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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

Eternal God, You are our fortress. Thank You for surrounding us with Your walls of goodness, mercy, and love. Even when overwhelmed, we remain confident. Great and marvelous are Your works.

Today, inspire our lawmakers to again seek Your wisdom. May they cry out to You for guidance and receive Your light to illuminate the path ahead.

Lord, be merciful to them and answer their prayers, for You are the God of their salvation. Remind them that You are alive and in control of all challenges that confront our Nation and world.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 10, 2021.

To the Senate:

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

appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK LEAHY,  
President pro tempore.

Mr. LUJÁN 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.

### RECOGNITION OF THE MAJORITY LEADER

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

### NOMINATIONS

Mr. SCHUMER. Mr. President, today, the Senate has a packed schedule. By the end of the day, the Senate will have confirmed another three members of President Biden's Cabinet.

First up is Representative MARCIA FUDGE to serve as the 18th Secretary of Housing and Urban Development. What an excellent choice for the job. She represented the people of Ohio in Congress since 2008 and, before that, served as the first African American and first female mayor of Warrensville Heights in Ohio.

She has a difficult job ahead of her. Millions of Americans are behind on the rent and 3 million homeowners are in forbearance. At the same time, we are on the verge of passing major assistance for renters and for homeowners. As the incoming Secretary, I know Representative FUDGE will implement that assistance with alacrity. And, of course, I will be focusing, among other issues in housing, on public housing, which I know she cares about a great deal as well.

Later this afternoon, we will move to the confirmation of Merrick Garland to

become Attorney General. After Donald Trump spent 4 years, 4 long years, subverting the powers of the Justice Department for his own political benefit, treating the Attorney General like his own personal defense lawyer, America can breathe a sigh of relief that we are finally going to have someone like Merrick Garland leading the Justice Department, someone with integrity, independence, respect for the rule of law, and credibility on both sides of the aisle. He understands that the job of Attorney General is one to protect the rule of law, unlike the previous Attorneys General under President Trump who, too often, just bowed to his whim and his will when it was against rule of law.

It is confounding, in light of all of that, that Republicans have chosen—some of them anyway—to delay his nomination, particularly in the aftermath of the Capitol attacks, but he will be confirmed today, despite their attempts to stonewall the process.

Finally, Mr. President, the Senate will confirm Michael Regan to serve as EPA Administrator. Once again, the change between the previous administration and the incoming Administration will be dramatic. Under Donald Trump, the EPA weakened environmental protections, fudged the science, and completely ignored climate change to potentially, unfortunately, disastrous effect.

It is high time the Senate confirmed someone like Michael Regan, who has made environmental protection the cause of his career, to lead the Agency and set it back on its proper footing.

Once we finish with the confirmations of these three nominees, the Senate will have confirmed 16 Cabinet-level officials. That is in addition to passing a massive COVID bill and conducting an impeachment trial of the former President—despite getting a late start to our work thanks to a delay in the organizing resolution. The Senate is going to keep up the pace.

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



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S1433

President Biden deserves to have his team in place, working for the American people.

#### AMERICAN RESCUE PLAN ACT OF 2021

Mr. SCHUMER. Mr. President, now on the American Rescue Plan, later today, the House of Representatives is set to approve the American Rescue Plan and send it straight to President Biden's desk for his signature, capping a monthslong effort by the Democrats to pass bold COVID relief to defeat the pandemic and boost our economy. Once President Biden signs the bill into law, it will immediately become the most sweeping Federal recovery package in recent history.

Even a cursory reading of the headlines gives you a sense of the historic nature of this bold and so helpful legislation.

Here is one from yesterday from the New York Times:

Growth in the U.S. could surge on the stimulus plan and a rapid vaccine rollout.

Wouldn't that be great? We think there is a very good chance of its happening.

Forbes:

U.S. Economy Will Recover Twice as Fast Thanks to \$1.9 Trillion Stimulus.

That is from Forbes, a conservative publication.

The Associated Press:

COVID bill to deliver big health insurance savings for many.

This is something so many Americans desperately need and want.

Here is another from the New York Times:

In the Stimulus Bill, a Policy Revolution in Aid for Children.

A policy revolution.

Simply put, the American Rescue Plan is one of the most significant Federal relief efforts that Congress has seen in a very, very long time. I am greatly looking forward to its becoming law.

Now, I have spent a lot of time talking about all of the different provisions of the bill today and in previous remarks on the floor of the Senate. That is because the American Rescue Plan is a truly comprehensive effort. COVID-19 has impacted nearly every aspect of American life. So we had to craft legislation that spanned the gamut: schools, businesses, families, jobs, healthcare. Because this bill is so wide-ranging, I haven't spent enough time on the significance of the individual programs.

I want to rectify that over the next several weeks. This morning, I want to focus on two initiatives: first, the child tax credit and, second, agricultural assistance for disadvantaged farmers.

According to the most recent data, more than 10 million children live below the poverty line in America—10 million children. A child starting out in life, through no fault of his or her own, lives below the poverty line, and

we know what that means in terms of food and healthcare and housing and education. Compared with other nations around the world, the United States dedicates a relative pittance—a pittance—to fixing that terrible injustice.

Listen to this. This is something that should make us both ashamed that the United States has been in this position for so long and proud that the American Rescue Plan will help rectify that injustice. Here it is: The United States ranks next to last among the world's 37 most developed economies in terms of family benefits—barely ahead of Turkey—nothing that can make Americans proud.

Of course, the pandemic has made the problem of child poverty even worse. It has forced parents to serve as childcare providers and surrogate teachers while trying to keep up with their own jobs. For millions of Americans who lost their jobs through no fault of their own, the pressure only increased. The difficulty of childcare during the pandemic is likely one of the main reasons there has been a disproportionate share of women who have fallen out of the workforce. The pandemic has left mothers and fathers with impossible choices, between keeping their jobs and incomes or leaving work to care for their children, stuck at home, whom they so dearly love.

Democrats decided to tackle this problem head on in the American Rescue Plan. We expanded the child tax credit to provide up to \$3,000 per child, ages 6 to 17, and \$3,600 per child under the age of 6 for an overwhelming majority of families in this country. Analysts predict that this policy will cut childhood poverty in half—in half. That is an astounding statistic. It will cut childhood poverty in half. A goal of so many who have studied the frailties in some of our policies for a decade, for a generation, has been to remove people—young children—from poverty, and half will be so removed.

That is just one reason reviewers have called the American Rescue Plan one of the “most far-reaching anti-poverty efforts in an [entire] generation.”

A salute to SHERRON BROWN, MICHAEL BENNET, and CORY BOOKER, who really spearheaded this, along with Congressman NEAL in the House; RON WYDEN and his committee that worked on drafting it; and my staffers who spent so much time on making this work as well. A salute to them.

Now, another provision that has received too little attention is the support this bill will provide to disadvantaged farmers. Across nearly every statistic, farmers from socially disadvantaged communities fare worse than their White counterparts, suffering from generations of systemic discrimination, land loss, and what Secretary Vilsack calls a “cycle of debt.” It is almost something that recalls the days of slavery and sharecropping and tenant farming. Recently, these farmers have suffered again, disproportionately, from COVID-19.

The American Rescue Plan provides more than \$10 billion to support our Nation's agriculture and sets aside, roughly, half of it—half of it—for disadvantaged communities, particularly Black farmers, for debt relief, education, training, and land acquisition. Though it is only a small fraction of the overall bill, experts have called the American Rescue Plan “the most significant legislation for Black farmers since the Civil Rights Act.”

It is amazing what we can do when we put our minds to it. The hangover from the horrible treatment that rural African-American farmers have gotten since the days of slavery can, in part—in decent part—be undone by this legislation.

I want to thank some of my fellow Senators who did such work on this bill. The provisions I have mentioned owe a great deal to the members of the Agriculture Committee and the Finance Committee. Senator STABENOW was relentless in pushing this issue. Senator WYDEN, chair of the Finance Committee, helped out a great deal, and Senators WARNOCK and BOOKER pushed very hard as well.

The American Rescue Plan is going to have an immense impact on nearly every community in America. In the weeks and months to come, I will be highlighting how much good it will do.

I have a few housekeeping things to do.

#### SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the senior Senator from New York be authorized to sign duly enrolled bills or joint resolutions on March 10.

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

#### JOHN LEWIS NIMHD RESEARCH ENDOWMENT REVITALIZATION ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 320 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 320) to amend the Public Health Service Act to provide that the authority of the Director of the National Institute on Minority Health and Health Disparities to make certain research endowments applies with respect to both current and former centers of excellence, and for other purposes.

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

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 320) was passed, as follows:

S. 320

*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 “John Lewis NIMHD Research Endowment Revitalization Act of 2021”.

#### SEC. 2. RESEARCH ENDOWMENTS AT BOTH CURRENT AND FORMER CENTERS OF EXCELLENCE.

Paragraph (1) (beginning with “(1) IN GENERAL”) of section 464z-3(h) of the Public Health Service Act (42 U.S.C. 285t(h)) is amended to read as follows:

“(1) IN GENERAL.—The Director of the Institute may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments—

“(A) at current or former centers of excellence under section 736; and

“(B) at current or former centers of excellence under section 464z-4.”.

Mr. SCHUMER. I ask that the motion to reconsider be considered made and laid upon the table.

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

#### AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT WITH RESPECT TO THE SCOPE OF NEW CHEMICAL EXCLUSIVITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 415 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 415) to amend the Federal Food, Drug, and Cosmetic Act with respect to the scope of new chemical exclusivity.

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

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

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

The bill (S. 415) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 415

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

#### SECTION 1. CLARIFYING THE MEANING OF NEW CHEMICAL ENTITY.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 505 (21 U.S.C. 355)—

(A) in subsection (c)(3)(E), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(B) in subsection (j)(5)(F), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(C) in subsection (l)(2)(A)—

(i) by amending clause (i) to read as follows:

“(i) not later than 30 days after the date of approval of such applications—

“(I) for a drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under this section; or

“(II) for a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act; and”; and

(ii) in clause (ii), by inserting “or biological product” before the period;

(D) by amending subsection (s) to read as follows:

“(s) REFERRAL TO ADVISORY COMMITTEE.—The Secretary shall—

“(1) refer a drug or biological product to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee prior to the approval of such drug or biological if it is—

“(A) a drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under this section; or

“(B) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act; or

“(2) if the Secretary does not refer a drug or biological product described in paragraph (1) to a Food and Drug Administration advisory committee prior to such approval, provide in the action letter on the application for the drug or biological product a summary of the reasons why the Secretary did not refer the drug or biological product to an advisory committee prior to approval.”; and

(E) in subsection (u)(1), in the matter preceding subparagraph (A)—

(i) by striking “active ingredient (including any ester or salt of the active ingredient)” and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”; and

(ii) by striking “same active ingredient” and inserting “same active moiety”;

(2) in section 512(c)(2)(F) (21 U.S.C. 360b(c)(2)(F)), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(3) in section 524(a)(4) (21 U.S.C. 360n(a)(4)), by amending subparagraph (C) to read as follows:

“(C) is for—

“(i) a human drug, no active moiety (as defined by the Secretary in section 314.3 of

title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under section 505(b)(1); or

“(ii) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act.”;

(4) in section 529(a)(4) (21 U.S.C. 360ff(a)(4)), by striking subparagraphs (A) and (B) and inserting the following:

“(A) is for a drug or biological product that is for the prevention or treatment of a rare pediatric disease;

“(B)(i) is for such a drug—

“(I) that contains no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) that has been previously approved in any other application under subsection (b)(1), (b)(2), or (j) of section 505; and

“(II) that is the subject of an application submitted under section 505(b)(1); or

“(ii) is for such a biological product—

“(I) that contains no active ingredient that has been previously approved in any other application under section 351(a) or 351(k) of the Public Health Service Act; and

“(II) that is the subject of an application submitted under section 351(a) of the Public Health Service Act.”; and

(5) in section 565A(a)(4) (21 U.S.C. 360bbb-4a(a)(4)), by amending subparagraph (D) to read as follows:

“(D) is for—

“(i) a human drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under section 505(b)(1); or

“(ii) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act.”.

(b) TECHNICAL CORRECTIONS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended—

(1) in section 505 (21 U.S.C. 355)—

(A) in subsection (c)(3)(E), by repealing clause (i); and

(B) in subsection (j)(5)(F), by repealing clause (i); and

(2) in section 505A(c)(1)(A)(i)(II) (21 U.S.C. 355a(c)(1)(A)(i)(II)), by striking “(c)(3)(D)” and inserting “(c)(3)(E)”.

#### RECOGNIZING THE 100TH ANNIVERSARY OF THE HOOSIER GYM AND THE 35TH ANNIVERSARY OF THE RELEASE OF THE FILM “HOOSIERS”

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 102, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 102) recognizing the 100th anniversary of The Hoosier Gym and the 35th anniversary of the release of the film “Hoosiers”.

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

Mr. SCHUMER. It was a very good film, I must add.

I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made

and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

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

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

The senior assistant legislative clerk proceeded to call the roll.

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 ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### NOMINATIONS

Mr. MCCONNELL. Mr. President, yesterday, I voted to advance the nominations of Congresswoman MARCIA FUDGE to be the Secretary of Housing and Urban Development and Judge Merrick Garland to be Attorney General.

These aren't the nominees whom any Republican would have picked for these jobs, but the Nation needs Presidents to be able to stand up a team so long as their nominees are qualified and mainstream. I have voted to confirm people like Secretaries Austin, Blinken, Yellen, Vilsack, and Buttigieg. We certainly disagree on plenty of issues, but I spent 4 years watching many of our Democratic colleagues do everything possible to obstruct and delay President Trump's nominees right from the start.

Now we hear of many of the same Democrats insisting that, as a matter of principle, a new President needs his team and any delay is an outrage. It is funny how some things change. My position has not.

I am voting to confirm Judge Garland because of his long reputation as a straight shooter and a legal expert. His left-of-center perspective has been within the legal mainstream.

For the country's sake, let's hope our incoming Attorney General applies that no-nonsense approach to the serious challenges facing the Department of Justice and our Nation. Let's hope that he controls the bureaucrats and leftist subordinates that the President proposes to place under him, rather than the other way around.

When I spoke to Judge Garland, we discussed his commitment to the ongoing investigation of the events of January 6. Federal law enforcement needs to continue the work of identifying, ar-

resting, and prosecuting those who broke the law in order to disrupt the constitutional business of Congress. He assured me that will remain a priority.

At the same time, it is essential that DOJ treat political violence with equal seriousness no matter which political fringe it may come from. Last summer, riots, vandalism, and even a so-called "autonomous zone" consumed parts of American cities. In some instances, thugs directly attacked Federal property. But amazingly, some local leaders seemed more willing to tolerate the chaos than tolerate the angry tweets that leftwing activists might have sent if they had stepped in to actually do their jobs.

We were fortunate to have Attorney General Barr, who took seriously the Federal Government's role to protect Federal property and enforce Federal law. Judge Garland must be prepared to do the same.

Of course, the riots haven't been the only area where we have seen liberal governance give short shrift to the rule of law. The Obama administration was famous for its willingness to let ideology dictate the enforcement of Federal laws or the lack thereof.

Take the DACA Program, for example. When the Obama administration realized their preferred immigration policies couldn't get through Congress the right way, they stretched prosecutorial discretion and law enforcement discretion to breathtaking unconstitutional extremes. When confirmed, Judge Garland must not back other constitutionally corrosive efforts to effectively repeal laws just by ignoring them.

That brings me to the issue of immigration more broadly. Just a few weeks into the job, the Biden administration and Secretary Mayorkas are flailing and failing on our southern border. The number of unaccompanied migrant children in Border Patrol custody has tripled in just 2 weeks and now dwarfs anything seen during the last 4 years.

Like I mentioned last week, this is not an isolated question of border policy alone. The backdrop behind this entire crisis is the giant push toward amnesty and insecurity that the administration advertised throughout the campaign and every time they step to the podium now. That is what has enticed people to flood in.

Even now, administration staff keeps parroting strange lines like "Now is not the time to come." "Now is not the time to come"? Well, when is the right time to break Federal law? Is there going to be a good time to break into the country illegally, and people need to just be patient and wait for their signal? What on Earth are they talking about?

A lot of blame for this mess rests on Secretary Mayorkas himself. He spent the first weeks of his tenure downplaying and denying the crisis instead of solving it. But, again, the Biden administration's far-left approach to this issue is not limited to

DHS or to the border. Interior enforcement is a key component.

On Secretary Mayorkas' watch, we have seen what the Washington Post calls "a sharp drop" in arrests by Immigration and Customs Enforcement—a collapse of more than 60 percent from just the prior few months—a political choice, in effect, not to enforce the law.

Judge Garland must ensure the Department of Justice takes its duty to uphold the law more seriously.

Mr. President, on a related matter, after we confirm Congresswoman FUDGE and Judge Garland, the Senate will consider two nominees I will not be supporting. They both report straight to the frontlines of the new administration's leftwing war on American energy. They would work to unbalance the balancing act between conservation and the economic comeback we badly need.

To head the Environmental Protection Agency, the President has nominated Michael Regan, a longtime regulator and activist. Mr. Regan has plenty of experience. The problem is what he is poised to do with it. He and the administration are plainly prepared to put that experience behind the same far-left policies that crushed jobs and prosperity in States like Kentucky throughout the Obama administration.

The Clean Power Plan? Back on the table. The absurd waters of the United States rule? Back on the table.

Kentuckians know that when bad policies like those are on the table, it means their jobs, their livelihoods, and their communities are on the menu.

Congresswoman HAALAND, the President's pick to lead the Department of the Interior, was literally an original cosponsor of the Green New Deal. She has vowed to "keep fossil fuels in the ground" and once pledged "to vote against all new fossil fuel infrastructure."

Her record and her views ignore the fact that American energy independence fueled prosperity for the working class and middle class over the last 4 years. Yet in multiple of those years, our carbon emissions actually went down—went down. The supposed choice between a clean environment and domestic energy independence is a false choice. It only exists as a zero-sum tradeoff in the minds of Democrats.

We have every reason to believe that voting for Mr. Regan and Representative HAALAND would be voting to raise gas prices for families who are already struggling, voting to raise fuel and heating bills for seniors on a fixed income, voting to take the tough times we have been going through and making them even tougher.

I will be voting for American families and against both of their nominations.

