(B) the need for closure for individuals with a criminal record who have paid their debt; and

(2) opportunities for individuals, employers, congregations, and communities to extend second chances to those individuals: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2023 as “Second Chance Month”; and

(2) honors the work of communities, governmental institutions, nonprofit organiza-

tions, congregations, employers, and individuals to remove unnecessary legal and societal barriers that prevent individuals with criminal records from becoming productive members of society; and

(3) calls upon the people of the United States to observe “Second Chance Month” through actions and programs that—

(A) promote awareness of those unnecessary legal and social barriers; and

(B) provide closure for individuals with criminal records who have paid their debts to the community.

# SENATE RESOLUTION 194—DESIGNATING MAY 5, 2023, AS THE “NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS”

Mr. DAINES (for himself, Mr. TESTER, Mr. GRASSLEY, Mr. CRAMER, Mr. HOEVEN, Mr. LANKFORD, Mr. RICKETTS, Mr. ROUNDS, Mr. MORAN, Mr. SCHATZ, Mr. HEINRICH, Mr. PADILLA, Ms. SINEMA, Ms. CANTWELL, Ms. CORTEZ MASTO, Mr. LUJÁN, Ms. SMITH, Ms. HIRONO, Mr. FETTERMAN, Mr. WYDEN, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. SULLIVAN) submitted the following resolution; which was considered and agreed to:

## S. RES. 194

Whereas American Indians and Alaska Natives are 2.5 times more likely to experience violent crimes and at least 2 times more likely to experience rape or sexual assault crimes compared to any other group of people in the United States;

Whereas, according to a study commissioned by the Department of Justice, in some Tribal communities, American Indian women face murder rates that are more than 10 times the national average murder rate;

Whereas, according to the most recently available data from the Centers for Disease Control and Prevention, in 2017, homicide was the sixth leading cause of death for American Indian and Alaska Native females between 1 and 44 years of age;

Whereas the Hawaii State Commission on the Status of Women released reports finding that 64 percent of trafficking survivors in Hawaii identified as being Native Hawaiian;

Whereas little data exists on the number of missing American Indian, Alaska Native, and Native Hawaiian women in the United States;

Whereas, on July 5, 2013, Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing by her family in Lame Deer, Montana;

Whereas the body of Hanna Harris was found 5 days after she went missing;

Whereas Hanna Harris was determined to have been raped and murdered, and the individuals accused of committing those crimes were convicted;

Whereas the case of Hanna Harris is an example of many similar cases; and

Whereas Hanna Harris was born on May 5, 1992: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 5, 2023, as the “National Day of Awareness for Missing and Murdered Native Women and Girls”; and

(2) calls on the people of the United States and interested groups—

(A) to commemorate the lives of missing and murdered American Indian, Alaska Native, and Native Hawaiian women whose cases are documented and undocumented in public records and the media; and

(B) to demonstrate solidarity with the families of victims in light of those tragedies.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHATZ. Madam President, I have seven 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 ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, May 3, 2023, at 10 a.m., to conduct a hearing.

### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, May 3, 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, May 3, 2023, at 10 a.m., to conduct a business meeting.

### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, May 3, 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, May 3, 2023, at 2:30 p.m., to conduct a hearing.

### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, May 3, 2023, at 2:30 p.m., to conduct a closed briefing.

### COMMITTEE ON STATE DEPARTMENT AND USAID MANAGEMENT, INTERNATIONAL OPERATIONS, AND BILATERAL INTERNATIONAL DEVELOPMENT

The Subcommittee on State Department and USAID Management, International Operations, and Bilateral International Development of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, May 3, 2023, at 2:30 p.m., to conduct a hearing.

## PRIVILEGES OF THE FLOOR

Ms. LUMMIS. Madam President, I ask unanimous consent that Jake Newton and Casey Foss—interns in my office—be granted floor privileges until May 4, 2023.

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

Mr. WICKER. Madam President, I ask unanimous consent that Hubert Couch and James Causey—interns in

my office—be granted floor privileges until May 4, 2023.

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

#### ORDERS FOR THURSDAY, MAY 4, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, May 4; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Hunt nomination postcloture and that all time be considered expired at 11:30 a.m.; further, that following the cloture vote on the Shogan nomination, notwithstanding rule XXII, the Senate resume consideration of the Gupta nomination, with the time until 1:45 p.m. equally divided between the two leaders or their designees, and at 1:45 p.m. the Senate vote on the motion to invoke cloture on the nomination; further, that if any nominations are confirmed, 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.

Mr. SCHUMER. For the information of the Senate, there will be two rollcall votes at 11:30 a.m. and one at 1:45 p.m.

#### ORDER FOR ADJOURNMENT

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the very, very learned remarks of Senator SULLIVAN.

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

The Senator from Alaska.

Mr. SULLIVAN. Madam President, I thank the majority leader for his fine compliment to me on the Senate floor about learned remarks. I appreciate that.

Mr. SCHUMER. Would the gentleman yield?

Mr. SULLIVAN. I appreciate that very much.

Not if you are going to take away your compliment—if you are going to keep it, I will yield.

Mr. SCHUMER. I just want to reserve the right to read the remarks before closing debate.

Mr. SULLIVAN. Actually, I think you will appreciate these remarks.

Mr. SCHUMER. I thank the Senator. I yield the floor and am looking forward to the Senator's remarks.

The PRESIDING OFFICER. The Senator from Alaska.

#### U.S. NAVY

Mr. SULLIVAN. Madam President, recently, there have been numerous articles in the media about the U.S. Navy's lack of amphibious ships—one that I would like to submit for the RECORD, headlined "Grounding of U.S. Marine Unit Spotlights Lack of Ships in Asia-Pacific," can be found online at <https://www.wsj.com/articles/grounding-of-u-s-marine-unit-spotlights-lack-of-ships-in-asia-pacific-757315b4>.

(Mr. WHITEHOUSE assumed the Chair.)

In this piece, the writer leads with how the 31st Marine Expeditionary Unit, a rapid response force of the Marine Corps designed for quick deployment on three Navy ships—what we call an "amphibious ready group"—how they were forced to abandon a training exercise because the amphibious warships that they are supposed to train on were not available due to maintenance problems.

Here is what the article said in part:

The Marine unit's grounded status illustrates the larger obstacles the United States is facing as it tries to pivot its military to handle the challenges from China. Overall, defense officials said the Navy doesn't have enough amphibious ships to transport marines, and a central part of the Marine Corps's mission is to hop from island to island in the Asia-Pacific and harry Chinese forces in the event of a conflict.

By the way, Mr. President, the Marines are really good at this. They have been doing it for decades. But they need ships.

Another article from Defense News is also a recent one about the lack of amphibious ships and the problem that poses. This one is from another part of the world but very recent. The article starts with how hundreds of American citizens were stranded in war-torn Sudan.

It says:

Hundreds of Americans in war-torn Sudan last month needed a way out of the country, but the U.S. Marine Corps, the go-to service for such rescues [of American citizens] couldn't help.

The article continued:

Typically, this kind of mission would be standard for the Navy and Marine Corps' amphibious ready group—

A Marine expeditionary unit, or what we call in the Marine Corps a MEU, a MEU-R, a Marine expeditionary unit, an amphibious ready group—three ships, super well trained, special operations capable, can go anywhere in the world, kick the door in, save American citizens.

The article continues:

For the Americans who fled to the coast [in Sudan] the Pentagon sent an auxiliary transport ship—

that they contracted out, I believe, from another country—to shuttle them safely to . . . Saudi Arabia.

It was, in essence, a self-evacuation of U.S. citizens.

Mr. President, NPR reported that the buses actually took hundreds of Americans to the Port of Sudan. Imagine—imagine—my colleagues, what would have happened had those Americans, traveling in contract buses in the middle of a civil war, got caught in the crossfire.

The article that I just quoted was entitled "Marines want 31 amphibious ships. The Pentagon disagrees. Now what?" I ask unanimous consent to have that article printed in the RECORD at the end of my remarks.

Finally, Mr. President, there was another recent article from Defense One. Its title was "Navy On Path To Violate 31-Amphibious-Ship Requirement in 2024."