#### 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 MARCIA LOUISE FUDGE, of Ohio, to be Secretary of Housing and Urban Development.

The ACTING PRESIDENT pro tempore. The majority whip.

## IMMIGRATION

Mr. DURBIN. Mr. President, for 20 years now, I have come to this floor hundreds of times to speak on behalf of the DREAM Act, which I introduced long ago. During that period of time, I have had an occasional vote. I have not been successful in making it the law of the land.

The closest I came was about 8 years ago, when we had the comprehensive immigration reform bill. Four Democratic Senators and four Republican Senators—and I was among them—worked for months to try to address our immigration system. We came up with an agreement that was no mean feat. It is a complex area of law. It is a controversial area of law. It is an area of law that changes almost by the day, and we were trying to find a solution to all the challenges it presents.

To think that we are a nation of immigrants and, then, to reflect on our history on immigration is to leave one puzzled.

Most of the time we have been against immigration, despite the arrival of good people on our borders. Occasionally, when we were building a transcontinental railroad, we would invite people from China in to take the backbreaking jobs, only to categorically exclude them from immigration in the meantime. It is hard to explain, understand, or appreciate where we stand on immigration.

When I hear the Republican leader come to the floor and criticize President Obama for DACA, I have to say that it is personal to me. I was writing letters to President Biden, my former Senate colleague from Illinois, begging him to do just that, and he did.

In creating DACA, he gave the Dreamers a fighting chance, and more than 800,000 of them came forward. These were young people who were brought to the United States as toddlers and infants and children, not because of a personal decision but a family decision. They grew up here, went to school here, and believed they were a part of this country, only to learn in a quiet moment of honesty from their parents that they didn't have the necessary paperwork and they had to be extra careful or face deportation.

I thought that was a heartbreaking conclusion for their time in America and introduced the Dream Act. And when we could not pass it, I asked

President Obama to do what he could to help, and he did. I thank him for it still to this day.

But DACA, if it was stretching Executive power, was certainly reflective of where the American people are on this issue. No apologies; the American people don't hold these young children now grown responsible for their family's decision. They want to give them a chance. They want to give them a chance to earn their legal status, to earn a path to citizenship. No apologies here; these are wonderful young people who make America a better country, and we need them to be a part of our future.

So for those who come to the floor critical of DACA, I just tell you: Take a couple of minutes and meet these young people. I have come to the floor over a hundred times telling their personal stories. They are a great source of pride, not just for me but for this Nation.

Now we face problems on our border—and we have for some time—and they are challenges that are very real. Mr. Mayorkas has taken over as the head of the Department of Homeland Security. He is a person I willingly and anxiously support for that job. He has a personal family story of immigration, but, more importantly, he has a depth of experience that is almost impossible to find in other places.

He has tried to come together with the leaders in Central America to fashion a plan for order on the border, and it is difficult. It is true that larger numbers are coming to the border at this time. The Senator from Kentucky said earlier that they believe they have a right to break Federal law. I couldn't disagree with him more. They are presenting themselves at the border under the law of asylum in the United States so that they can be judged as to whether or not they are eligible to come into this country. That is the process, but it has broken down because the numbers presenting themselves at the border and the backlog of cases, more than a million cases pending.

We don't have enough judges. We don't have a procedure that is sensible and humane. We need all of that, and it is not going to happen the day after tomorrow. Part of it depends on us. It is one thing to come to the floor and lament the situation of immigration in our country. It is another to roll up your sleeves and say: Let's do it; let's solve it on a bipartisan basis. And it is certainly an imperative in a 50–50 Senate that any immigration legislation be done on a bipartisan basis.

I stand ready to do that as chairman of the Judiciary Committee, and I think colleagues on the Republican side agree with me. As tough as it may be, we need to tackle these issues and not ignore them as they have been ignored during the last 4 years. That is going to call for some cooperation and some compromise on both sides, but we owe it to our country to do the right thing to make our immigration system sensible, logical, and fair.

I don't want to go back to those moments under the Trump administration of zero tolerance, where over 2,000 children were forcibly removed from their parents, sent into a bureaucratic "Never Never Land" and then were only reunited—and not all of them have been—those who were reunited were because of a Federal court order calling on the Trump administration to do it.

They cast those children adrift in the bureaucracy. It wasn't until the Federal court demanded that they be reinstated with their families that it happened—in most instances but not in all of them. So we have a lot of work to do, and I hope we can do it on a bipartisan basis. We need to do it as quickly as we can on a bipartisan basis.

## 56TH ANNIVERSARY OF BLOODY SUNDAY

Mr. President, I was a college student in town here at Georgetown University, and I can remember it well. You have a lot of time to talk with your roommates about things that you might just do with your life and things that you should do, even as a student. I remember that week before the march on Selma, there was a serious conversation among my roommates as to whether we ought to pack up and head to Selma, AL, to join in the march. We were serious about it. We thought about it, but, in the end, it fell through. Too many classes would be cut and jobs we wouldn't be attending to, and we decided at the last minute it just wasn't practical at all for us to do it. I regret that decision to this day. I wish I had been there, even if I were in the back of the line, to say I was part of that day in history.

It was 56 years ago last Sunday, some 600 civil rights activists, 56 years ago, were kneeling in prayer outside the Brown Chapel AME Church in Selma. Leading them was our dearly departed friend—and I know he was the Presiding Officer's friend as well—and former colleague John Lewis. As they stood up outside the church, they formed two rows and began a silent, orderly march toward Montgomery, AL. We all remember that photo of John Lewis coming over that bridge in his tan raincoat and his backpack.

As the civil rights activists reached the Edmund Pettus Bridge, they were met by a phalanx of State troopers and armed vigilantes. They wielded cattle prods, billy clubs, shotguns, and other makeshift weapons. We all know what happened next. Today, that violence is remembered as "Bloody Sunday."

What some may not know is what happened the night before that march. The county sheriff in Selma, Jim Clark, had issued a call to arms. He ordered White men in the area to join troopers in Selma, and he deputized those people to help stop the march. They answered the call, lining up by the hundreds alongside the State troopers.

John Lewis and his fellow patriots were not going to be intimidated. They

stood tall. They bore the brunt of racist violence, and they did so with a solemn purpose: They wanted to build a more perfect union in this country, to make sure every voice is heard in our democracy.

Days later, with the brutal scenes from Selma fresh in the minds of America, President Lyndon Johnson urged Congress to pass the Voting Rights Act. That August, he signed the bill into law. It is hard to imagine, isn't it? In the same year he proposed it, we actually saw Congress pass the law. That is what happened in the good old days. His law fundamentally changed our Republic for the better, but our work remains far from over.

Last weekend also marked the anniversary of another tragic moment in our Nation's history, far more recent than Bloody Sunday. It was 2 months ago—2 months ago on January 6 that a violent mob stormed through the halls of this Capitol Building. Like the vigilantes in Selma, they, too, were answering a call to arms—except this one wasn't issued by a county sheriff; it was issued by the former President of the United States, Donald Trump. The failed insurrection of January 6 not only left five people dead, but, like Bloody Sunday, it left a permanent stain on our Nation's history.

Make no mistake, no more than half a century stands between these two dark days for democracy. They are part of the same thread that sadly has run through American history: racism—racism weaponized to deny full citizenship to Black and Brown Americans.

The mob violence that we personally witnessed on January 6 in this building was not an aberration; it was the continuation of a sad chapter in our history. For months, former President Trump had sowed doubt about the legitimacy of the election. He claimed that it was stolen from him. "Stop the steal," they chanted. We know that President Trump's claims have no basis in reality. Just 2 days ago, the Supreme Court finally dismissed the last remaining case brought by Trump supporters to push the big lie. The Supreme Court didn't buy it. In fact, no court bought it.

The former President has never let facts stand in his way, has he? In fact, he claims to know exactly where this supposed fraud transpired, cities like Philadelphia, Atlanta, Milwaukee, and Detroit—coincidentally, cities with large populations of Black and Brown voters. This is no coincidence. President Trump and his enablers believe they were entitled to victory because they don't think that every American should have an equal vote in our democracy.

President Trump's efforts to overturn the election are just the most recent example of a decades-long movement to suppress voters of color.

I have spoken on this floor before about investigations I conducted as chairman of the Subcommittee on Civil Rights and Human rights of the Senate

Judiciary. I took the show on the road. I traveled to Ohio and Florida, where lawmakers at that time were considering making it more difficult to vote, requiring IDs, and this was before the Supreme Court's disastrous decision in Shelby County.

That ruling opened the floodgates. It allowed a number of State legislatures to enact discriminatory restrictions on voting that would no longer require approval from the Department of Justice. That decision was a repudiation of the sacrifice John Lewis and his fellow patriots made on Bloody Sunday.

We must learn from our history, whether it was 56 years ago or just 2 months ago, and we must recognize that the fundamental right to vote is still under attack. Just last week, the Supreme Court heard arguments in a case that could further fracture the Voting Rights Act by limiting the effectiveness of a provision that allows voters to challenge discriminatory restrictions. Lawmakers in 43 States have already introduced more than 250 bills this year to restrict voting access.

This book, "One Person, No Vote," was written by Carol Anderson, a professor at Emory University in Atlanta. I read her first book, "White Rage," contacted her, and we are friends. I think her analysis of Reconstruction, Jim Crow, the Great Migration, and all that followed is the most lucid presentation I have read about that chapter in history.

In this book, she goes directly into the issue of voter suppression. One of her observations is worth repeating on the floor of the Senate. She refers to what is known in history as the Mississippi Plan. I will read a few sentences from this book, as follows:

That became most apparent in 1890 when the Magnolia State passed the Mississippi Plan, a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and "good character" clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing "integrity" to the voting booth. This feigned legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, swooned at the thought of bringing the Mississippi Plan to his own state, especially after he saw how well it had worked. He rushed to champion a bill in the legislature that would "eliminate the darkey as a political factor . . . in less than five years." Glass, whom President Franklin Roosevelt would one day describe as an "unreconstructed rebel," planned "not to deprive a single white man of the ballot, but [to] inevitably cut from the existing electorate four-fifths of the Negro voters" in Virginia.

One delegate questioned him: "Will it not be done by fraud and discrimination?"

Glass responded:

"By fraud, no. By discrimination, yes," Glass retorted. "Discrimination! Why, that is precisely what we propose . . . to discriminate to the very extremity . . . permissible . . . under . . . the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate."

In those days, they were very direct and honest about their ambitions in voter suppression. What is the explanation these days?

If we don't believe that there was massive fraud—and there was not, by any objective measure—in the 2020 election, why are so many legislators in the business now of reducing the opportunity for Americans to vote in their States? Why? If they can't sell an idea, they just want to change the electorate, and perhaps that would lead to victory, but at what cost?

The most enduring legacy of Bloody Sunday is the legislation that it helped to inspire, the Voting Rights Act. We must now draw from this moment in our history, a lesson to be realized, the promise of that legislation: a full and vibrant democracy, made up of all Americans of every color and creed.

We have an obligation not just to restore the Voting Rights Act but to build on it, to make it stronger and more comprehensive. Fortunately, President Joe Biden's administration has indicated it is ready to do just that. Last Sunday, in honor of the 56th anniversary of Bloody Sunday, President Biden signed an Executive order calling on the Federal Government to make it easier for Americans to register to vote and access the ballot box.

While this Executive order was a welcome announcement, we need to act as well in Congress. As chair of the Senate Judiciary Committee and a cosponsor of the John Lewis Voting Rights Act in the last Congress, I look forward to working to restore and strengthen the Voting Rights Act in the months ahead.

Though our friend and colleague is no longer with us today, his legacy towers over us. We stand on his shoulders and those of all the American heroes who bled on the streets of Selma in 1965 and long after. We must carry on the fight for equality, and we can begin by enacting a bill the House of Representatives passed last week, the For the People Act.

This bill would prohibit voter roll purges, as we have seen in States like Ohio and Georgia, and modernize and strengthen voter registration systems and ballot access.

I would say to the other party: Don't be afraid of the voters. In this democracy, they have the last word. Denying them the right to vote is no way and no strategy for a great political party.

It would also help end the dominance of dark money in our political system, including through establishing a small-donor public financing system for congressional elections, based on my Fair Elections Now Act.

The For the People Act is a vital step toward repairing and improving our democratic process. Passing it and the John Lewis Voting Rights Advancement Act will provide critical tools in the fight to ensure that all Americans can exercise their right to vote. These bills represent the bold actions that Americans have been calling for. We must not ignore that call.



In 2020, the American people turned out in historic numbers in the election, but they also turned out in historic numbers in protests in support of racial justice across America. John Lewis's march to Montgomery never ended. It has taken on a new life, a new generation of marchers, and more Americans than ever before are putting their feet to the pavement.

It is time to finish the work of John Lewis and the heroes of the civil rights movement. As we commemorate the 56th anniversary of Bloody Sunday, we can do no less. With his eyes wide open, John Lewis marched across the Edmund Pettus Bridge in Selma knowing he was facing a deadly, hateful crowd. They broke down his body, but they could not defeat his spirit. The question we face today is whether John Lewis's spirit still lives in us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

TRIBUTE TO ROY BLUNT

Mr. THUNE. Mr. President, before I begin, I want to take a moment to express my sadness about Senator BLUNT's announcement that he will not seek reelection in 2022.

He has been a leader within our conference ever since he came over to the Senate, and he will be sorely missed. I will especially miss having him as a Member of the whip team here in the Senate.

I came to the House of Representatives with Senator BLUNT back in the election of 1996. We began our service in January of 1997, and he quickly rose up through the ranks in the House and became the Republican whip in the House of Representatives. He has always been involved in leadership wherever he has been, and his list of achievements is long.

All Americans have benefited over the past year from his tremendous efforts to accelerate coronavirus testing and vaccine development. And less than 2 months ago, in his role as chairman of Rules Committee, he oversaw a very successful inauguration at a particularly challenging time.

The one good thing is that ROY is not leaving us immediately. He will be here for 2 more years, and I look forward to continuing to work with him and to seeing everything that he will accomplish.

AMERICAN RESCUE PLAN ACT OF 2021

Mr. President, it has been quoted that "[t]he Senate works best when we work together. . . . The challenges we face are great. The divisions in the country are real. We have no choice but to try to work together every day to reward the faith the American people have placed in us."

Those are not my words. Those are the words of the Democratic leader on Inauguration Day. But I agree with him. The Senate does indeed work best when we work together. And, for proof, look no further than last week's debacle—a good example of what happens when, instead of working together, one

party tries to strong-arm its legislation through the Senate.

Last Friday was perhaps most notable for its 11-plus-hour vote on an amendment. Democrats held a 15-minute vote open for almost 12 hours—making it the longest vote in modern Senate history—because it had become clear that they were in danger of losing the support of one of their Members.

It turns out that when you force a massive, liberal piece of legislation through the Senate without committee review and without any attempt at soliciting input from the Senate as a whole, you start to lose support even from Members of your own party. It was an embarrassing moment for the Democrat leadership and a sad moment for the rest of the Senate.

In that same speech on Inauguration Day, the Democratic leader pledged:

[The] Senate will legislate. . . . And to my Republican colleagues, when and where we can, the Democratic majority will strive to make this important work bipartisan.

There was no evidence of that here. Democrats didn't try to make this bill bipartisan. In fact, they actively tried to make sure Republicans didn't have a voice in this legislation.

Remember that almost 12-hour amendment vote? Democrats held that vote open for nearly 12 hours solely because they were afraid that a Republican amendment might pass. Republicans were more than willing to work with Democrats on COVID relief, as we did last year on five separate COVID bills, but Democrats didn't want Republicans interfering with their legislation.

I want to talk about those previous COVID bills for just a minute. Prior to Democrats taking control of the Senate, COVID relief was a bipartisan process. Under Republican control, the Senate passed five COVID relief bills with overwhelming bipartisan majorities. Because both Democrats and Republicans had a voice in the legislation, there was no need to keep any of those votes open to engage in partisan arm-twisting. "The Senate works best when it works together."

The bipartisan process on those other COVID bills didn't just guarantee a bipartisan vote in the Senate; it also guaranteed that those other COVID bills were actually about COVID. Because both parties had to work together to get a result, neither party was able to hijack the bill for partisan purposes.

Contrast that with the bill the Senate passed on Saturday. While Democrats have tried to sell their legislation as a COVID relief bill, the truth is it isn't one. Just 1 percent—1 percent—of this bill actually goes to our top COVID priority—vaccinations—and less than 10 percent of this bill is directly related to combating the virus.

There has been a lot of talk about how this bill is a liberal wish list, which it is, but that is almost being too generous. A liberal wish list at least suggests some grand policy

schemes. This bill is mostly just a collection of payoffs to Democrat interest groups in Democrat States.

For the extreme abortion wing of the Democratic Party, this bill omits longstanding Federal restriction on using taxpayer dollars to pay for abortion. It makes labor unions eligible for loans designed to rescue Main Street small businesses. It bails out failing union pensions—a bailout even the New York Times describes as having "nothing to do with the pandemic" and as an "almost unheard-of" use of taxpayer dollars. That is from the New York Times.

It provides nearly \$129 billion for K-12 schools—despite the fact that these schools have spent just \$5 billion of the \$68 billion already given to them—while keeping teachers unions happy by making sure funding isn't tied to any requirement to actually get back to in-person instruction.

Then, of course, there is the money for the States. The bill appropriates a staggering \$350 billion for States, despite the fact that a majority of States already have the resources they need to weather the rest of the pandemic.

On top of that, the distribution formula for that \$350 billion is heavily weighted in favor of blue States, like California, which stands to see \$27 billion under this legislation, despite the fact that California's revenues are up by \$15 billion. Now, imagine the outcry if Republicans were directing funding to States that voted Republican in the last election.

And lest anyone thinks any of this was unintentional, Democrats doubled down on the partisanship when it came to amendments. They rejected an amendment that would have protected Americans from having their tax dollars used to pay for abortions, even though multiple Democrats broke ranks with their party to support this amendment.

They rejected an amendment to tie funding for schools to schools that actually are reopening. They rejected an amendment to ensure seamless support to nonpublic schools serving low-income students. They rejected an amendment to stop labor unions from taking loan money intended for small businesses. They rejected an amendment to provide greater transparency on nursing home COVID deaths, presumably in an attempt to protect the Democratic Governor of New York, who is under fire for seemingly deliberate attempts to obscure reporting of these deaths.