Now, Mr. President, this is what I wanted to get to. Last year, in the Armed Services Committee, we held a number of hearings with the Navy and the Marine Corps saying: What is the minimum number of amphibious ships that would enable the Marine Corps to do its global force response mission—the minimum number? After many hearings, after much discussion with the Marines and Navy, we came up, in a bill of mine, with a minimum of 31 ships.

This bill in the Armed Services Committee last year passed unanimously. Every Democrat and every Republican voted for it.

The law now reads as follows. I know this is a little small, but here is the new U.S. Code that has the new language. It says:

The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships—

What we call in the Marine Corps "big-deck assault ships" that can carry helicopters and Ospreys and Harriers and now F-35 Bravos. That was the law. That passed. The President signed it.

Here is the problem. The U.S. Navy is violating the law. The U.S. Navy is treating that law—31 amphibs, a minimum—as a suggestion from the Congress, as an option from the Congress.

How do I know? Because we had a hearing 2 weeks ago on the Armed Services Committee, and the Secretary of the Navy essentially said: We are looking at different options for the President's budget on how many amphibs that the Navy is going to have.

And, currently, the Navy presented a budget that doesn't have 31 amphibs.

I had some cross words with the Secretary of the Navy, the CNO of the Navy, because they are violating the law. And I will tell you, my Democratic and Republican colleagues on the Armed Services Committee were supportive of what I was saying. We had a hearing on the Armed Services Readiness Subcommittee yesterday. The Vice Chief of Naval Operations, Admiral Franchetti, said that the Navy was "studying the issue."

The Navy can't study the issue anymore. The Navy needs to follow the

law. The U.S. Congress has done the studies. We need the ships.

But here is what the Navy presented to the Armed Services Committee 2 weeks ago. They provided us their 30-year shipbuilding plan for the Navy. Right here is the 31 amphib ship statutory minimum that is required by the law. Here is the Navy shipbuilding plan for the next 30 years. You see in the numbers, these are different options: plan one, plan two, plan three.

You might notice the Navy never gets to 31 amphib. So the Secretary of the Navy, the CNO of the Navy, and the Vice CNO of the Navy came to the Congress in the last 2 weeks and said: Your 31 amphib ship requirement, we are going to ignore it. Your 31 amphib ship requirement, Congress, United States of America, we are going to violate that.

This is unacceptable. The U.S. Navy, the Secretary of the Navy, the Secretary of Defense should not be thumbing their nose at the Congress, and, worse, they should not be violating the law and not trying to abide by the law. They are saying, for 30 years, we are going to ignore the Congress, and we are going to ignore the laws of the United States of America.

This cannot happen. This cannot happen.

Let me end with this. Whether you are a Democrat or a Republican, whether you are a hawk on defense issues or a dove on defense issues, if you are a U.S. Senator, this should make you really mad. This should make you really mad.

Last year, the Congress spoke. And, again, on the Armed Services Committee, on which I serve, it was unanimous. Every member of that committee who had studied the issue said, at a minimum, the Navy needs 31 amphib so the U.S. Marine Corps can do its mission around the world. Everybody agreed. We passed the law.

The Navy, the Secretary of the Navy, and the Secretary of Defense are thumbing their nose at this body, are breaking the law as we speak, are intending to break the law for the next 30 years. That is their 30-year shipbuilding plan. It never hits 31 ships.

But here is the worst thing they are doing, and this is a real serious issue. They are putting the lives of American citizens at risk. Why do I say that? Well, let me end where I began, with Sudan, the rescue of American citizens. Again, normally, that is a mission tailor-made for the U.S. Marine Corps, whether in an embassy or another dangerous part of the world—what we call a noncombatant evacuation operation, a NEO. The Marines do them all the time. They bring up their amphib, launch helos, launch support craft, helicopters, fighters, if they need the air support.

The capability of a MEU-R to go rescue American citizens—a lot of them—is unsurpassed by any service in the world.

The U.S. Marines do it all the time. But guess what they can't do it with-

out? They can't do it without amphibious ships. And right now, we don't have enough. So we dodged a bullet 2 weeks ago in Sudan.

American citizens were put on buses and driven across dangerous parts of Sudan in a civil war, for hours after hours, and got to a port, self-evacuated on some other country's ships. We are so lucky that those Americans did not get killed or wounded—did not get killed or wounded—because there was no Marine Corps to rescue them.

I am going to keep raising this issue. The Secretary of Defense, Secretary of the Navy, today, are violating the law. Today, they have no intention of meeting this 31 amphib ship requirement, and American citizens are at risk. And the next time we might not be so lucky. The next time Americans somewhere around the world need to be rescued, the next time an enemy of our country does something nefarious to our citizens, our national interests, and we don't have the ability to respond as a Marine Corps because we don't have the ships, we are going to know who is responsible.

I yield floor.

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

[From Defense News, May 2, 2023]

MARINES WANT 31 AMPHIBIOUS SHIPS. THE PENTAGON DISAGREES. NOW WHAT?

(By Megan Eckstein)

WASHINGTON.—Hundreds of Americans trapped in war-torn Sudan last month needed a way out of the country, but the U.S. Marine Corps, the go-to service for such rescues, couldn't help.

Typically, this kind of mission would be standard for the Navy and Marine Corps' amphibious ready group and Marine expeditionary unit, made up of 2,300 Marines aboard three ships who are trained to fight their way into and evacuate citizens from dangerous locations.

Instead, as violence surged, the Pentagon relied on drones to monitor a 500-mile escape route from the capital of Khartoum to the Red Sea city of Port Sudan. For the Americans who fled to the coast, the Pentagon sent an auxiliary transport ship to shuttle them to safety in Jeddah, Saudi Arabia.

It was a complicated and risky self-evacuation.

At the same time, off the coast of Marine Corps Base Camp Lejeune, North Carolina, the Bataan ARG and 26th MEU were conducting a noncombatant evacuation simulation—training for the very operation Americans in Sudan needed. But the group stayed put because it wasn't yet certified for global missions.

The Navy didn't have another set of ready amphibious ships to deploy from the East Coast on short notice.

All of this followed a similar situation a few months earlier, when service leaders were unable to send a team to Turkey and Syria to provide aid after a 7.8-magnitude earthquake rocked the region.

Maj. Gen. Roger Turner, the Marine Corps' operations division director, told Defense News the naval forces "have this razor-thin capacity" with amphibious ships, and when emergencies arise, "there's no capacity to react."

It's a trend that could continue.

Today, the Navy has 31 amphibious ships—what the Marine Corps considers the bare

minimum it needs—but the Pentagon plans to shrink the fleet below that number in fiscal 2024. As a result, Turner anticipates the Corps will be more challenged to respond to global crises.

Throughout last year and into this spring, that number—31—has been at the center of debates, as the Navy, Marine Corps, Defense Department, Congress and industry weigh in on how many amphibious ships the military needs, what they should look like and how much they should cost.

Now, the argument is about to come to a head.

In June, the Pentagon is expected to complete a study on whether to continue buying amphibious ships and, if so, what capabilities those vessels will have.

The final decision is expected to have major ramifications for the Marine Corps and defense contractor Ingalls Shipbuilding, a division of HII.

For example, the study might back a requirement for 31 ships and recommend continuing to build San Antonio-class vessels at a cost of about \$2 billion each. Or the report could recommend a new design that would cost less per ship—an idea the Corps already rejected, and one that could disrupt Ingalls' production line.

Or there's a third option: The report could call for a continued pause in the Pentagon buying amphibious ships, which could force Ingalls to close its production line and would force the Marine Corps to reevaluate its amphibious operations plans.

But unless the Office of the Secretary of Defense approves the continued construction of ships, or unless Congress overrides the Pentagon, "trying to maintain even a minimal [amphibious] presence is going to be really difficult," Turner said.

This comes at a time when he said "aggressive behavior of the [People's Republic of China] is driving people to us; they want us to be the security partner of choice," making American amphibious presence all the more important today.

Outsider observers like Mackenzie Eaglen, an expert in military readiness at the American Enterprise Institute think tank, believe the debate itself is problematic.

"Funding disagreements signal indecision to our adversaries on the role of this capability," she warned.