In a nod to the far-left environmental wing of the party, they rejected an amendment to reverse the President's cancellation of the Keystone XL Pipeline, which will cost thousands—thousands of American jobs.

I could go on for a while on amendments because there are a lot more.

Democrats passed an amendment that provides an incentive for some Americans to stay on unemployment by making more than \$10,000 of their unemployment benefits nontaxable.

Think about that. More than \$10,000 of their unemployment benefits is untaxable without regard to income.

Working Americans still have to pay their taxes, even if they are making less money than they would on unemployment. If you are a hard-working taxpayer in this country and you are not getting a tax break when the people who are on unemployment are getting a \$10,000 tax break, nontaxable income that is costing the Federal Government somewhere on the order of \$30 billion, you can imagine the average taxpayer in this country might find that to be highly objectionable when they find out about it. A substantial amount of unemployment benefits will be tax-free. That doesn't seem too fair, not to mention that the last thing we should be doing right now is discouraging people from going back to work.

In that speech I referenced earlier that the Democratic leader gave on Inauguration Day, he said:

As the majority changes in the Senate, the Senate will do business differently.

"The Senate will do business differently." Well, now we have a glimpse of what that looks like. And, apparently, it looks like ruthless partisanship in an attempt to completely silence the minority and the Americans they represent. It is deeply disappointing that Democrats have turned a bipartisan process into a totally partisan exercise.

As I mentioned, pandemic relief ought to be bipartisan, and it was last year, five times. Five times here in the U.S. Senate, we passed pandemic relief, coronavirus relief legislation, with overwhelming bipartisan majorities under regular order, where 60 votes are required, instead of under the procedure that was used by the Democrats last week to shut Republicans out of that process.

We could have passed a bill last week again with overwhelming bipartisan support, but that would have required Democrats to be willing to genuinely collaborate with Republicans. And, unfortunately, it is becoming clear that collaboration is not part of the new way of doing business in the Democratic-led Senate.

I hope my Democratic colleagues will change course in the days ahead and work with Republicans to unite our country. As the Democratic leader suggested on Inauguration Day, they owe the American people nothing less.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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.

#### IMMIGRATION

Mr. BARRASSO. Mr. President, I come to the floor today to oppose

President Biden's Executive orders on immigration.

Now, there are more than 11 million illegal immigrants in the country today. This is a group equivalent to the population of the entire State of Georgia, and this number has nearly tripled in the last 30 years. In fact, some experts say the number is a lot higher than that. Folks at Yale and MIT and the researchers there said it could actually be twice as high; it could be 22 million people in the country illegally. Well, that is more than the population of the entire State of New York.

So it appears to me that illegal immigration is making a mockery of our borders. Yet President Biden and this administration refuse to admit, even as of this morning, that there is a crisis at the southern border.

Now, if you talk to law enforcement all across the country, they will tell you that many of the problems that they face every day are problems related to our open southern border. The Drug Enforcement Administration has said for nearly a decade now that the vast majority of illegal drugs in America come here across the southern border.

Now, I am a doctor. I will tell you, these drugs have killed thousands of Americans. They kill thousands of Americans every year. They tear families apart. They lead to heartbreaking stories. They rob people of their God-given potential.

Our law enforcement, our Coast Guard, our border agents, they do heroic work every day to intercept drugs, to stop human trafficking. They can't do it alone. They need the support of the U.S. Senate.

Well, during the debate last week over the spending bill, we had a chance to give them support. Senator CRUZ introduced an amendment to prevent checks from going to illegal immigrants. Democrats blocked it. Senator COTTON introduced an amendment to cut the bailout funding to sanctuary cities. Well, these are cities that actively try to prevent Federal agents—actively try to prevent Federal agents from enforcing our immigration laws. Democrats blocked the amendment.

So no wonder we have a crisis at the border. Democrats seem to be advertising to the entire world: Come here now. If you come here illegally, you can get a check, possibly.

If you are an immigration enforcement officer, Democrats seem to block them from doing their own job. President Biden has already issued at least seven Executive orders on immigration. In just over a month in office, President Biden has already proven to be the most open-border President in U.S. history.

Now we face an entirely predictable crisis at the border. That crisis rests squarely at President Biden's feet. On his first day in office, President Biden shut down construction of the southern border wall. By the time the day was over, President Biden stopped all de-

portations for a hundred days. It didn't matter to President Biden what you were going to be deported for. No. Now, maybe you are a serious criminal. President Biden says: You can stay longer. A court has already stepped in and said this is illegal, this Executive order.

President Biden has, astonishingly, brought back the idea of catch-and-release—catch-and-release. He has ordered our immigration agents to release illegal immigrants into the United States, and he is doing it in the middle of a pandemic. Senator COTTON and I sent a letter to the President raising this concern. It is now harder to go to church in some parts of America than it is to cross the border into America.

Under President Trump, if you wanted to apply for asylum in this country, you had to remain in Mexico. That was the policy. The policy of "Remain in Mexico" was based on the standards of international law. To get asylum, you have to show that you can't live safely in your home country because of persecution—understandable. Yet the fact is that most illegal immigrants don't come here because of persecution. They come here for economic reasons. They want a better job. They want better schools for their kids. They are understandable motives; nonetheless, they are not standards for asylum.

Now, another requirement for asylum is that you have to go to the nearest safe country and seek asylum. You don't get to pick anywhere you want to go in the world. You have to go to the nearest safe country. Yet people around the world know that our asylum system here in the United States has become a sham. It is no secret that it is easy to game the system, and it is being gamed regularly in the Biden administration.

So they often stop in at least one other safe country, and they apply for asylum here. President Biden now says: You don't have to wait in Mexico. Cross the border. We will give you a court date years from now, years from now, and after they give you the court date, they release you into the United States. Even those who know they don't qualify and will not qualify for asylum, they come anyway because they know they get released into the United States. It happens all the time.

Just before the new administration took over, the Department of Homeland Security published a report about this. According to the Department, our border agents apprehended 3.5 million illegal immigrants along the southern border between 2014 and 2019. Only 8 percent of them—only 8 percent, 1 out of 12—ended up receiving legal protection from being deported, but the Department says half of them are still here in the United States. How does that happen? They didn't show up.

President Biden has also started an unprecedented expansion of the refugee program. The most refugees that this country has ever resettled in a single



year was 85,000 in President Obama's final year in office. President Biden wants to break the record. He wants to increase it to 125,000. It will be the most, by far.

President Biden has told his administration to bring back the Deferred Action for Childhood Arrivals, also known as DACA. Now, this is a program for people who were brought here illegally while they were children. It is not the children's fault. Yet DACA is illegal, plain and simple.

President Obama has admitted it. Liberal activists asked him to do it. At least 10 different times President Obama said: No, I can't do it. It is illegal. Then an election year came. He decided to do it anyway.

As you and I know, we are a nation of compassionate people. We are giving. We are generous. We have the most generous immigration system in the world. The issue before us is one that should be handled by Congress, not by Executive order—not through an illegal Executive order, and DACA is still illegal. I expect a court will ultimately strike it down.

So this is some of what President Biden has done by Executive order. At the same time, he is trying to cram an even more radical agenda through Congress. Last month, President Biden's immigration bill was introduced in the Senate. It already has the support of 26 cosponsors on the Democratic side of the aisle. It includes the majority leader, Senator SCHUMER.

Well, this bill will give illegal immigrants not just amnesty, citizenship—citizenship. Democrats in Washington tried that in 2007, the year I arrived in the Senate. The American people picked up the phone. They actually shut down the phone lines, shut down the switchboards here in the U.S. Senate. They were all calling in to say no.

Democrats in Washington tried it again in 2013. The American people picked up the phone again. The American people said no. And we said no in the Senate. We said no in 2007, no in 2013. The American people are going to say no again in 2021.

Now, President Biden has issued, signed a lot of Executive orders; many of them, the ones I talked about with people at home this weekend in Wyoming, very unpopular. Polls show his immigration order is the most unpopular of them all.

President Biden should keep in mind that it was a very close election in November. We have a 50-50 Senate, very narrow margins in the House. The American people, for the first time, are finding out just how liberal Joe Biden is. Many of them are already having buyer's remorse. They didn't believe he would be this radical and his actions would be this scary.

President Biden needs to listen to the American people. The American people don't want a radical, extreme, dangerous, scary agenda. We want safe communities. We want laws obeyed. We want a secure border. It is time to stand up to this radical agenda.

Our immigration system is broken. Instead of breaking it further, we should work together to fix it. Let's protect our communities, protect our American workers, and secure our southern border.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF MERRICK BRIAN GARLAND

Mr. COTTON. Mr. President, today the Senate will vote on Judge Merrick Garland's nomination to be Attorney General of the United States. I will oppose this nomination. I was open-minded at first about Judge Garland's nomination. He has long had a reputation as a fair-minded judge. But since being nominated, my confidence in Judge Garland has been undermined—first, by his evasive, haughty refusal to answer some of the most basic questions we would expect from an Attorney General, the kind of evasion he would never allow in his own courtroom, so why should we allow it in the U.S. Senate? And, second, when he did answer questions, he sounded more like a liberal ideologue who had embraced the radical agenda of the Democratic Party's far-left base.

If confirmed, I am afraid that he will enable extremists in the Department of Justice to undermine our police, our Constitution, and our rule of law. This weak-on-crime nominee will fan the flames of our Nation's drug crisis, border crisis, and violent crime crisis. And he has made clear that on the greatest challenges facing the Department, he will cede the reins to the radical, far-left culture warriors that President Biden has nominated to be some of his top deputies. Our Nation simply cannot afford Judge Garland as our Attorney General.

In the last 12 months on record, over 83,000 Americans died from drug overdoses, more than any year in history. Drug overdoses killed more Americans in a single year than the Vietnam war and the War on Terror combined. Yet Judge Garland plans to reduce prison sentences for drug dealers, traffickers, and gang members.

Judge Garland appears to believe that these merchants of misery engage in a victimless trade, but virtually every family and community in our Nation bears the scars that prove otherwise. Whether it is the disabled child, addicted parent, suffering sibling, recovering neighbor, or deceased friend, the victims of drug crime are everywhere we look. Drug traffickers are hardly engaged in a nonviolent offense. Their practice is intimidation; their product is poison; and their customer service is the barrel of a gun. With Judge Garland as Attorney General,

these criminals will go free. Their business will boom, and the violence and death in our streets will continue.

It is not just fentanyl and heroin driving this crisis anymore. In the wake of weakening our drug trafficking laws under ill-advised laws like the First Step Act, drug overdose deaths are linked to other drugs as well, like cocaine, which is sharply increasing. Cocaine is now outpacing heroin as a leading cause of drug overdoses, and meth is outpacing both. Judge Garland will release these criminals back onto the streets in the middle of the worst drug epidemic in our Nation's history. These pain profiteers don't deserve leniency and should be kept far away from the communities they have victimized. Many should, frankly, count themselves lucky that they are not charged with murder.

And while Judge Garland endorses President Biden's call for racial equity—not equality, but equity—Judge Garland's agenda will hurt vulnerable minority communities most of all. Drug overdose deaths disproportionately affect minority communities, as does violent crime. Judge Garland's confirmation, like the confirmation of some of his top deputies, would be a gift to the cartels, street gangs, and drug trafficking networks that perpetuate violence and the destruction we see in our streets. And even those who want the government to go easier on drug dealers and drug traffickers should be concerned about Judge Garland's stated plan to dismantle mandatory minimum sentences for drug traffickers. In addition to deterrence, one important justification for creating sentence ranges was to reduce racial disparities in how minority drug traffickers were sentenced.

But Judge Garland doesn't stop there. He also supports President Biden's extreme open borders amnesty agenda. At Judge Garland's confirmation hearing, he was asked if entering the country illegally should be a crime. You would think that would be a very simple question. But Judge Garland responded that he hadn't "thought about" it—hadn't "thought about" it. It stretches the bounds of belief that a Federal judge who has been on the bench for almost a quarter century hadn't thought about that question—or that any American with common sense who believes in our borders and believes in our sovereignty hadn't thought whether it should be a crime to cross our border illegally. But, to give him the benefit of the doubt, I asked, in a written question after the hearing—had nearly a week to think about it; it seems like it is a pretty easy research question: Should illegally entering our country be a crime? And he said, conveniently, even then, that he hadn't thought about it. Judge Garland also refused to say whether illegal alien gang members or illegal aliens who have assaulted U.S. citizens should be deported if a judge orders it.

Judge Garland's silence shows that he will, at best, meekly abide by the

administration's irrational immigration agenda. He will help transform zero tolerance into total tolerance of crime, and his inaction will only further advance the administration's recruit-and-release policies at our border, where we don't just allow illegal aliens into our country after catching them at the border; we go back and find them in Mexico and invite them to return to the border and then release them into the country.

This will attract an ever-growing surge of illegal migration and will result in more drugs and criminal aliens entering our country, as we see with the Biden border crisis growing worse every day.

Of course, the vast majority of meth, heroin, and cocaine—and a large quantity of fentanyl—is smuggled across the southern border each year. As our border facilities and personnel are overwhelmed by the Biden border surge, our security will falter and even more drugs will pour into our Nation.

Hardened criminals will accompany the flood of drugs from the Rio Grande. Thousands of confirmed and suspected gang members cross the southern border into our country, and even more will exploit the open border policies that Judge Garland will have a hand in creating. This will fuel skyrocketing violence in our Nation.

Last year, we experienced the largest single increase in murder in American history—the largest single increase in murders in our country's history. Preliminary data from the FBI indicates that there was a 20-percent increase—20-percent increase—in murder nationwide. In big cities, it was even worse. Murders rose in Atlanta by 60 percent; in Chicago, by 50 percent; in New York City, by 45 percent; and in Washington, DC, by 40 percent. There were also, I would add, over 500 violent riots last year that injured over 2,000 law enforcement officers.

Our police need our support more than ever before, but they wouldn't get it from a Garland Department of Justice. Personnel is policy, and Judge Garland has allowed two leftwing radicals to be selected as his chief lieutenants in the Department of Justice. Vanita Gupta and Kristen Clarke both support defunding, disarming, and defaming our police. They stand with the perpetrators of crime, not with the victims of it. There is little doubt that Judge Garland would empower these leftwing radicals embedded inside the Department.

In response to written questions from the Judiciary Committee, Judge Garland also responded with some variation of "I don't know"; "I haven't studied the issue"; "I am not familiar"; "I haven't thought about it"; "I am not aware of," or refused to comment altogether over 250 times. Again, this is a sitting Federal judge of almost a quarter century with a vast retinue of the country's best lawyers at his disposal for a week to answer written questions, and over 250 times he

couldn't answer the question. That was more than one-third of the colleagues—or more than one-third of the questions that I and my colleagues asked him.

Judge Garland may not have thought about these questions or thought about how to run the Justice Department, but I bet Ms. Gupta and Ms. Clarke have, and they will gladly fill this void of purpose with their radical ideology. The Garland Justice Department will make America less safe.

At the same time, Judge Garland would work to weaken our Second Amendment. At his hearing, he repeatedly refused to explain how he would deal with the Second Amendment. While he acknowledged accurately that it would be tough to overturn the Supreme Court's ruling in *Washington, DC, v. Heller*, which affirmed Americans' constitutional right to keep and bear arms, he said that he "can't promise"—he "can't promise"—that he won't try to overturn it. He also said he just doesn't know whether President Biden has the authority to ban certain semiautomatic rifles, some of the most popular sporting firearms today. He doesn't know if President Biden has the authority to ban them by Executive order. He has also said he is just not familiar with whether the Bureau of Alcohol, Tobacco, Firearms and Explosives—which would report to him if he is confirmed, I would remind everyone—would have the authority to indefinitely delay approving gun sales to Americans who have not had any flags show up in their background checks. Once again, Judge Garland demonstrated through his evasion that he would bow to the radical left to the detriment of normal law-abiding American citizens.

I urge every Senator who believes in the Second Amendment and the rule of law and who cares about stopping crime in our streets to reject Judge Merrick Garland's nomination for Attorney General.

Now is not the time for weakness, evasion, and obfuscation from our Nation's foremost law enforcement officer. We need strength, resolve, and certainty. Our Nation needs and deserves a better nominee for Attorney General. I will oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF MARCIA LOUISE FUDGE

Mr. TOOMEY. Mr. President, I rise this morning to oppose the nomination of Representative FUDGE to serve as the Secretary of the Department of Housing and Urban Development.

The confirmation of Cabinet Secretaries is one of the most important constitutional functions we have here in the Senate. I think most of my colleagues would agree that one of the important considerations is that Cabinet officials can be relied on to coordinate and work productively with Congress as they implement the policies of the legislation that we pass.

I am concerned that Representative FUDGE's past rhetoric makes clear that

she lacks the temperament to collaborate with Congress, particularly across the aisle with Republican Members, and her comments cast doubt on whether she even wants to.

Congresswoman FUDGE has made multiple statements throughout the years attacking and disparaging the integrity and motives of Republicans with whom she has policy disagreements. Policy disagreements are entirely understandable. It is reasonable. They happen every day. They are expected, especially in a legislative body. But consistently attacking the integrity and motives of people with whom you have these disagreements is another thing all together.

In September 2020, during a speech on the House floor, Congresswoman FUDGE attacked efforts to fill Justice Ruth Bader Ginsburg's seat on the Supreme Court. In her speech, she said, among other insults, that Senate Republicans had "no decency," "no honor," "no integrity." She went on to say, referring to Republican Senators, that we "are a disgrace to the Nation."

In June 2020, during a virtual town-hall, Congresswoman FUDGE admitted believing that Republicans did not care about minorities. She said that if Republicans "want to save face and let this country know that they care even a little bit about people of color, which I don't believe they do, but if they want to try, I want to listen."

Back in a January of 2013 PBS forum with Tavis Smiley, Congresswoman FUDGE harshly questioned the motives and character of Republicans again, this time Republicans who supported cuts to the food stamps program.

Congresswoman FUDGE said:

If we continue to send people to Congress who don't even understand what their job is—who don't understand that government's job is to take care of its people—then we are never going anywhere as a country because we deal with nuts every single day. These people are evil and mean. They care nothing about anybody but themselves. And so if you think you are going to have something bipartisan, you need to think again. It's not happening.