#### A 31-SHIP REQUIREMENT

For years, the Marine Corps had a requirement of 38 amphibious ships, with the caveat it would accept 34 in a fiscally constrained environment.

This requirement was based on the rationale that the service needed 38 ships to move two entire Marine expeditionary brigades into combat for a forcible entry.

In July 2019, Gen. David Berger took command of the service and quickly released a document titled "Commandant's Planning Guidance" that backed away from the requirement of transporting those two brigades, saying the Corps would fight differently in the future.

Since then, a range of concepts have emerged, focused on the idea that small units would already be dispersed throughout the Pacific region to be able to tamp down an emerging conflict until additional forces arrive.

The Marine Corps began talking publicly about a 31-ship requirement in 2021, and the Navy acknowledged that requirement in 2022.

According to the director of the Maritime Expeditionary Warfare Division, Shon Brodie, the 31-ship figure is based on an idea that the fleet should do three things:

Keep two three-ship amphibious ready groups at sea at any given time.

Support contingency plans that call for five three-ship amphibious ready groups to deploy on short notice.



Allow for enough ready ships—those not tied up in maintenance—that some would be available for training Marines in events like fleet exercises.

The requirement is specifically divided up into 10 amphibious assault ships (made up of the America-class LHAs and Wasp-class LHDs that host fixed-wing jets like the F-35B), and 21 medium-sized amphibious vessels (either the aging Whidbey Island-class LSDs or the newer San Antonio-class LPDs). An amphibious ready group includes one amphibious assault ship and two medium-sized ships.

Brodie told Defense News this 31-ship requirement is backed by studies undertaken from 2008 to 2022, and reflects ships' recent maintenance readiness rates, which hover around 40%.

That rate means in a fleet of 31 ships, 12 or 13 might be available at any given time. If six are supposed to be deployed, and another six are getting ready to deploy next, that leaves little to no additional capacity for training or surging in response to natural disasters or conflicts.

This low readiness rate has complicated the discussion and is a key reason the Marine Corps considers 31 ships the bare minimum.

Pilots with the 13th Marine Expeditionary Unit fly over the amphibious transport dock Anchorage on Dec. 8, 2022. (Sgt. Brendan Custer/U.S. Marine Corps)

Bryan Clark, director of the Center for Defense Concepts and Technology at the Hudson Institute think tank, said 31 ships is the right number, but noted "presence is now the driver, rather than warfighting lift requirements."

While the amphibious ready group and Marine expeditionary unit, or ARG/MEU, team still can storm an island and take it from enemy forces, the group is most often used to train alongside partners and allies, respond to friendly nations after a natural disaster, or rescue American citizens trapped in dangerous countries.

Eaglen said this emphasis on presence as a means of deterrence has contributed to the disagreement with the Pentagon over the 31-ship requirement.

"The rub as I see it between the Office of the Secretary of Defense and the Marine Corps is over amphib ship requirements for operational plans, versus the additional duties of crisis response (and to a lesser extent building partner capacity) the Marines have on a daily basis," she told Defense News. "To me, the commandant is saying he wants and needs more ships for tasks scoped outside [of warfighting]."

Dakota Wood, a senior research fellow for defense programs at the Heritage Foundation, acknowledged concerns over the amphibious ships' survivability against Chinese anti-ship missiles, but said "large-scale combat operations against a highly capable enemy like China is only part of the story."

"Much has been made about China being the most substantial security challenge for the U.S., but Navy-Marine Corps forces, made possible with Marines embarked aboard Navy amphibious ships, have repeatedly [proved] their worth across a range of small crises in various parts of the world," he told Defense News.

#### FLEET UNDER FIRE

Though the Marine Corps maintains it needs 31 ships, the Pentagon has not committed to that requirement.

DoD officials have not spoken publicly on the matter. Asked by Defense News whether the Office of the Secretary of Defense backs the 31-ship requirement, Pentagon spokesman Chris Sherwood said the requirement can't be considered in isolation and the de-

partment is "focused on having the right mix of capabilities to meet the objectives of the 2022 National Defense Strategy."

The Navy's fiscal 2023 budget request, shaped by the Office of the Secretary of Defense and the White House before going to Congress, called for truncating the San Antonio-class production line after one final ship that fiscal year. This move would end the San Antonio program after 16 ships, rather than the planned 26.

The FY24 request advances that plan, including no additional LPDs in the five-year spending plan.

With the Marine Corps and the Pentagon at odds, the Office of the Secretary of Defense and the services are conducting a capability and cost analysis to consider alternative ship designs and acquisition strategies that might lower the cost of future amphibious ships. That study is set to conclude in June.

U.S. Navy vessels sail with a Royal Thai Navy ship and a South Korean ship while transiting the Gulf of Thailand during the exercise Cobra Gold on March 3, 2023. (MC3 Joshua Martinez/U.S. Navy)

Marine Corps, and later Navy, leaders have pushed to buy these ships in multiyear procurement contracts, which must generate cost-savings as a condition of service secretaries approving them. These savings are often on the order of 10%. But a top Marine general told Defense News that the Office of the Secretary of Defense wants larger savings by paring down the ship design and capability.

Lt. Gen. Karsten Heckl, the deputy commandant for combat development and integration, told Defense News in March that Pentagon officials had presented him with several rough drawings of ship designs that would be cheaper than the current LPDs.

"None of them are acceptable," he said. "They're trying to reduce cost by reducing my requirement. The answer to reduced cost would have been to exercise [two previous congressional authorizations for multi-ship contracts], one of which was a five-ship and would have saved the American taxpayers almost \$900 million."

Heckl, speaking at the annual Sea-Air-Space conference in April, said the Marines had in 2014 worked with the Navy to scale down the LPD design to the cheaper Flight II design, now under construction at Ingalls Shipbuilding. "We drove out cost. We're done."

Berger, who was part of that 2014 effort, made the same point in an April 18 Senate Armed Services Committee hearing, saying that "every bit of efficiency [was] squeezed out" of the LPD design.

"If there's another effort to reduce that further, I know that we went to the minimums in 2014," the commandant added.

When Navy leadership first rolled out the plan to nix future LPDs, Chief of Naval Operations Adm. Mike Gilday said that as the service prepares for a potential fight against China, it must prioritize programs most relevant to that conflict.

But more recently, top Navy officials said they would like to continue buying LPDs. Gilday told reporters in early April: "We agree on the 31 requirement, we agree on leveraging the multiyear procurement in terms of doing a bundle buy, and hopefully this study that ends in June informs these next steps."

Sherwood, when asked about the Pentagon's commitment to restart LPD buys in FY25 and to use multiyear procurement authority, said the Office of the Secretary of Defense plans to "address the next purchase in our FY25 budget."

Lawmakers last year included a provision in the FY23 National Defense Authorization

Act giving the commandant of the Marine Corps the authority to set the requirement for amphibious ships. That effectively makes the congressionally mandated requirement 31.

#### TODAY'S PLAN

The Navy's FY24 long-range shipbuilding plan, released April 17, envisions a dwindling amphibious fleet unless a compromise can be reached on building a future LPD-like ship.

Until the amphibious ship study determines the future of the San Antonio program—whether to continue or truncate it; whether to buy ships one at a time or commit to a multi-ship buy; whether to keep the Flight II design or pare it down further—the Navy's existing long-range plan does not include buying medium amphibious ships.

It continues retiring the aging Whidbey Island LSDs, though, calling for six of the 10 remaining ships to be retired from FY24 to FY26.

Under the baseline plan—the long-range ship plan includes three potential options—the fleet of 31 amphibious vessels today would sit at 29 in a decade, 24 in two decades and 19 in three decades.

If the Navy were to continue buying the San Antonio-class LPDs every other year, for about a billion dollars a year, the fleet could instead sit at 34 in a decade, 34 in two decades and 33 in three decades.

The San Antonio-class amphibious transport dock Fort Lauderdale is seen moored in Florida ahead of its July 30, 2022, commissioning ceremony. (Sgt. Gavin Shelton/U.S. Marine Corps)

Clark said the Office of the Secretary of Defense may not want the Navy to spend \$2 billion every other year for a ship it doesn't highly value right now, particularly because that cadence would generate a fleet slightly larger than the Corps' 31-ship requirement.