Overtly partisan attacks on integrity and motive simply have a toxic and detrimental impact on the working relationship that ought to be a constructive relationship between Members of Congress and members of the administration. The Senate should really only confirm officers who are willing to cooperate with legislators, especially now when we have rapid expansion of many government programs—we just passed a \$2 trillion bill that is probably going to pass the House and be signed by the President—and it is especially true for the administrator of HUD.

In addition to her recent statements impugning the integrity and motives of Republicans, Congresswoman FUDGE has very little or no housing experience. Except for her service as a smalltown mayor, Congresswoman FUDGE never worked in a capacity where she would be familiar with any of HUD's many programs. Even traditionally liberal media outlets criticized

Congresswoman FUDGE's nomination for HUD Secretary on the grounds that she lacked knowledge and experience in housing policy.

She did not show an interest in developing housing policy expertise as a Member of Congress, introducing or cosponsoring very few housing-related bills and choosing instead to serve on unrelated committees. I acknowledge that not all Cabinet nominees are experts in the policy areas that their Agencies cover. That is not unusual. But when they don't have that expertise, it is especially important that their temperament and their policy views—and their willingness to listen to Members of Congress on both sides of the aisle, especially the other side of the aisle, is all the more important.

Congresswoman FUDGE's views as reflected in her response to questions for the record are also a matter of concern. When she was asked whether HUD should better target its programs so that they are actually helping the low-income Americans they are supposed to help, she responded by saying, "The challenge for HUD programs isn't that they aren't targeted, it is that funding levels are inadequate to meet the need."

The fact is, funding for HUD spending has grown dramatically in recent years. That is not even including the \$15 billion for COVID assistance that the Senate appropriated and worked on, and it is not including the \$56 billion for housing assistance passed in the December omnibus and the reconciliation bill.

The Congresswoman's answer ignores the fact that HUD programs certainly can be better targeted to help those in need. For example, families with disqualifying high incomes nevertheless participate in a number of HUD-assisted rental programs, and that makes housing unavailable for lower income families for whom it is meant. FHA insures mortgages for home buyers who could access mortgage credit through private capital, also thereby making it less available for people who really need it.

So I worry that Congresswoman FUDGE's approach will simply be to ask Congress for ever more money without being willing to do the hard work of making the reforms that are necessary and working with Republican Senators to achieve those reforms. Those reforms are going to be necessary if we are going to ensure that HUD programs are improved so they actually better serve the low-income Americans they are meant for.

For these reasons, I cannot support Congresswoman FUDGE's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the candor of my colleague from Pennsylvania and the work that we do jointly on the Committee on Housing and Urban Affairs.

I ask unanimous consent to finish if I go a bit over and if my remarks con-

tinue into the next section or, potentially, the vote.

Have I said that right, Mr. President? The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. I urge my colleagues to join me in supporting a dedicated and talented public servant and great Ohioan, my Congresswoman for the last 12 years, MARCIA FUDGE, to be our next Secretary of Housing and Urban Development. The Presiding Officer served with her in the House of Representatives and appreciates her.

I can think no one better to lead us out of this pandemic and create strong communities for the future than MARCIA FUDGE. When she came before the Banking and Housing Committee, Congresswoman FUDGE's knowledge and passion for service and her commitment to the people who make this country work were obvious to all of us, Republicans and Democrats alike.

After a year when Black Americans endured so many painful reminders of the yawning gap between the promise of our founding ideals and our failure to make that promise real for everyone, it is meaningful that our committee's first nomination hearing featured two African-American women who will take leading roles in our economic recovery, MARCIA FUDGE and Dr. Cecilia Rouse, who has been confirmed already to be Chair of the National Economic Council at the White House. The Senate confirmed Dr. Rouse with broad bipartisan support this month.

It matters on so many levels. It is important for our future that little girls, including Black and Brown girls, see themselves in our leaders, from the Vice President to MARCIA FUDGE, to Cecilia Rouse, to so many people in this Cabinet, including the new Secretary of the Interior from the Presiding Officer's area of the country. It matters because of perspectives and life experience these two Black women bring to these jobs.

Congresswoman FUDGE will lead an Agency that supports families and communities, provides housing and safety to people experiencing homelessness, and it helps communities rebuild.

Today, HUD is grappling with a housing market where millions of families find it harder and harder to afford a decent home. New data out this week confirms that home prices are soaring around the country even while millions are out of work. Imagine that. The cost of housing is up, but wages are flat. So many workers have trouble making rent every month, with the kind of stress that brings and too often having to turn to predatory loans. The dream of home ownership is increasingly out of reach for too many families in New Mexico and too many families in Ohio.

None of this started with COVID-19. The affordable housing crisis is the product of decades of conscious policy decisions by Wall Street, corporations, and too often by government. This pandemic has exposed what millions of

families in this country already knew: that for far too many people, a hard day's work doesn't pay the bills.

Before the United States ever had its first case of COVID-19, one-quarter—listen to this—one-quarter of all renters of this country spent more than half their income on housing, on rent. If one thing happened in their life—their car broke down, their child got sick, they had a workplace injury that caused them to miss work for a week—any of those things and their life turns upside down. HUD should play an essential role in fixing that.

We know that the Black home ownership rate was nearly as low as it was in 1968 when Senator ROMNEY's father became Secretary of HUD and the work he tried to do in opening housing in 1969. We have made little or almost no progress in the Black home ownership rate. I am confident that soon-to-be Secretary FUDGE will change that. She understands the importance of expanding opportunity to every ZIP Code, allowing more families to have the peace of mind that brings.

Here is what I know about ZIP Codes. I am in Congresswoman FUDGE's district. My wife and I live in ZIP Code 44105 in Cleveland. That ZIP Code, in 2007, the first half of that year, had more foreclosures than any city in the United States of America. I still see the residue, the remains of what has happened because of all those foreclosures.

Congresswoman FUDGE will work to protect our kids from the lead poisoning that is still all too common in ZIP Code 44105, to restore the promise of fair housing, and to give communities the help and the resources they need to thrive.

She brings to the job critical experience, as Senator TOOMEY said, serving as a mayor in the industrial heartland for the kind of community that is either overlooked or outright preyed upon by Wall Street and big investors.

Even though Senator TOOMEY said that Congresswoman FUDGE doesn't have the experience in housing, I know up close—I was the Senator during her entire time in the House. I represented her in the Senate. We live in the same community. We worked on many of the same projects. She was helpful on a number of housing issues that I worked on in the Banking, Housing, and Urban Affairs Committee. She understands our communities.

She will lift up the voices of all the people left out of our housing policy, people who work hard to try to keep a roof over their family's head, whose hard work never pays off like it should; people who are just trying to make rent or pay the mortgage every month who just don't feel like they can keep up. Their wages are flat. Costs go up. Pressure builds on them.

Congresswoman FUDGE has the expertise and tenacity to fight back. That is why I ask my colleagues to confirm her for Secretary of Housing and Urban Development.

## AMERICAN RESCUE PLAN ACT OF 2021

Mr. President, in so many ways, we know here that government is really about whose side you are on, whom you fight for, what you fight against. We know we passed—Senator CARDIN is here. He came to the Senate the same day I did, and we served in the House together. We both recognized what a big deal it was to pass that bill last Saturday. That is the biggest thing I have ever done in my career, and I heard other Senators say the same thing—shots in people's arms, money in people's pockets, kids back in school and workers in jobs.

But I think it is also important, just for a moment—I will be brief. This is a chart of the difference—the biggest issue that Senate Republicans and President Trump worked on in this Congress was the GOP tax bill, the tax bill in 2017. Senator CARDIN and I are on the same committee that fought against some of the overreach from Wall Street greed in that bill.

The purple, the blue is what our bill does. Just glance at this for a moment. The 20 percent lowest earners, we are increasing—we are increasing their after-tax revenue by 20 percent, essentially a 20-percent raise for people making \$20,000 or \$30,000 a year. There was no help in the Trump tax bill for that.

Then you work up to the second lowest 20 percent, to the people who are modest, working-class families, not quite middle class. They get a big bump in their incomes from our bill. Under the Trump plan, they got pennies.

Then you work your way up here to, essentially, the top 1 percent. All of the money went to them, essentially, overwhelmingly.

When you think about what we do with taxes and when you think about what this Congress did on Saturday when we put shots in people's arms and money in people's pockets and kids back in school, one of the most important things we did was to give working-class kids in Denver and in Santa Fe and in Albuquerque and in Baltimore and Salisbury, MD, and in Mansfield and Cleveland, OH—working-class people and poor kids—a chance, a shot, at the American dream.

This is the biggest thing. Senator TESTER and I came to the Senate on the same day. This is the biggest thing we have done in years. It will matter in people's lives. It is something to celebrate. More importantly, it is something we need to carry out and make sure that it matters in our constituents' lives.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, I rise today to voice my support for the confirmation of my friend and colleague Congresswoman MARCIA FUDGE to be the next Secretary of Housing and Urban Development. I know that she will bring strong leadership to HUD at a time when our Nation needs it most.

Across my State of Maryland and throughout the country, our fellow Americans are struggling to keep a roof over their heads. Families are living in fear of eviction or of missing their next mortgage payment. In this time of crisis, we need a leader at HUD who will prioritize tackling the ongoing housing crisis spurred by COVID-19. Congresswoman Fudge has expressed her determination to do just that. She is a dedicated and experienced public servant who has earned a reputation for swift action and firm leadership. Her accumulated experience spanning a lifetime of service will be invaluable in helping the Federal Government mount a robust and coordinated campaign to bring those hardest hit back from the brink and ensure an equitable recovery.

While addressing the urgent needs of renters and homeowners during this pandemic, we can't lose sight of the bigger picture. The pandemic has exacerbated our country's affordable housing crisis and shone a spotlight on how it disproportionately harms communities of color. We are seeing the result of decades of discriminatory practices like redlining that have targeted minority families and left an enduring stain on our communities that won't be easily wiped away. President Biden has put forth a bold plan to combat our Nation's housing crisis, and as HUD Secretary, Congresswoman FUDGE will be charged with implementing it, reversing the damage caused by the Trump administration, restoring and improving our fair housing protections, rebuilding our Nation's supply of affordable housing, and investing in our housing infrastructure. She has her work cut out for her.

There is no doubt in my mind that Congresswoman FUDGE will work overtime to tackle these challenges head-on. She has spent her career fighting on behalf of those most in need and those who have been historically barred from stable living and home ownership. She has seen these issues up close: first as the mayor of Warrensville Heights, OH, and then as a member of the House of Representatives and as chair of the Congressional Black Caucus, where she has helped forge compromises that brought real results. She is guided by the principle that each of us has a responsibility to respect and uplift those most in need. In her words, "there is dignity and there is grace within every woman every man and every child in this nation—including those who live on the outskirts of hope." For MARCIA FUDGE, service isn't just a job, it is a calling. I know that, should she be confirmed, Congresswoman FUDGE will lead the Department of Housing and Urban Development with unwavering commitment. I look forward to partnering with her and the Biden administration to provide more Americans with the dignity of stable living as we work urgently to strengthen and grow our affordable housing programs across Maryland and throughout the country.

## VOTE ON FUDGE NOMINATION

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time has expired.

The question is, Shall the Senate advise and consent to the Fudge nomination?

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 113 Ex.]

## YEAS—66

Baldwin	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Romney
Blunt	Hoeven	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Sanders
Cantwell	King	Schatz
Capito	Klobuchar	Schumer
Cardin	Leahy	Scott (SC)
Carper	Lujan	Shaheen
Casey	Manchin	Sinema
Collins	Markey	Smith
Coons	McConnell	Stabenow
Cortez Masto	Menendez	Sullivan
Cramer	Merkley	Tester
Duckworth	Moran	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Gillibrand	Murray	Warren
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wyden
Hassan	Peters	Young

## NAYS—34

Barrasso	Fischer	Risch
Blackburn	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Shelby
Cassidy	Johnson	Thune
Cornyn	Kennedy	Tillis
Cotton	Lankford	Toomey
Crapo	Lee	Tuberville
Cruz	Lummis	Wicker
Daines	Marshall	
Ernst	Paul	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that I be permitted to complete my remarks prior to the recess.

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

Mr. CARPER. Mr. President, I ask unanimous consent that with respect to the Fudge nomination, the motion 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.

## NOMINATION OF MERRICK BRIAN GARLAND

Mr. CARDIN. Mr. President, I rise today to support the nomination of Merrick B. Garland to be the 86th Attorney General of the United States and urge the Senate to confirm this nomination without further delay.

Merrick Garland is a fellow Marylander, and I was proud to introduce him in a statement before the Judiciary Committee on February 22. I was

pleased that last week the committee favorably recommended his nomination to the full Senate by a bipartisan vote of 15 to 7.

Judge Garland is uniquely qualified at this moment in history to serve as the people's lawyer and restore honor, integrity, and independence to DOJ.

Judge Garland graduated *summa cum laude* from Harvard College in 1974 and *magna cum laude* from Harvard Law School in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992 and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994.

From 1994 until his appointment as U.S. Circuit judge, he served as Principal Associate Deputy Attorney General, where his responsibilities included supervising the Oklahoma City bombing and UNABOM prosecutions. In 1997, he was appointed as judge of the U.S. Court of Appeals for the District of Columbia Circuit, often seen as the Nation's second highest and most powerful court, given their review of Federal agency actions and other matters. He served as chief judge of the D.C. Circuit from 2013 to 2020.

Judge Garland has published in the Harvard Law Review and Yale Law Journal, taught at Harvard Law School, and served as president of the board of overseers of Harvard University. He served as chair of the Executive Committee of the Judicial Conference of the United States from 2017 to 2020.

Judge Garland has served both Democratic and Republican administrations in the Justice Department, including service under President Carter, the first President Bush, and President Clinton. He earned a reputation as a tough and fair prosecutor who took on complicated terrorism, violent crime, and corruption cases. He established a sterling reputation of handling cases with the utmost professionalism and is seen by his peers as a modest man who is fundamentally a decent human being.

In 1997, the Senate reviewed his record in detail and confirmed him by an overwhelming, bipartisan vote of 76 to 23 to serve as judge on the U.S. Court of Appeals for the D.C. Circuit. I would note that many of the no votes for Judge Garland's previous confirmation had to do with a dispute over the proper size of the D.C. Circuit, as opposed to concerns over Judge Garland's qualifications or fitness to serve as a judge.

As President Biden noted in his introduction of Judge Garland's nomina-

tion, despite his busy schedule and prestigious positions, he still makes time to volunteer regularly, tutoring students in Northeast DC, as he has done for 20 years. And I agree this really shows us the true character of Judge Garland, in terms of his commitment to public service, helping others, and not necessarily seeking out the lime-light.

I am hopeful that Judge Garland's appointment will shore up and improve the morale at the Justice Department, as the Department renews its commitment to uphold civil rights and voting rights laws; protect the civil liberties and equal access to justice of all Americans; safeguard our national security and combat violent crime; and rout out systemic racism in our criminal justice system and government. As the only Cabinet department named after an ideal, I am convinced that Judge Garland will follow the facts, evidence, and law wherever it leads him, regardless of political pressure or outside influences.

Let me close by highlighting what President Biden and Judge Garland stated upon announcing his nomination. President Biden said forcefully: "You won't work for me. You are not the president's or the vice president's lawyer. Your loyalty is not to me. It's to the law, the Constitution."

Judge Garland said: "The rule of law is not just some lawyer's turn of phrase. It is the very foundation of our democracy. The essence of the rule of law is that like cases are treated alike, that there is not one rule for Democrats and another for Republicans, one rule for friends and another for foes."

Judge Garland noted President Biden's promise that he would have the "independent capacity" to decide who is subject to prosecution, based on the facts and the law. Judge Garland concluded that: "I would not have agreed to be considered for attorney general under any other conditions."

I again urge the Senate to swiftly confirm this nomination, so we can bring Senate-confirmed leadership to the Department of Justice as soon as possible.

Mr. CARPER. Mr. President, I rise today in strong support of the nomination of Judge Merrick Garland to be United States Attorney General and to describe some of the greatest challenges confronting the U.S. Department of Justice.

The DOJ, as it is often called, is unlike any other Federal Agency. It is charged with protecting the constitutional rights and civil rights of all Americans. The past 4 years, to put it mildly, broke the longstanding precedent that has enabled the Department of Justice to operate above the political fray.

The Trump Justice Department joined a misguided lawsuit to take away healthcare coverage for tens of millions of Americans. The Trump Justice Department oversaw a cruel set of immigration policies that separated young children from their parents at

our southern border and locked these children in cages. And the Trump Justice Department remained painfully silent as our Nation cried out for racial justice in the wake of the murder of George Floyd, an unarmed Black man.

After the firing of Attorney General Sessions, the Attorney General of the United States became the Attorney General for Donald Trump. When our Nation's top law enforcement official becomes little more than a political fixture for the President, it erodes the principle of equal justice under the law and calls into question the mission of the Department.

In the waning days of the Trump administration, with nearly half a million Americans dead from the coronavirus, a swarm of White supremacists and other extremists stormed our Capitol, including this very Chamber, and disrupted our peaceful transfer of power. Tragically, five people died during the January 6 insurrection, including a United States Capitol police officer.

Our Nation must now bring the perpetrators to justice and address the root causes in our society that enable White supremacists and other extremists to fuel hate and violence.

The next Attorney General cannot shy away from these historic challenges. The next Attorney General must meet these challenges head on to restore integrity to the Justice Department and to work every day—every day—to restore the trust of the American people.

President Biden has nominated Judge Garland—not just one of the finest public servants I have ever met but one of the finest people I have ever met—to be Attorney General of the United States. His name should be familiar to many of our colleagues because President Obama nominated him to serve on the Supreme Court in 2016. At the time, I called him perhaps the most qualified individual ever nominated to be on our Nation's highest Court, and I still believe that to this day.

Judge Garland graduated at the top of his class at both Harvard undergrad and Harvard Law School. He clerked for Justice Brennan on the Supreme Court, and after a time in private practice, he worked at the Department of Justice, where he prosecuted the perpetrators of the Oklahoma City bombing. Judge Garland called this, and I quote him, "the most important thing I have ever done in my life."

In 1997, Republicans and Democrats joined together to confirm Judge Garland to the DC Circuit Court of Appeals, which is often called the "second highest court in this land." Judge Garland has served honorably and dutifully for the past 24 years on the DC Circuit, including several years as its chief judge.

Judge Garland has gained the respect of all of his colleagues—left, right, and center—as someone who knows the law and never allows politics into the courtroom. Judge Garland works to

build consensus and find principled compromises. Judge Garland will bring a wealth of legal, law enforcement, and judicial experience to the Department of Justice to make him uniquely qualified—uniquely qualified—to lead the Department at this critical moment.

Judge Garland will be an Attorney General for all Americans—all Americans. He will not shy away from the challenges facing the Justice Department. He will meet them head on.

At the top of Judge Garland's to-do list is bringing the perpetrators of the January 6 insurrection to justice. Judge Garland will make sure that the Department stays out of the political fray and remains independent from the White House. And Judge Garland will answer the calls for racial justice and refocus the Department on one of its core missions, to protect the civil rights and voting rights of all Americans.

While I will never truly forget the shameful treatment of Judge Garland during his previous nomination to serve on the Supreme Court and in my heart I will always believe he should be serving on the Supreme Court today, I am grateful that Judge Garland has answered the call to serve.

I am also grateful to his wife of many years. I am grateful to his family for supporting him and allowing him to serve us as he has. He is more than just a judge or attorney or a servant. He is a mentor. He is somebody who, every week, for years—20 years—has made time, found time in his life to mentor a kid who needs somebody in his life or her life. As someone who has been mentored for many years myself, I just want to say: God bless you. God bless you, Judge Garland. My hope today is he will get a resounding—resounding—vote out of this body. He has earned it. He deserves it.

I yield the floor.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Merrick Brian Garland, of Maryland, to be Attorney General.

#### RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

#### VOTE ON GARLAND NOMINATION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 114 Ex.]

#### YEAS—70

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

#### NAYS—30

Barrasso	Hagerty	Rubio
Blackburn	Hawley	Sasse
Boozman	Hoeven	Scott (FL)
Braun	Hyde-Smith	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lee	Sullivan
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	Paul	Wicker
Fischer	Risch	Young

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that with respect to the Garland nomination, the motion 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.

#### 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 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. 15, Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 115 Ex.]

#### YEAS—65

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

#### NAYS—35

Barrasso	Hagerty	Risch
Blackburn	Hawley	Rubio
Blunt	Hoeven	Sasse
Boozman	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Young
Ernst	Paul	

The PRESIDING OFFICER (Ms. BALDWIN). On this vote, the yeas are 65, the nays are 35.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Madam President, we have just invoked cloture on the nomination of Michael S. Regan, President Biden's nominee to be Administrator of the Environmental Protection Agency. The vote was 65 to 35. To every Democrat and every Republican and maybe an Independent or two, I want to thank you for your vote.

I rise today to talk about this nomination and, more particularly, about the person, the man who has been selected to serve as our EPA Administrator.

As Members of this deliberative body, each one of us has taken an oath to protect and defend our U.S. Constitution. That oath includes offering our



advice and our consent when it comes to nominations of the President to fill posts in his or her administration.

It is hard to think of a time in modern history when the Senate's role on nominations could be considered more urgent. We live in a time of great challenges. Our Nation faces multiple crises all at once. This includes the ongoing COVID-19 pandemic—the first in 100 years of this nature—the worst economy since the Great Depression, as well as the reckoning of racial injustice. All three of these crises are interconnected with a fourth that is even greater and graver than any emergency the United States may have ever faced before, and that is the climate crisis—the climate crisis.

President Biden recognizes the importance and urgency of tackling this challenge. That is why he ran with a promise to make climate action a core of his administration's work and of our work. It is also part of the reason why a record-setting majority of the American people voted him into office last November.

There are few leadership roles in the Federal Government that have greater responsibility for setting environmental and climate policy than that of the Administrator of the Environmental Protection Agency. This role has a profound responsibility—a profound responsibility—to ensure that the Agency effectively carries out its mission to protect our health and our environment.

That mission is particularly challenging right now. We know that the next EPA Administrator has his work cut out for him. He knows it as well.

In addition to addressing the serious environmental issues that are affecting Americans, the next EPA Administrator will also need to rebuild an Agency suffering from organizational drift and low morale after being repeatedly damaged in recent years by flawed leadership.

Scientific integrity has also been under attack. We need a strong, principled leader to get the EPA back on track.

Michael Regan is the right person for the job at this critical moment. He is a man of deep faith who believes, as I believe we all do, that we have a moral obligation to be stewards of this planet on which we live together. Michael Regan is the kind of person who can help unite us in common purpose as we respond to the climate crisis we face, as well as to clean our air, clean our water, and strive to make sure that we don't leave some of our communities and some of our neighbors behind in our efforts to do so.

He knows how to put together inspired teams of men and women who are mission-focused and can together tackle complex problems and challenges.

As Secretary of North Carolina's Department of Environmental Quality, he has proved himself to be an effective policy executive and bipartisan prob-

lem solver, someone who forges practical solutions to clean our air and clean our water, while making and building a more nurturing environment for job creation and job preservation.

Anyone who has watched the EPA over the past few years knows that Mr. Regan will have his hands full as Administrator. From scandals to climate denial, to the unrelenting disregard for the opinions of career scientists throughout EPA, the past two Administrators leave in their wake a frustrated workforce, suffering from organizational drift and low morale at what may be an all-time low.

One of the keys to restoring that morale is returning scientific integrity to the Agency. Let me say again: One of the keys to restoring the morale in the EPA is returning to scientific integrity. That also means curbing the influence of special interests on EPA's scientific advisory boards, which play a large role in crafting the Agency's policies.

Mr. Regan will be tasked with combating climate change, the greatest environmental crisis we are facing as a world today. On this issue, we have no time to waste. I know my State, Delaware, does not have the luxury to wait a minute longer. We have the lowest lying State in the country. The State is sinking, and the seas around us are rising.

We are not the only State in which that has happened. This is felt by other States across the country too. One unlikely State you might find it in is Louisiana. Louisiana, according to JOHN NEELY KENNEDY, one of the Republican Senators here, told me last month, he said his State, Louisiana, is losing—get this—a football field of wetlands to rising sea levels every 100 minutes. Think about that, a football field of wetlands to rising sea levels every 100 minutes.

I see the signs of this crisis too clearly as I travel throughout my State. Madam President, eroding shorelines, waterlogged roads, and extreme weather threaten our economy and our way of life. Erratic weather patterns make farming some of our biggest crops—and we raise a lot of soybeans, and I know in your State you raise a couple of soybeans as well, but we raise a lot of soybeans. It makes farming, whether raising soybeans or corn or chickens, a lot more difficult.

Mr. Regan saw similar problems around another Wilmington—not Wilmington, DE, but Wilmington, NC—a problem similar to what we see every day in Wilmington, DE. He understands that we do not have to choose between economic growth and clean air and clean water. It is indeed a false choice.

He knows, like many of our world's leaders, that combating this crisis presents, instead, a chance for real economic growth—real economic growth that can create millions of good-paying American jobs and breathe life into communities large and small throughout this country.

And we know that the economic cost of spending a little today more than outweighs the cost of inaction. I believe it was Ben Franklin who once said that “an ounce of prevention is worth a pound of cure.”

I know we all think that is a quote that comes from our grandmothers. It actually came originally from Ben Franklin.

As EPA Administrator, Mr. Regan will also need to work with States, with Tribes, and with municipalities to combat contamination in our Nation's water supply from something called PFAS, one of thousands of permanent chemicals. Some are benign. Some of them are very, very dangerous to our health. They are called forever chemicals. Unfortunately, this is a critical public health issue that the last administration did not approach with the urgency it deserved. They talked a good game but didn't come through. What do they say in Montana? “All hat, no cattle.” That is what we saw with respect to these permanent chemicals in the last administration.

This has hit home for me, and my guess is it hits home for the Presiding Officer, too, in Wisconsin. But coming from a State—we have got military installations, one of the biggest airbases in the world, Dover Air Force Base. I am hugely proud of Dover Air Force Base. It may be the best airlift base in the world. And, for years, we have, unfortunately, occasionally, had incidents, accidents, and we need to have firefighters come out, and they use firefighting foam to try to save lives. And in doing that, it endangered the lives of other people because of the PFAS contamination that is in the firefighting foam, and it gets into our groundwater.

And it is not just Delaware. It is not just Delaware. It is not just Wisconsin. It is like, last I heard, hundreds, maybe 300 bases around the country where there is a problem with PFAS contamination in the groundwater close to our military bases.

If his work in North Carolina on this issue is any indication, Mr. Regan will leave no stone unturned. We will also be looking to the EPA Administrator to ensure cleaner air by reestablishing the legal basis for the Mercury and Air Toxics Standards, which were upended by an administration more interested in protecting special interests than they were keeping mercury out of our air and our water supply.

These standards have been shown over time to be cost-effective, and they are supported by major coal-fired utilities across this country. Let me say that again. These standards have been shown over time not only to be cost-effective, but they are supported by major coal-fired utilities across this country.

As Administrator, Michael Regan will also oversee the phasedown of something called HFCs, powerful greenhouse gasses used as a refrigerant—think refrigerators, freezers,

air-conditioners in our house and our cars. They do a good job of keeping it cool and our food cool. Unfortunately, they are about 1,000 times worse, more dangerous than carbon dioxide is to greenhouse gas—1,000 times worse.

Last Congress, I was proud to help lead a bipartisan effort with a couple of our Republican colleagues, JOHN NEELY KENNEDY and JOHN BARRASSO, to phase down the production of these harmful chemicals while giving American manufacturers a leg up in making the coolants of the future.

How many jobs will flow from this? Tens of thousands of American jobs. How much economic opportunity for American companies? Billions and billions of dollars. And, oh, by the way, I should hasten to add, you know, we hear from scientists that tell us that we are sort of at the turning point for us in terms of climate change by which we can't turn back. It is about 2 degrees Celsius for the balance of this century—2 degrees. Our phasedown of hydrofluorocarbons is worth a half-degree Celsius just by itself, just this one thing. So this is a huge thing, and we did it in a bipartisan way here in the Senate and the House. I am very grateful to everyone for their support.

Let me add a couple of more points, if I can. Mr. Regan will need to help craft emission standards for cars, trucks, and vans that will fight climate change and help keep America in the lead in the clean car revolution. We heard not long ago from our friends at GM. GM announced that beginning in 2035, they are not going to be building and selling vehicles powered by gasoline or diesel. Think about that. That is like 14 years from now. I think Ford may have announced in Europe that they are not going to be building vehicles that drive or are powered by gasoline or diesel. In Europe, by 2030, like I said, 9 years, this is coming.

So the question is, Will we be ready for it? Will we take advantage of it? Will we be able to find, in this adversity of climate change, an economic opportunity? Yes, we can and especially with respect to the kinds of vehicles that we are going to build and drive into the future.

Michael Regan's tenure in North Carolina is, I think, a testament to his ability to bring people together and work across the political divide. He spearheaded what is considered to be the largest coal ash cleanup settlement in U.S. history. He successfully led the negotiations that resulted in the cleanup of the Cape Fear River, right where my wife used to work for the DuPont company, the Cape Fear DuPont plant. And he created North Carolina's first-ever Environmental Justice and Equity Advisory Board.

Mr. Regan has been able to do these things and much more by bringing people together to find bipartisan, lasting policy compromises, all while never compromising on his principles. He and I both believe in the adage that bipartisan solutions are lasting solutions,

and we could use a few more of those around here.

That ability to unite people in common purpose, to approach his role as a public servant with humility, with empathy, and with grace, that central part of Mr. Regan's character has been demonstrated throughout his public service and his nomination process.

Interestingly, 23 of our country's national agricultural organizations wrote to my committee—to our committee, the Environment and Public Works Committee—to recommend him for the job. Most people might say: Well, big deal. Well, it was a big deal. How often do we have like dozens of major national agricultural organizations stepping up and saying, "We want to embrace this candidate to be the head of the Environmental Protection Agency"? Not very often, but they did in this case.

They highlighted his "established record of listening to all stakeholders, including farmers and ranchers." And they applauded his pragmatic approach, writing that "during his tenure, he has worked to find practical, sound solutions to myriad environmental issues in the state."

We heard this same sentiment in his nomination hearing before the Environment and Public Works Committee. Throughout his testimony and questioning, Mr. Regan made it clear that he will be an EPA Administrator for red States just like he will be an EPA Administrator for blue States. He listened to concerns from both sides of the dais and made commitments to work with anyone to solve a problem facing their constituents.

That is what helped earn him a 14-to-6 bipartisan vote of approval coming out of the EPW Committee. I remember us measuring the amount of time from someone's name being actually submitted by a President to, actually, before we even had a hearing, much less got somebody reported out—measured in months, in months. In this case, we are talking about weeks, and, God willing, hours this afternoon.

Believe it or not, his committee hearing before the committee a couple of weeks ago, he was introduced to the committee by two Senators from his State. You may think that is not a big deal, maybe not, but they are both Republicans. They are both Republicans. We heard from one of them, THOM TILLIS, that Mr. Regan "has earned a reputation for being a thoughtful leader willing to engage." His colleague from North Carolina Senator BURR underscored Mr. Regan's ability to listen, saying that organizations across North Carolina and across the country support Mr. Regan for Administrator because "they understand they will not always agree with every decision handed down by EPA, but they know and trust they will receive a fair hearing." This is a Democratic nominee recommended by two Republican Senators from the same State. Honestly, I don't see that every day, and I want to say a

special shout-out thanks to RICHARD BURR and THOM TILLIS for doing that, supporting Mr. Regan's nomination.

Michael Regan understands that climate change shouldn't be a partisan issue. Its impacts hit red States and blue States alike. Wildfires rage across California, while floods in Florida damage homes and roads. Deadly ice storms endanger the power supply in Texas, while a drought in New Mexico harms farming and puts people at risk. Water contamination near an Air Force base in Delaware harms families just like contamination near a National Guard base in South Dakota. And dirty air from a powerplant in Ohio or West Virginia can make their way into neighboring States like ours and like Maryland, our neighboring State, like New Jersey.

The problems that are before our next EPA Administrator—and, hopefully, it will be Michael Regan—those problems are great. As Albert Einstein once said, "In adversity lies opportunity." Think about that—in adversity lies opportunity. We have an opportunity here to fulfill our moral obligation to be good stewards of this planet, and we can seize on that opportunity if we have the right leader in place to make it happen.

During my years in the Navy, then as Governor of Delaware, I learned firsthand that leadership is maybe the most important thing in the success of any organization I have ever been a part of. I don't care if it is a business; I don't care if it is a State; I don't care if it is the Senate or House, a hospital, a school, leadership is always the key—always the key. The leader sets the tone, helps write the rules of the road, and makes sure that those working under him or her are doing what is right.

I learned a lot from really good leaders, and, frankly, I have learned a few things from really awful leaders. I suspect, if truth be known, we would all say the same thing. The best leaders are humble, not haughty. They have the heart of a servant. They understand their job is to serve, not to be served. Leaders have the courage to stay out of step when everyone else is marching to the wrong tune. They understand their job is to unite, not divide. They build bridges, not walls.

Leaders surround themselves with the best people they can find. When the team does well, the leader gives the credit to his or her team. When the team falls short, the leader takes the blame. Leaders don't build themselves up by tearing other people down. They are aspirational. They appeal to people's better angels.

I remember a French philosopher, Albert Camus, once said that leaders are "purveyors of hope." Think about that, purveyors of hope. Leaders always seek to do what is right, not what is easy or expedient. They focus on excellence in everything they do. If it is not perfect, they say: Let's just make it better. Leaders treat other people the way

they want to be treated. And, finally, when leaders know they are right, they are sure they are right, they don't give up. They just don't give up.

Michael Regan is that kind of leader. We need that kind of leader, and I am convinced that he is the leader we need for his critical role at this critical time in our Nation's history.

So, Madam Chair and colleagues, as chairman of the Senate Committee on Environment and Public Works, I urge all of my colleagues to support his nomination.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The junior Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise today to discuss my opposition to the nomination of Michael Regan for Administrator of the Environmental Protection Agency.

Now, before I begin, let me be very clear. I really liked meeting and getting to know Michael Regan. He is a dedicated public servant and an honest man. He had a beautiful family with him, and he answered the questions as straightforwardly as I think he thought he could. I have enjoyed getting to know him through my role as the ranking member on the Environment and Public Works Committee, and I appreciated the willingness he expressed to visit my home State of West Virginia. But this vote is not based on what Mr. Regan might do if he had his say; this vote is about confirming someone to execute President Biden's agenda, which Mr. Regan said he would faithfully do, and I cannot support that agenda. I cannot support that agenda that Secretary—if confirmed—Regan would be tasked with implementing.

Throughout his confirmation process, Secretary Regan did not commit to a different policy agenda than that of the Obama administration—an agenda that absolutely devastated my State and other energy-producing States.

In his nomination hearing, Secretary Regan, because he is secretary of North Carolina's Department of Environmental Quality, would not comment as to whether the so-called Clean Power Plan or something worse would be re-instituted. He did not rule out a return to the WOTUS rule. He could not say whether the EPA would again claim overarching authority to force States to shift their electricity generation sources. He could not commit to real changes, and that is because the agenda is already set. Climate czar Gina McCarthy and others have already set the table.

InsideEPA recently reported:

Administration observers are questioning whether Michael Regan . . . could face a di-

minished role if he wins Senate confirmation due to the large number of Obama-era officials who have returned to the agency and the White House to work on implementing Biden's environmental agenda.

The article went on to say:

[T]hese sources also say that because there are so many officials now working on climate change policies across the Biden administration, this could lead to "turf wars" between EPA and the White House on this issue.

Well, I share those concerns.

For almost 2 months now, unaccountable czar Gina McCarthy has been working both behind the scenes and in front of the press to lay the groundwork for the Biden administration's agenda. She is wielding her power publicly to make it clear who is calling the shots and directing the troops.

McCarthy herself said recently:

I've got a small stronghold office, but I am an orchestra leader for a very large band.

She is operating this "stronghold" office with no transparency outside of the Senate confirmation process. It would be bad enough with just a turf war between an equally matched White House and EPA, but we know that McCarthy is poised to have influence within the EPA too.

In addition to the Obama EPA alums already in place, the nomination of Janet McCabe to serve as EPA Deputy Administrator has only increased my concern and made it worse.