On the other hand, if the Navy stops the production line, lets the fleet size shrink and then later opts to restart the production line, the cost might be exorbitant—if Ingalls could even reconstitute its workforce and supply base.

"Are you better off buying those ships? Is that actually cheaper in the long run than it would be to stop the production line and turn around and restart it?" Clark said. "It may be that it almost becomes a wash."

That's the case with aircraft carriers: The Navy essentially pays HII's Newport News Shipbuilding to keep the production line "activated and fully manned" in order to keep the sole builder of nuclear-powered carriers viable, Clark said. The line isn't perfectly optimized, as that would create a larger fleet than the Navy needs, but it delivers a new ship every five to six years, and the Navy retains the industrial base to produce these complex ships.

This arrangement "ends up being slightly cheaper than if you started and stopped and started the construction line multiple times," Clark explained. "The question is: Does Congress or [the Office of the Secretary of Defense]—mostly Congress—want to take that longer term view and say, 'We're just going to keep building LPDs on two-year centers because in the end it's cheaper than to stop and start this line, unless you don't think you need LPDs [for future operations]?'"

Several experts expressed concern the Pentagon won't take long-term measures, like approving multi-ship contracts, to build and maintain a 31-ship fleet.

Brent Sadler, a senior research fellow for naval warfare and advanced technology at the Heritage Foundation, told Defense News that the Office of the Secretary of Defense and its Cost Assessment and Program Evaluation office "don't see value in amphibs in



a China fight, and therefore [they are] not worth the money.”

Eaglen added that the the Office of the Secretary of Defense “is concerned some amphibs are too slow and therefore easy targets after the shooting starts” with China, despite the Marine Corps seeing amphibious ships and the surface connectors they haul as “critical to fighting inside the First Island Chain using Marines as a stand-in force.” (The first island chain stretches from Japan’s East China Sea islands through the Philippines.)

“Ultimately, Congress will be the adjudicator, and they will again side with the commandant,” she predicted.

#### THE COST OF FALLING SHORT OF A 31-SHIP FLEET

Berger told the Senate committee that not having enough ships puts at risk Marines’ ability to deter or win a war, plus their ability to respond to global crises.

“You have to be there with allies and partners because they have to believe that the United States is not running away from them, is going to be there even when things get tough,” he said.

The commandant added that “if you still believe . . . three amphibious ships loaded up with 2,300 Marines, if they have a deterrent value, and I think they do, then you want them right in the adversary’s grill, right in their face where they can see them all the time . . . Can we afford conventional deter-

rence? Absolutely yes, because the alternative is a lot worse.”

U.S. Marines sit in formation in combat rubber raiding crafts during a launch and recovery exercise with the amphibious transport dock New Orleans in the Philippine Sea on Aug. 6, 2022. (Lance Cpl. Yvonne Iwae/U.S. Marine Corps)

Assistant Commandant of the Marine Corps Gen. Eric Smith during a panel discussion at Sea-Air-Space said the service is providing as much airlift as possible for its forces in the Pacific, allowing Marines to get to exercises and respond to problems.

But there are still gaps when no ARG/MEUs are patrolling the Pacific, and Smith warned those would increase if the fleet size decreases.

If Americans traveling or working abroad find themselves in the middle of a violent uprising, “you better hope it’s in the months that we have an ARG/MEU ready to come get you. If you’re a combatant commander and somebody tries to close down a SLOC, a sea line of communication, you’re going to want to hope that’s during the months that we’re there.”

Calling the ARG/MEU the “crown jewel of our expeditionary crisis response capability,” Turner said “with the minimum of 31 ships that has been established and the readiness challenges that we’re facing that we discussed, really the confluence between

capacity and readiness has pinched that capability in ways that are really not helpful.”

If the Navy continues down its path of decommissioning the old LSDs and not replacing them with new LPDs, “trying to maintain even a minimal ARG/MEU presence is going to be really difficult.”

“At a time that we should be adding capability, we’re actually reducing capability,” Turner said.

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

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:46 p.m., adjourned until Thursday, May 4, 2023, at 10 a.m.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 2023:

##### THE JUDICIARY

ORELIA ELETA MERCHANT, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

WESLEY L. HSU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.