In 2019, McCabe, McCarthy, and another alum of the Obama EPA wrote an op-ed fully backing the overreaching Clean Power Plan. They admitted that their Clean Power Plan was a War on Coal. They stated:

The best way to cut emissions is to shift electricity generation from the dirtiest plants, which happen to use coal.

So they were willing to say it outright once they were out of public office. They are willing to admit to their War on Coal. It upsets me because they wouldn't say it to the people of my State when they were in the office. They didn't have the courage to look the people in West Virginia—they didn't even come to our State to talk about it—to look them in the eye and admit they wanted to wipe coal off the map. Had they come, they would have had to hear in person, eye to eye, the harm, the devastation that workers in our coal industry and many other associated industries in West Virginia were facing.

WVU economist John Deskins put that harm into perspective in testimony before the Senate Energy and Natural Resources Committee at a hearing in 2015. He observed:

In Central Appalachia, coal production has fallen by 51 percent since 2010, compared to a decline of 10 percent from the nation's other coal-producing regions. . . . [N]early all of the coal job losses that have occurred in West Virginia have come from our state's southern coalfields. The concentration of these job losses has created a Great Depres-

sion—

Great Depression—in six southern counties—Boone, Clay, Logan, McDowell, Mingo, and Wyoming

[Counties]. Job losses over the past four years range between—

Remember, this is in 2015—

25 and 33 percent in each of these counties.

That is how many jobs were lost.

John Kerry stood alongside Gina McCarthy in the Oval Office in January and talked about how workers in the fossil fuel industry can just become wind turbine technicians or solar panel technicians. John Kerry doesn't really know what it actually means to be any type of these workers.

Brad Markell, a representative from the AFL-CIO Industrial Union Council, explained some of the differences to the Washington Post. He said:

You get guys that are coming off of fossil jobs in the Dakotas or the wind belt, and are making, you know, eighty, ninety, a hundred thousand a year. [To put wind turbines up], they're looking at thirty to thirty-five thousand, with either no or substandard benefits.

In President Biden's White House, we have unaccountable—and either misguided at best or uninformed at worst—czars trying to do what they think is best for this country.

So let's go back to Secretary Regan. In his hearing, he talked in depth about his work with Republicans in North Carolina and his commitment to transparency, and both of the Republican Senators from his home State came and introduced him to our committee and spoke very well of his ability to work across the aisle.

I appreciate that greatly, and I welcome that, but the fact remains that I can't support Secretary Regan when Gina McCarthy is the self-described orchestra leader for the Biden administration and Kerry is basing so-called "transition" policies on a fantasy world that does not exist.

I am very skeptical that the next 4 years will be any better than the 8 years of economic devastation brought on by President Obama's EPA. So, without commitments to different policies than what were pursued in the Obama EPA, I cannot support Secretary Regan today. But, you know what? I hope he proves me wrong. I hope he makes good on his promise to work with Republicans to help address climate issues.

As ranking member of the EPA Committee, I stand ready to just do that. We have so much common ground on climate issues. I hope Secretary Regan can cut Gina McCarthy out of power and let her know who is calling the shots for environmental policy in the Biden administration. I hope Secretary Regan embraces President Biden's mandate of unity and works with both red and blue States to take care of our planet. Until then, I will continue to look out for my State and practice aggressive oversight on what I think may be coming.

I yield the floor.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Virginia.

AMERICAN RESCUE PLAN ACT OF 2021

Mr. Kaine. Madam President, good afternoon. I rise today to talk about

the American Rescue Plan and its effect on my economy.

It has been a tough year. It was a year ago tomorrow that I sent my Senate staff home for a trial-run, 2-day telework in case we ever were to need it, and they never came back. Until now, as people are starting to get vaccinated, they are coming back personally to the office after having worked, in a pretty amazing way, virtually for the year.

It was just about a year ago that I got coronavirus. It was just about a year ago that I gave my wife coronavirus. It has been a long, long year: more than 500,000 Americans dead, more than 10 million still out of work. After sizable work by Congress in five bills in 2020 to inject resources into the economy, we are still down 10 million jobs.

But today is a bright day. Just within the last few hours, the House of Representatives passed the Senate bill that we sent to them Saturday afternoon on the American Rescue Plan, building off the original House proposal, and that bill is filled with things that will make a tangible difference nearly immediately in the lives of so many Americans: payment to everyday families, individuals, children; acceleration of the vaccine deployment; resources so that we can open our schools and our colleges and our childcare centers, which are all preconditions to seeing the economy reopen.

In Virginia—just making this about my home Commonwealth—State and local governments in Virginia will receive about \$6.8 billion to cover costs of COVID, revenues lost due to COVID, but also projects that can help the economy accelerate so that we can climb out of the economic catastrophe that has been COVID.

Eighty-four percent of Virginians—that is more than 7 million people, 2 million of whom are children—will receive stimulus checks because of the bill the Democrats got passed in the House and Senate.

Just think of that. Seven million Virginians will receive stimulus checks. The average per filer—and many file jointly, so this will be sort of a household average—would be nearly \$3,000.

The child tax credit portion of the American Rescue Plan will provide additional resources on top of those checks to 1.6 million Virginia children, lifting 85,000 currently below the poverty level to above the poverty level. Just in my State, 85,000 children below the poverty level will no longer be there.

The expanded earned income tax credit in Virginia will affect nearly 420,000 adults, enabling them to work with more dignity, with less financial stress, as they try to manage the challenges of their life in this tough time.

Also, 250,000 adults whose unemployment benefits were in danger of expiring are now protected through early September because of the bill.

Small businesses, which have suffered so much, will get a significant uplift—just restaurants, with the \$28 billion restaurant fund in the American Rescue Plan. There are 15,000 restaurants in Virginia, all of which have suffered because of COVID, because of social distancing requirements, supply chain challenges, workers who have been out sick. That \$28 billion fund offers great hope for my restaurateurs.

For Virginia education, our local school systems—134 cities and counties operate K–12 systems—will receive more than \$2 billion to deal with the costs of COVID, including expanded broadband so that their students can have better access to online course curriculum, including money that could be used for summer instruction, for example, so that we can tackle learning gaps that occurred during the last year; and \$845 million for Virginia higher education institutions.

And something that I am particularly excited about—I have a child who is an early childhood worker. That is what he does. Forty percent of Virginia childcare centers were closed for much of the year because of the pandemic. Virginia will receive nearly \$800 million in additional childcare support so our childcare centers can be open, which will not only be good for children but will enable their parents to return to work more easily.

In the healthcare space, accelerations of vaccines, lower healthcare premiums because of expanded subsidies for those who are purchasing insurance, mental health expansion to deal with the significant psychological and emotional traumas of the last year, housing, food, transit, broadband, pension reform.

There is so much in this bill for Virginians. There is so much in this bill for the residents of red States, blue States, in-between States. Every ZIP code in the United States, every family in the United States will see some impact that they can see, touch, and feel.

It is not often that you pass a bill where you can say this about it—that the tangible results for virtually every American will be seen so quickly.

I want to focus a little bit, having talked about the tangible benefits in Virginia, just on the analysis of the bill nationally, and I have a couple of charts I want to show.

Coincidentally, or maybe not coincidentally, the size of the American Rescue Plan was pretty close to the size of the Trump tax cuts that were done in December of 2017. The Trump tax cuts were about \$1.9 trillion, and the American Rescue Plan ended up being at about \$1.75 trillion. So they are pretty close.

And what these two plans demonstrate, if you look at the Trump tax plan and you look at the American Rescue Plan, is that you will see how very, very different the priorities of the two parties are. The recovery plan passed in this body with every Democratic vote and no Republican votes.

The Trump tax plan passed in 2017 with every Republican vote and no Democratic vote. I believe these two plans are almost a perfect representation of the priorities of the two parties right now in this body—not just in this body but all around the country.

If you analyze the content of these two bills, which were nearly identical in size, you can definitely understand a lot about the priorities of the two parties. On the Tax Cuts and Jobs Act, the Trump tax cuts, 54 percent of the \$1.9 trillion benefit went to people making more than \$75,000 a year, 16 percent went to people making less than \$75,000 a year, 31 percent were tax cuts for businesses.

If you look at the American Rescue Plan, you see something very, very different: 44 percent of the aid was aid to individuals, 21 percent was pandemic and other policies that focus on getting us out of the healthcare crisis, 9 percent is to our schools and universities, 18 percent for our State and local governments to try to forestall massive layoffs of governmental employees, and then 8 percent are tax cuts to individuals.

These are very different priority sets between the GOP's key accomplishment with the 2017 tax cuts and now this accomplishment that the Democrats have worked so hard to achieve in the American Rescue Plan.

This tells you about priorities, but the next chart is probably my favorite because I think it makes it even clearer. This is a chart that shows the benefits of both the American Rescue Plan in blue and the Tax Cuts and Jobs Act in red, and I don't think those colors were coincidentally done by my staff.

It shows how the benefits of these two bills—they are identical in size—were arrayed across the income groupings, income quintiles of the American public. The top 20 percent of the American public in income got 65 percent of the benefit from the Trump tax cuts. They get 11 percent of the benefit from the American Rescue Plan.

In the 60-to-80-percent quintile, you will see that the two plans were pretty close to equal. Not exactly—the Democratic plan was a little bit better in terms of the benefits at that level. But as you move into the 40-to-60-percent quintile, that midrange of Americans, the Democratic proposal gave much more of the benefit to people in that income frame, that income quintile, than the Republican proposal.

In the 20-to-40-percent range, it is quadruple the Democratic allocation of benefits to that lower middle-class portion of the American public, quadruple what the Republican tax plan allocated.

But what you really see is, in the lowest quintile income of the American public, the people who struggle the most and during the pandemic were hurt the most, 23 percent of the benefits of the American Rescue Plan went to that lowest 20 percent of the American public while only 1 percent of the

benefit of the Trump tax cuts was allocated to that hard-hit, struggling group of people.

Again, if you want to look at the priorities of the two parties by analyzing these two sizable bills that each side claims is an accomplishment they are proud of, you just need to look at this particular chart and understand who each side, each party, is battling for and who is each side, each party, trying to help.

Finally, one last chart and then a concluding comment. The last chart shows the poverty rate in this country beginning in 2007. Now, we know we had an economic challenge in 2008, 2009, 2010 that was significant, and then the poverty rate started to come down late in the Obama first term and continued to come down into the Trump first term. But you will see what has happened since 2017 with the passage of the Tax Cuts and Jobs Act. If that had not happened, the poverty rate would have started to tick back up again after having come down for a number of years.

The Tax Cuts and Jobs Act did have an effect on the poverty rate. It knocked it down a little bit. So there was a positive effect on the poverty rate from the Republican tax proposal, but it was not very significant.

But the projection about the American poverty rate following the passage of the American Rescue Plan is a dramatic reduction—a dramatic reduction of poverty from more than 12 percent down to poverty just above 8 percent—and we would expect to see that by the end of the year.

We are not talking about by the end of the decade or by the end of 5 years or by the end of this Congress. We are talking about by the end of the year.

I think these charts—and, again, particularly this chart that arrays the benefits of both the tax cuts bill of 2017 and the American Rescue Plan and shows to whom the benefits were allocated—speak volumes about two very different philosophies about the economy, two very different philosophies about equity, two very different philosophies about how to truly include everyone in legislation that is big, tough, challenging legislation.

Finally, I will say this as I conclude: The passage and the signing of the American Rescue Plan will also start a realtime economic experiment because the Republican tax plan was done in 2017, and we can measure what that has done and what it hasn't done from 2017 to the beginning of the pandemic. You would not want to include the pandemic necessarily; that wouldn't be a fair way to measure. But if you look at the passage of the tax cut plan in December of 2017, say, to March of 2020, you can get a pretty good view of what that tax bill did or didn't do to the American economy.

Now, in the passage of the American Rescue Plan and the allocation of the benefits of the plan, as demonstrated here, we are going to start the clock on a realtime experiment of a different

economic philosophy. If you take government action and you try to direct the focus of it on middle and lower income people, my surmise is, those dollars will likely be spent; they will be spent in community institutions and stores and purchasing properties or maybe buying a car. They will be spent, and they will have a multiplier effect throughout the economy. They are not going to be used to buy back stock. They are not going to be used or socked away because there is nowhere to spend it.

I think you will see that the spending effect of allocating benefits in this way is going to have a significant, positive effect on the American economy at a time when it needs it and at a time when the people who are most helped are most in need.

We need to build an economy coming out of this crisis that is not only robust but that is also sustainable, meaning environmentally sustainable but sustainable and less subject to boom, busts in areas that leave people high and dry. We also need to build an economy that is more equitable, not measured just by GDP increase or stock market increases that can affect some but measure more in statistics like wages, reduction of poverty, startup of new businesses that demonstrate an economic vitality that is spread broadly among the population.

We are starting the realtime clock on that experiment today. We will be able to compare the value of the \$1.9 trillion tax cut to the \$1.75 trillion American Recovery Plan in years to come. And I am very, very excited to understand that because I think it may point the way forward to additional economic advances that will make us stronger.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

NOMINATION OF MICHAEL STANLEY REGAN

Mr. BURR. Madam President, I rise today to support the nomination of Michael Regan to be the Administrator of the Environmental Protection Agency. One look at Michael's resume should make it clear to my colleagues that he is immensely qualified for this position, not only in qualifications but in his demeanor.

Michael is a proud North Carolinian who, over the last 4 years, has ably served as secretary of the North Carolina department of environment. You will consistently hear from those who have worked with him in this role that whether they agreed or disagreed on a given policy, he always listened and looked to find agreement.

This type of praise is not easy to come by on environmental matters, but it is exactly what we should ask of any nominee to ensure everyone gets a fair hearing at their Agency. That is exactly why North Carolina's agricultural community supports his nomination.

It is our job to ascertain whether a nominee has the knowledge and experience to do the job that the President

has nominated them for, but, too often, we overlook whether a nominee has the right character to lead an organization. In this case, there is no question that Michael Regan has that character.

I have had the pleasure to get to know him over the last several years and to see firsthand his sincerity and love for his family. I know when a man of this caliber is confirmed, he will bring those same qualities to the Agency he leads, bolstering the EPA and ensuring that communities reliant on agriculture for their livelihood will be listened to.

In closing, Michael Regan is a good man. He is the right man to lead the Environmental Protection Agency. And I would urge you and urge my colleagues to confirm him to be the next Administrator of the EPA.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

FOR THE PEOPLE ACT

Mr. MORAN. Madam President, I am here this afternoon to speak in opposition to H.R. 1, the so-called For the People Act. Every American—no American should be fooled by the wholesome title of H.R. 1. H.R. 1 is an affront to the U.S. Constitution, and the drastic impact this legislation would have on federalizing elections, restricting free speech, and accelerating the divide in this country—that divide between left and right, rural and urban, red States and blue States—would be terribly damaging to our Nation.

We often hear that elections have consequences. In November, Americans voted for a Congress that is nearly a 50-50 split between the parties in the House and precisely a 50-50 split in the Senate. If elections have consequences, then the consequence American voters may have had in mind was to encourage Congress to put aside partisan differences and to work together to do its job on their behalf.

Americans did not vote to give one party free rein to implement an unprecedented power grab, to nationalize elections, and to strip power from States and localities from now into perpetuity, forever.

I am a conservative, and I believe in the primacy of individual liberties and in a Federal Government that exercises restraint. I believe that State and local units of government are inherently more responsive to the wishes of our citizens. Article I, section 4 of the Constitution states that "Time, Places and Manner" of congressional elections "shall be prescribed [by the States]." My adherence to the Constitution thus instructs deference to State governments to oversee their own elections, as they always have and always should.

There are so many problematic and, frankly, unconstitutional aspects of

this legislation, particularly as it pertains to the micromanagement of local elections by the Federal Government.

With regard to the bill's intent to Federalize State elections, I draw your attention to page 44, section 1004. Democrats, in sponsoring and pursuing passage of this legislation, seek to eliminate voter identification laws. Voter identification laws have a lot of merit. It is required that you be a U.S. citizen to cast a vote in the United States. American people generally have common sense, and the Gallup poll indicates that 80 percent of Americans support voter ID laws. When you explain to Americans what voter ID really is, they do support it. Yet, under this legislation, voters showing up to the polls without an ID could simply sign a statement claiming they are who they say they are. If you want to dispel the notion that voter fraud occurs in our elections, this is not the place, this is not the way to accomplish that. I don't want our laws to discourage people from voting, but I want people to be legal who do vote.

On page 166, this bill requires that ballots be counted outside a voter's precinct, removing a local government's ability to verify voter rolls. That authority would instead go to a bureaucrat in Washington.

The requirement to allow third parties, including those politically affiliated, to pick up and deliver absentee ballots, known as ballot harvesting, further erodes confidence in elections. Such a requirement is directly at odds with recommendations from a 2005 bipartisan Commission on Federal Election Reform led by former President Jimmy Carter, which recommended that States prohibit this practice due to an increased likelihood of fraud.

H.R. 1 doesn't even keep the bipartisan nature of the Federal Election Commission in place. It alters its structure deliberately to make it work on behalf of the party in power.

One last point on local elections. This bill allows for in-person voting 15 days before an election. This is the typical, the classic unfunded mandate. I talked to local election officials about this provision specifically, and it would kill their budgets, maintaining rent and staff for weeks on end in rural counties across Kansas where, realistically, you might get fewer than a handful of people to show up on a day that far before the election. There are plenty of other ways to vote in advance when necessary. This would create real-world consequences, real consequences in rural America and in rural Kansas. A one-size solution from Washington, DC, does not solve all problems and, in fact, in many instances creates more problems.

While this provision alone probably wouldn't have contributed to voter fraud, this bill does so by prohibiting officials from reviewing voter eligibility or barring local officials from removing ineligible voters from the voter rolls.

It is imperative that we restore America's faith in our elections, and that is why I am a supporter of S. 13, legislation led by our own Senator, TIM SCOTT of South Carolina, to establish a bipartisan advisory committee to make recommendations that will improve the security, integrity, and administration of Federal elections. This is a measured approach that will help us regain the trust of American voters.

H.R. 1 goes as far to the other end of the spectrum as is imaginable. It drastically changes the rules of our election, implementing every leftwing policy idea pertaining to Federal elections—ideas that are evidently so good, they must be made mandatory. If they were good, they might find their way into existence across the country because they are good, not because the Federal Government requires them.

This legislation would sow immense doubts among voters about the integrity and administration of our elections—something we further do not need. It would corrode our entire system of elections, and for what purpose? Because, simply put, I think Democrats believe passing H.R. 1 would render rural voters, red State voters, impotent and therefore help them win elections.

At a time when our country is so divided, when we should be working together, for example, to end the consequences of the COVID-19 pandemic, to get America vaccinated, and get our economy back on track, this is a very damaging policy to our Republic, and it is contained within the 800 pages of H.R. 1.

I hope my colleagues on both sides of the aisle take time to read and understand this bill and see and determine for themselves what it truly is. I am interested in making sure that all people have the opportunity to vote. All people who are legally eligible to vote, I want them to vote. But we ought to not skew our elections to see that those we want to vote are the only ones who are eligible to do so and that those who are not eligible to vote are able to do so.

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

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

NOMINATIONS OF VANITA GUPTA AND LISA MONACO

Mr. CORNYN. Madam President, yesterday, the Senate Judiciary Committee heard from the nominees for the No. 2 and No. 3 jobs at the Department of Justice.

As you know, earlier today, we confirmed the next Attorney General of the United States, Judge Merrick Garland. I supported Judge Garland's nomination because I think he is a quali-

fied, mainstream nominee with the right experience and the right temperament to lead the Department of Justice. I believe being Attorney General is probably the hardest job in the Cabinet because you have two masters. One is the rule of law, as the chief law enforcement officer for the country; the other is, you are a member of the President's Cabinet and serve at his or her pleasure, obviously, a political appointment.

Judge Garland told me, and I take him at his word, that he would work hard to keep politics out of the work of the Justice Department—a goal that folks on both sides of the aisle should support, especially after the struggles of previous administrations.

As I said, I was proud to support Judge Garland's nomination, and now we begin the process of considering other senior positions at the Department of Justice.

One of the nominees who came before the Judiciary Committee yesterday was Lisa Monaco, who has been nominated to serve as the Deputy Attorney General.

Ms. Monaco is a lifelong public servant who previously spent 15 years at the Department of Justice. She is a highly respected Federal prosecutor and national security expert. She advised President Obama and a number of other top government officials on matters like homeland security, cyber security, and counterterrorism, and her expertise extends beyond the ins and outs of matters of policy. Her knowledge of the Department of Justice as an organization will be invaluable to the Department, whose more than 100,000 employees are responsible for carrying out a diverse set of missions. It is a huge organization with a lot of moving parts.

Like Judge Garland, Ms. Monaco affirmed to me that she does not intend to inject politics or to even give it a hearing within the Department of Justice and her duties as the Deputy Attorney General.

I asked her, for example, if she would allow Mr. Durham, who has been appointed as special counsel, to investigate the Crossfire Hurricane issue from the last administration and the tail end of the Obama administration. She said she saw no reason not to give Mr. Durham a chance to complete his work. That is the same position we took on Robert Mueller, who was appointed as special counsel to investigate President Trump. Again, I take her at her word that she will not do anything to fire Mr. Durham or deprive him of the ability to complete his important work.

Ms. Monaco discussed her experience at the Department over the course of the Clinton, Bush, and Obama administrations. She really does have a lot of important, relevant experience. She talked about the unique role of the Justice Department, which, as I suggested a moment ago, functions both as an executive agency that is charged



with implementing the President's policies as well as being an independent investigator and, in some cases, a prosecutor. She described the importance of acting free from political or partisan influence as her "North Star."

While Ms. Monaco and I will surely have policy disagreements at some point, I trust her ability to fairly and impartially administer justice while operating free of personal bias or political agenda. I believe she is well qualified to serve as the Deputy Attorney General, and I plan to support her nomination.

Unfortunately, I cannot say the same for the second nominee who appeared before the Judiciary Committee yesterday. Vanita Gupta has been nominated to serve as the Associate Attorney General, which is sometimes considered to be the No. 3 position at the Department of Justice. Throughout her career, Ms. Gupta has been a clear and outspoken advocate for some pretty radical policies.

In 2012, for example, she wrote that States should decriminalize the possession of all drugs—not just marijuana but all drugs—which, I presume, would include things like fentanyl, heroin, methamphetamine, and other highly addictive and destructive drugs. In yesterday's hearing, when I asked Ms. Gupta about this statement, she took the opposite position. She didn't tell me "I used to advocate for that position and have now changed my position." She said, unequivocally, that she did not advocate for the decriminalization of all drugs. It became apparent she wanted Senators to forget what she previously wrote:

States should decriminalize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.

That is a quote from an article she wrote in 2012. Unfortunately, the list of inconsistencies does not end there.

In June of 2020, less than a year ago, Ms. Gupta argued that it ought to be easier to sue police officers in court for money damages. Now, this is sometimes called "qualified immunity," which recognizes the fact that law enforcement officers have to make split-second decisions—life-or-death decisions, actually—and that it would be unfair to them to, in retrospect, go back and flyspeck all of their decisions. In other words, it gives them some room in which to operate, recognizing the unique nature of their job. It applies to other government employees, too. Yet, in June 2020, less than a year ago, she argued that it was time to revisit this doctrine of qualified immunity—in other words, to make it easier to sue police officers for money.

This was one of the many steps that she outlined in an opinion piece in a national publication following the death of George Floyd. Nine months later, she says she does not support that position—one she supported 9 months ago. Now she says she does not support the position of making it easier to sue police officers.

And there is more.

Last summer, Ms. Gupta put her support behind the "defund the police" movement. As our country engaged in an important and long overdue debate about the police's use of force and responsible policing strategies, the Senate Judiciary Committee held a hearing on that very topic.

Ms. Gupta testified before the committee and said:

While front-end systems changes are important, it is also critical for state and local leaders to heed calls from Black Lives Matter and Movement for Black Lives activists to decrease police budgets and the scope, role, and responsibility of police in our lives.

Yesterday, Ms. Gupta did not mince words. She said she does not support defunding the police, and she said decreasing police budgets was not defunding the police. Well, at the time we were discussing this movement for defunding police, she attempted to parse her words. It is tough to reconcile the stark difference between what Ms. Gupta has said in the past and what she now says as she attempts to win support in the Senate. I am wary and, frankly, skeptical of confirmation conversions wherein people take the opposite positions when they are nominated for important, Senate-confirmed positions from the positions they have taken in the past.

I understand her interest in distancing herself from her previous positions. Decriminalizing drugs, eliminating qualified immunity—making it easier to second-guess and sue police officers for money damages—and defunding the police are radical policy positions that should disqualify someone from becoming the third-highest ranking official at the Justice Department. In order to be confirmed, Ms. Gupta knows she needs to convince us that she actually holds mainstream views on law enforcement strategies and issues. I find it hard to believe that these views, which are not from decades-old law school writings but are recent public statements—indeed, sworn testimony before the U.S. Senate Judiciary Committee—are views she no longer holds, which she said she held so recently.

I want to be clear on one point.

The opinions of Ms. Gupta's as a private citizen are not an issue. She has every right to hold opinions that differ from mine or anybody else's, but when you are the nominee for a high level—indeed, one of the highest levels—of critical law enforcement positions, these are highly problematic and, to my mind, disqualifying.

Perhaps more so than any other Federal Department or Agency, the Department of Justice must operate free from bias and political agendas. The men and women leading the Department must be able to separate their personal beliefs from the jobs before them. No matter how they feel about the wisdom of the policies enacted by Congress, their jobs are to enforce the law not as they want it to be but as it

is. People across the country should have confidence that the senior leaders at the Justice Department will follow the law as written—without fail. We can't have leaders who turn a blind eye to whatever is politically convenient when it conflicts with their personally held positions.

Based on Ms. Gupta's clear history of radical policy positions, which stands in stark contrast to the laws she would be charged with enforcing, I do not believe she can separate her convictions from the job at hand. Leaders within the Department must be able to view all matters as matters of fact and as matters of duty, not just as matters of opinion or as platforms to argue for changes in the law.

As the Senate has considered the President's nominees over the past several weeks, I have been very clear that I will not oppose nominees based simply on the President's political party. I think the President is entitled to some deference as to the people he chooses. That was the strategy of our Democratic colleagues previously, and it is incredibly damaging to both our country and its institutions. Just because a President you don't like has nominated somebody does not justify opposing that President's nominee. I will continue to evaluate all nominees of this President based on their merits and their abilities to do the jobs for which they were nominated.

I firmly believe that the American people deserve to have qualified, fair-minded individuals leading these important Departments and Agencies. For the Department of Justice, which is responsible for enforcing the law of the land and imparting fair and equal justice, that is doubly true. There is simply no room for political or partisan or ideological agendas at the Department of Justice. I am concerned that Ms. Gupta will continue to pursue those objectives from within the Department and use all of the Department's tools and the authority given to her to achieve these ideological outcomes. Therefore, I cannot support her nomination.

I yield the floor.

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

#### FOREIGN AGENTS REGISTRATION ACT

Mr. GRASSLEY. Madam President, recently, the Biden administration withdrew a proposed Trump administration rule that would have required universities and K-12 schools to identify their connections with Confucius Institutes, which are very much connected to the country of China and, I would even say, to the Communist Party of China, which may be one and the same. I have asked the Biden administration about that move, but the administration has failed to respond to date. So I am here today to discuss four areas wherein the administration must be tough with China as well as with other countries.

Since April 2015, I have conducted oversight on several key aspects of foreign efforts to influence Members of

Congress and the American public. First, I have focused on the equal, fair, and aggressive enforcement of transparency laws. An example of one transparency law that I will focus on is the Foreign Agents Registration Act.

I first raised concerns about the Foreign Agents Registration Act in April 2015, when it became very apparent that it wasn't being used hardly at all. Historically, it hasn't been used very much, and people have been getting away without registering under that act. It may be OK to represent a foreign country or a foreign interest, but at least we in Congress ought to know about it, and, in turn, the American people ought to know who you are and whom you are speaking for.

In 1938, Congress passed that law for the purpose then of exposing Nazi propaganda and identifying foreign attempts to influence policymakers as well as the American public. Last updated in 1966, the Foreign Agents Registration Act requires those who lobby on behalf of foreign governments and foreign interests to register their affiliations and activities with our Justice Department.

The Foreign Agents Registration Act reflects the fundamental principle that transparency brings accountability. Until recently, however, the law has been seldom used. The Foreign Agents Registration Act ought to be better enforced and also be equally enforced. That is why I worked to expose holes in the existing law and then find ways through additional legislation to shore it up or even use oversight to see that the Justice Department takes its use with more certainty and with more force.

As a result of those efforts, last session, I introduced a bipartisan bill that goes by the title of "Foreign Agents Disclosure and Registration Enhancement Act." Since it wasn't passed in the last Congress, I will be reintroducing it this session. The bill requires the Justice Department for the first time to craft a comprehensive enforcement strategy and to release advisory opinions to promote that transparency. It gives investigators new tools, including civil investigative demand authority, to help identify violations.

Last Congress, the bill had support from Chairman GRAHAM and Ranking Member FEINSTEIN of the Judiciary Committee and Chairman RUBIO and Vice Chairman WARNER of the Intelligence Committee. It also had bipartisan support on the Foreign Relations Committee, including from Senators SHAHEEN, RUBIO, MURPHY, and YOUNG, who have all worked to shine a light on foreign influence. We also had the signoff from the chairman of that committee, also with support from the Trump administration.

Unfortunately, when Senator CORNYN and I joined on the floor just before Christmas to ask for unanimous consent for the passage of this bill that had such broad bipartisan support, the Democrats objected even though it had

this bipartisan, multicommittee support.

So I strongly urge the Biden administration to join my efforts in making commonsense, bipartisan reforms to the Foreign Agents Registration Act and to make it a priority. My bill gets the job done.

The second point I want to raise is that I have focused my oversight on increasing nontraditional espionage activities and foreign threats targeting taxpayer-funded research.

When I was chairman of the Judiciary Committee in 2018, I convened a hearing regarding Chinese nontraditional espionage against the United States. In that hearing, both DOJ and FBI officials made very clear that the threat to our universities and taxpayer-funded research from foreign governments, especially China, is real and it is ongoing. For example, the Department of Justice witness stated:

We need to adapt our enforcement strategy to reach non-traditional collectors, including researchers in labs, universities, and the defense industrial base, some of whom may have undisclosed ties to Chinese institutions and conflicting loyalties.

The FBI witness stated that China's talent recruitment programs are effectively "brain gain programs" that "encourage theft of intellectual property from U.S. institutions."

In June of 2019, when I was chairman of the Senate Finance Committee, I held a hearing on foreign threats to taxpayer-funded research which focused heavily on China's theft and China's espionage within our research community here in the United States.

After the hearing, I organized a classified committee briefing on the topic from the Department of Health and Human Services, the National Institutes of Health, the Department of Health and Human Services inspector general, and the Department of Homeland Security.

The Trump administration ramped up government efforts to investigate and prosecute researchers for stealing intellectual property and research. The Biden administration must continue those aggressive efforts if they want to be taken seriously. Those efforts are more important now than ever. For example, during the COVID pandemic, China has used cyber attacks to try to steal COVID-related research.

Third, another focus of mine has been on propaganda efforts within our schools and universities. Specifically, that concerns China's Confucius Institutes. As an extension of the Chinese Government, the Confucius Institutes are a foreign principal for purposes of the Foreign Agents Registration Act. According to reporting, the strategic goal of the Chinese Government is to place its institutes within existing colleges and universities in order to influence perceptions of the Communist government in China under the guise of teaching Chinese language, Chinese culture, and Chinese history. In other words, we have to see this problem with open eyes.

In light of these factors, in October of 2018, I wrote to the Justice Department and asked why it had yet to require individuals working for Confucius Institutes to register as foreign agents under the Foreign Agents Registration Act.

Then, in March of 2020, I wrote to dozens of schools asking that they get a briefing from the FBI on the threats Confucius Institutes bring to the academic environment.

I have also strongly backed Senator KENNEDY's Confucius Act—that is the title of the bill—which passed the Senate just last week. In part, that bill mandates that if a school wants an institute on campus, that school must have full managerial and academic control, not control from the Chinese Government.

China's threats to our security are very real. They are known and show no sign of stopping. It is a very good sign that in the past couple of years, many universities and colleges have cut ties with Confucius Institutes. Probably some of those were on those respective campuses for a long period of time.

The Biden administration must use every tool at its disposal to protect and defend our national security from this Communist threat, which is why I wrote to the Biden Department of Homeland Security on February 11 this year regarding its withdrawal of the Confucius rule, which I thought was a very good step forward from the previous administration.

Among the questions I asked of the Department, two relate to whether the Biden administration considers the Confucius Institute to be an extension of the Communist Chinese Government as well as being purveyors of Communist Chinese propaganda. That ought to be easily recognized, and I imagine our President does recognize it, but I want to have him tell me so. So far, that Department has thus far failed to respond.

The Biden administration would be wise to answer both in the affirmative to clearly state to the country and the world where it stands regarding China's gigantic propaganda machine, of which the Confucius Institutes are only a small part. In other words, besides going after the Confucius Institutes, we have to have our eyes open to every way that the Communist Chinese and their government is trying to influence things in this country, as well as stealing things from our country.

Lastly, I want to highlight a very important issue that has recently been brought to my attention. Upon entering office, President Biden fired all U.S. Executive Directors at multilateral development banks who were currently serving out their terms. Some of these multilateral development banks are the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development.

It has been U.S. tradition for incoming Presidents to allow these nonpartisan U.S. Executive Directors to

serve in their positions until their term ends regardless of whatever administration put them in those positions. This tradition is meant to ensure that the United States maintains a consistent authoritative presence and engagement within those multilateral institutions.

In the last administration, the United States was tough on China through these development banks, and we were hoping that these people would be left in place so they could continue that tough-on-China approach. The Executive Directors who were in their respective positions made it a point to defend U.S. strategic interests by building coalitions aimed at eroding Chinese influence, which has been allowed to grow at an alarming extent. There is quite a push by the Chinese Communist Government to get involved in the highest levels of almost every international organization, not just these banks that I am talking about.

Removing these U.S. leaders from their positions prior to their terms expiring and with no replacements even nominated isn't an example of the United States leading; this is an example of our country ceding its duties and responsibilities on the world stage.

In addition to my unanswered letters, the Biden administration should inform Congress as to why it removed all Executive Directors from their positions prior to their terms expiring.

I hope President Biden knows China is aggressively growing its influence in these multilateral organizations, so now isn't the time to abandon the field. There is no time to be weak with China. We must work tirelessly to protect our way of life and our national security from the ever-present threat of the Communist Chinese Government. At the same time, we must build on the foundation that the Trump administration created to protect American taxpayers from foreign theft and espionage and propaganda.

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

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

#### NOMINATION OF MICHAEL STANLEY REGAN

Mr. CARDIN. Mr. President, today I rise to support the nomination of Michael S. Regan to be Administrator of the U.S. Environmental Protection Agency as we celebrate the Agency's 50th anniversary and the return of the United States to the Paris Agreement, which the agency will play a key role in meeting.

Reducing carbon pollution and other forms of air and water pollution has generated enormous environmental, health, and economic benefits over the last 50 years.

While the Trump administration claimed that rolling back clean air protections frees up economic activity, in fact, reducing climate emissions is critical to a thriving, sustainable economy. Fortunately, many States maintained a strong commitment to protecting air quality and addressing climate change. Maryland, under Republican and Democratic Governors, has benefitted from participating in the Regional Greenhouse Gas Initiative with 10 other States. However, the EPA is indispensable: Air pollution crosses State borders and requires strong and fair Federal regulation.

I am energized by Mr. Regan's commitment to furthering progress on environmental justice. Research shows that air pollution and climate change disproportionately harm low-income communities and communities of color. Maryland suffers disproportionately from upwind pollution from fossil-fuel fired power plants out of State.

The United States District Court for the District of Columbia's recent rejection of the Trump administration's efforts to weaken carbon pollution limits for power plants clears the way for the EPA to set thoughtful standards that will effectively slash carbon emissions from the electricity sector and create clean energy-related jobs.

Now that President Biden has returned our Nation to the Paris Agreement, the EPA has a critical role to ensure America leads by example at home. After all, this is the Federal agency the Endangerment Finding obligates to take action under the Clean Air Act to curb emissions of carbon pollution from vehicles, power plants, and other industries.

Carbon neutrality is the policy tool that may drive economic recovery and innovation for the coming decades.

This goal to achieve a 100-percent clean energy economy and net-zero emissions no later than 2050 would align us with a pathway to limit global temperature rise by 1.5 degrees Celsius and help avert the most catastrophic effects of climate change. The EPA will play an increasingly important role in climate policy, which will be a key element of economic policy, domestically and internationally.

The EPA's climate responsibilities include the phase-down of hydrofluorocarbons—HFCs—potent greenhouse gases used as coolants in refrigerators, air conditioners, and industrial applications that are the subject of the Kigali Amendment to the Montreal Protocol, a global agreement to protect the ozone layer. The bipartisan Consolidated Appropriations Act of 2021 provided authority to allow for the phase-down of HFCs and subsequent transition to the newer, better alternatives.

Rebuilding scientific expertise is fundamental to the ability of the EPA to carry out this and other climate responsibilities. The Union of Concerned Scientists recently reported that the EPA lost more than 1,000 scientists be-

tween its highest reported number of scientists in early 2017 and its lowest reported number of scientists at the end of 2019. On average, the Agency lost over 200 scientists per year between 2016 and 2020. I am relieved North Carolina Governor Cooper commended Mr. Regan for restoring morale among career staff at the Department of Environmental Quality and emphasizing a respect for science. He will need to do the same at EPA.

The Environmental Protection Agency should be the last workplace to have vacancies during a climate crisis that is undeniable. In 2018 alone, there were 14 separate billion-dollar weather and climate disasters in the United States, with a total cost of \$91 billion. These costs will likely rise due to climate change.

Carbon dioxide released into waterways as a result of water pollution by nutrients is enhancing unwanted changes in ocean acidity due to atmospheric increases in carbon dioxide. The changes may already be affecting commercial fish and shellfish populations, according to data and model predictions published in the American Chemical Society's journal, *Environmental Science & Technology*. A new study by the Smithsonian Environmental Research Center also shows that oysters stressed by low dissolved oxygen and warm water—the result of extreme weather events—early in life grow thicker shells and less meat, which threatens a way of life for Maryland oyster fishers and growers.

The EPA also leads the Federal agency partners in engaging the Chesapeake Bay Program, a grassroots effort with bipartisan support to preserve and restore the largest estuary in the country. Executive Order 13508 declaring the Chesapeake Bay Watershed a national treasure established a goal of restoring oyster populations in 20 tributaries of the Chesapeake Bay by 2025.

Over the past 4 years, the Trump administration sought to undermine the Chesapeake Bay Program and roll back Clean Water Act protections critical to the restoration effort, proposing to eliminate the EPA program's budget in total dereliction of its duties as a key Federal partner. Despite these setbacks, the Chesapeake Bay Program partners have made steady progress toward achieving the nutrient reduction goals set out in 2010 in the Chesapeake Clean Water Blueprint to have 100 percent of measures in place by 2025 to achieve fishable, swimmable water quality standards.

This is significantly more likely once the EPA returns to proper levels of staffing and funding. As Administrator, I am confident Mr. Regan will respect science and the duties of the Agency to lead the Chesapeake Bay Program through this substantial milestone.

The EPA is the lynchpin in the Chesapeake Bay Program. Maryland farmers have successfully stepped up to the plate to achieve nutrient reduction goals. Their efforts will be diminished,

however, if the EPA does not act as arbiter to hold States accountable for pollution upstream. Therefore, I was particularly pleased to see that the agricultural community widely supports Mr. Regan's nomination.

Both the global effort to combat climate change and the regional Chesapeake Bay restoration effort are enormously challenging. Yet the prospect of confirming Michael Regan to be the Administrator of an EPA that produces policy based on Scientific evidence and robust community input has me hopeful that we can sustain a healthy, vibrant watershed and Nation for generations to come.

#### VOTE ON REGAN NOMINATION

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote that was set for 5:23 begins right now.

I ask for the yeas and nays.

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

Will the Senate advise and consent to the Regan nomination?

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 116 Ex.]

#### YEAS—66

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

#### NAYS—34

Barrasso	Hagerty	Risch
Blackburn	Hawley	Sasse
Blunt	Hoeven	Scott (FL)
Boozman	Inhofe	Scott (SC)
Capito	Johnson	Shelby
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Young
Daines	Moran	
Ernst	Paul	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSSOFF). The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that with respect to the Regan nomination, the motion 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. Mr. President, first, let me explain to the public and the

Senators what we are doing here. In the bipartisan agreement we faced under a 50–50 Senate, the rules say that if there were a tie vote, the majority leader has the ability to discharge the nomination from committee and then there be a vote on the floor.

In this case, the nomination of Xavier Becerra to be Secretary of Health and Human Services, there was a tie vote in the Finance Committee. And what I will be doing in a moment is invoking that rule so that there can be 4 hours of debate on the motion, equally divided, and we will debate whether Becerra should be approved. Obviously, he only needs approval with 50 or 51 votes if the Vice President comes to break the tie.

I will say a brief word here. It is confounding to me that Mr. Becerra, Xavier Becerra, did not get some votes from the other side of the aisle. He is an eminently qualified member. He was an outstanding Member of Congress. He was a very good Attorney General, and he has led the charge to keep people's healthcare. When he was Attorney General, he was involved in the lawsuits of those who wanted to repeal the ACA. And if that is the reason our Republican colleagues are objecting—because he wants to keep and preserve the Affordable Care Act, which is very popular with the American people and very needed—I am surprised. It is yesterday's news.

I know in 2010 a lot of people came here, "Repeal ACA," but as the public got to know the ACA, they saw how good it was. And there is not much groundswell out there, except among some, the hard right, to repeal it. So I am surprised. And then we heard: Well, he is not a doctor. I would remind my colleagues that the last nominee for HHS they supported was a drug company executive. Are our Republican friends saying they would rather have a drug company executive who was not a doctor either than somebody who has been a very careful, smart attorney who has been fighting for people to get better healthcare? I am surprised.

So I hope that we may get a few of our colleagues to join us tomorrow and vote for Mr. Becerra. I don't think it will serve the country well or the Republicans well to be so adamantly opposed to him. But let me now proceed.

#### MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Committee on Finance, being tied on the question of reporting, I move to discharge the Senate Finance Committee from further consideration of the nomination of Xavier Becerra, of California, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. Mr. President, for the information of all Senators, we expect a vote on the motion to discharge to occur at approximately 12 noon on Thursday, March 11, 2021.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

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

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

#### TRIBUTE TO BRAD RICHARDSON

Mr. McCONNELL. Mr. President, it was one decade ago that my friend Brad Richardson saw an opportunity in Hardin County. The community was ready to step on the gas pedal and start a new era of growth. It had the raw materials: a dynamic workforce, a premium location, and a strong ally in Fort Knox. All it needed was the right person to lead the way. Today, I would like to pay tribute to Brad, a visionary leader who helped realize the area's potential. At the end of this month, he will begin a well-deserved retirement with our sincere thanks.

The first step was bringing everyone together. Brad is a natural team builder. He oversaw the consolidation of four local business advocacy groups into the Hardin County Chamber of Commerce. The new organization would help attract investment to one of Kentucky's most populous counties. As the chamber's inaugural president, Brad spent the next decade doing just that.

One of Brad's first moves at the new Hardin Chamber was to restart the annual Small Business Expo. The event gives local entrepreneurs the opportunities to connect with customers and local leaders as they expand their operations. Brad also launched a Buy Local campaign to keep Hardin County's dollars in the community. In 2014, he was named the Chamber Executive of the Year by the Kentucky Chamber of Commerce Executives.

Hardin County is more than a great place to live and work. It is also the proud home to Fort Knox, one of Kentucky's premier military installations and the location of the U.S. bullion depository. The installation supports over 20,000 local jobs and makes a multibillion dollar annual economic impact. In 2016, Brad was a driving force in the establishment of the Knox Regional Development Alliance. The group is tasked with promoting the relationship between the community and our Armed Forces. For his work to encourage the partnership, Brad was given the Fort Knox Gold Neighbor Award.

I've worked closely with Brad and KRDA to invest in Fort Knox's infrastructure and capabilities. Last year,

that hard work paid off. The Pentagon selected Fort Knox to host the reactivated V Corps headquarters. Kentucky is one of the most military-friendly States in the country, and Hardin County was eager to welcome more than 600 additional soldiers. I am grateful to KRDA, Brad and his team, and our many other partners who made the stationing of the V Corps at Fort Knox a reality.

Over the years, Brad increased chamber membership and made substantial innovations for his community and our Commonwealth. That record of accomplishment would be enough for anyone. But Brad was determined to bring his good humor and enthusiasm to every project. He made it a real pleasure to be part of his team. When Brad took this job, he set an ambitious goal to enhance the quality of life in Hardin County. By any objective standard, I think he succeeded.

So we are all going to miss working with Brad at the Hardin County Chamber of Commerce. Along with his colleagues and friends, I extend my best wishes for a fulfilling retirement. On behalf of the Senate, I would like to congratulate Brad on all of his success and to thank him for many years of leadership in Kentucky.

#### NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. BROWN. Mr. President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

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

*To the Secretary of the Senate:*

PN116, the nomination of Rohit Chopra, of the District of Columbia, to be Director, Bureau of Consumer Financial Protection for a term of five years, having been referred to the Committee on Banking, Housing, and Urban Affairs, the Committee with a quorum present, has voted on the nomination as follows—

1. On the question of reporting the nomination favorably with the recommendation that the nomination be confirmed 12 ayes to 12 noes; and

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee on Banking, Housing, and Urban Affairs has not reported the nomination because of a tie vote and ask that this notice be printed in the Record pursuant to the Resolution.

#### AMERICAN RESCUE PLAN ACT OF 2021

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a letter sent to the U.S. Senate from Cathy and Bill Schreiber of Wilson, WY.

I recently had the opportunity to visit with Bill. He shared with me his optimism for the future of our Nation and his belief that the “worst of the pandemic is behind us.”

In their letter, Cathy and Bill expressed support for helping those most

impacted by the COVID-19 pandemic. Like many people, they felt assistance should be targeted to only those individuals truly impacted by the pandemic. They offered sincere, honest options to make sure the relief got in the hands of those who need it, while limiting the financial strains additional debt spending will create for our Nation.

Cathy and Bill asked that I share their letter with the Senate. It expresses their confidence in the future and their compassion for others who continue to be adversely impacted by the current pandemic. I ask unanimous consent that their letter be printed in the RECORD.

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

MARCH 3, 2021.

U.S. SENATE,  
Washington, DC.

DEAR SENATORS: I want to start by thanking you all for the hard work you have all performed over the last year dealing with the COVID 19 pandemic. The economic relief and stimulus bills that you have passed starting last March have made all the difference in the world! Without this support from the federal government I believe the country would have descended into the greatest depression the country has ever experienced. And that would negatively effect the world economy.

As indicated by the amazing rebound in the stock market, it is clear that the current economic slow down is a health problem, not a systemic economic problem. I live and work in a small resort in northwest Wyoming and our community was hit very hard early last year. But now the economy is strong again and the unemployment rate is less than 4%! That means over 90% of the workforce is working. With the number of vaccines being administered now close to two million doses a day and vaccine availability ramping up very quickly, I believe the worst of the pandemic is behind us.

So now it is time to focus on the people who got hit hard by COVID. And there are millions. I see that the Senate is reducing the income eligibility for stimulus checks and I believe that is a good thing. I hope it can focus the \$1,400 payments to an even higher degree to the people that need them. This will help the bill be more bipartisan which will set the tone for future legislation! This is SO important right now.

It appears to me that my wife and I will qualify for the full \$2,800 stimulus check based on our income from 2019. But we would not qualify based on our 2020 income. We do not need the stimulus check. The check we received last spring we gave to people we knew who had lost their jobs. We will do the same thing again if we do receive a check, but we would much rather see less money borrowed by the U.S. government than giving money to the millions of workers that have not been financially effected by the pandemic. I would like you all to compromise a little and consider the following.

Treat the stimulus checks received in 2021 as ordinary income. This way folks that have made great financial gains over the last year will give some back to the U.S. treasury.

Restrict who gets checks based on net worth. Pick a number. I understand this is difficult to determine but it can be done.

Have state and local governments provide revenue statements for the last 24 months to see which ones really needs help. The county I live in does not need any financial help in

my opinion. A 5% reduction in revenue is not the end of the world. It is even healthy in my opinion.

Keep some extra “gunpowder” for some more future support for the unemployed for later this year and 2022.

Start to discuss how the government is going to pay this money back. These trillion-dollar sums become meaningless after a while. If the taxpayers of this county were to pay 10 million dollars a day towards this new debt, it would take 530 years to pay it off! And that amount does not even account for any interest.

And last, please remove funding for special projects and put them in a separate piece of legislation.

I know that fundamentally all Senators basically want the same near-term result. The pandemic to be behind us and that all Americans who have been hit hard by it be helped through the next year or two. I believe the economy is going to come roaring back very soon. It will be different but strong.

I thank you for your time.

Sincerely,

CATHY AND BILL SCHREIBER,  
Wilson, Wyoming.

P.S. Please reduce the proposed stimulus bill by \$2,800 on our behalf.

#### MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1276. An act to authorize the Secretary of Veterans Affairs to furnish COVID-19 vaccines to certain individuals, and for other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1319) to provide for reconciliation pursuant to title II of S. Con. Res. 5.

#### ENROLLED BILL SIGNED

At 4:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1319. An act to provide for reconciliation pursuant to title II of S. Con. Res. 5.

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

#### 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-603. A communication from the Director of the Regulations Management Division, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Rural eConnectivity Program” (RIN0572-AC51) received in the Office of the President of the Senate on March 5, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-604. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency that

was declared in Executive Order 12957 of March 15, 1995, with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-605. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending the Yemen Sanctions Regulations" (31 CFR Part 552) received in the Office of the President of the Senate on March 4, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-606. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Higher-Priced Mortgage Loan Escrow Exemption (Regulation Z)" (RIN3170-AA83) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-607. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Final Rule - Assessments, Amendments to Address the Temporary Deposit Insurance Assessment Effects of the Optional Regulatory Capital Transitions for Implementing the Current Expected Credit Losses Methodology" (RIN3064-AF65) received in the Office of the President of the Senate on March 4, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-608. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Final Rule - Role of Supervisory Guidance" (RIN3064-AF32) received in the Office of the President of the Senate on March 4, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC-609. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Emergency Broadband Benefit Program" ((RIN3060-AL16) (WC Docket No. 20-445)) received in the Office of the President of the Senate on March 5, 2021; to the Committee on Commerce, Science, and Transportation.

EC-610. A communication from the Regulations Coordinator, Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Fraud and Abuse: Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees; Delayed Effective Date" (RIN0936-AA08) received in the Office of the President of the Senate on March 4, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-611. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, six (6) reports relative to vacancies in the Office of Management and Budget, received in the Office of the President of the Senate on March 5, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC-612. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; San Diego Bay, San Diego, California" ((RIN1625-AA87) (Docket No. USCG-2021-0070)) received in the Office of the President of the Senate on March 4, 2021;

to the Committee on Commerce, Science, and Transportation.

EC-613. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Lower Mississippi River, Mile Markers 330.0 - 360.0, Mississippi" ((RIN1625-AA00) (Docket No. USCG-2021-0036)) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Commerce, Science, and Transportation.

EC-614. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Duluth-Superior Harbor, Duluth, Minnesota and Superior, Wisconsin" ((RIN1625-AA00) (Docket No. USCG-2021-0034)) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Commerce, Science, and Transportation.

EC-615. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Emergency Safety Zone; Richmond Entrance Channel, Richmond, California" ((RIN1625-AA00) (Docket No. USCG-2021-0057)) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Commerce, Science, and Transportation.

EC-616. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Power Plant Demolition; Grand River, Grand Haven, Michigan" ((RIN1625-AA00) (Docket No. USCG-2021-0035)) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Commerce, Science, and Transportation.

EC-617. A communication from the Yeoman Chief Petty Officer, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Old Ford Bayou, Mississippi" ((RIN1625-AA09) (Docket No. USCG-2018-0968)) received in the Office of the President of the Senate on March 3, 2021; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-5. A petition from a citizen of the State of Texas relative to the impeachment process; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BROWN for the Committee on Banking, Housing, and Urban Affairs.

\*Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021.

\*Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026.

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

\*Shalanda D. Young, of Louisiana, to be Deputy Director of the Office of Management and Budget.

By Mr. SANDERS for the Committee on the Budget.

\*Shalanda D. Young, of Louisiana, to be Deputy Director of the Office of Management and Budget.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 653. A bill to amend title XVIII of the Social Security Act to provide for the application of Medicare secondary payer rules to certain workers' compensation settlement agreements and qualified Medicare set-aside provisions; to the Committee on Finance.

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

S. 654. A bill to reauthorize the Blue Ridge National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 655. A bill to amend the Natural Gas Act to provide that the United States district courts shall not have jurisdiction to condemn property in which a State holds any interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT of South Carolina (for himself, Mr. TILLIS, Mr. COTTON, Mrs. HYDE-SMITH, Mr. HAWLEY, Mr. CRAMER, Mr. RISCH, Mr. BRAUN, Mr. SASSE, Mr. BLUNT, Mr. LANKFORD, Mr. LEE, Mr. CRUZ, Ms. ERNST, Mr. DAINES, Mr. WICKER, Mr. HAGERTY, Mr. CORNYN, Mr. INHOFE, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mr. CASSIDY, and Mr. KENNEDY):

S. 656. A bill to ensure that organizations with religious or moral convictions are allowed to continue to provide services for children; to the Committee on Finance.

By Mr. BOOZMAN (for himself, Mr. TESTER, Mr. WYDEN, Mrs. GILLIBRAND, Ms. WARREN, Mr. PORTMAN, Ms. HASSAN, and Mr. BRAUN):

S. 657. A bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself and Mr. LEAHY):

S. 658. A bill to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. YOUNG (for himself, Mr. TESTER, Mr. MORAN, Mr. MANCHIN, Mr. INHOFE, Mr. KING, Mr. COTTON, and Ms. SINEMA):

S. 659. A bill to require the Secretary of Transportation to promulgate regulations relating to commercial motor vehicle drivers under the age of 21, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SMITH (for herself and Ms. MURKOWSKI):



S. 660. A bill to require parity in the coverage of mental health and substance use disorder services provided to enrollees in private insurance plans, whether such services are provided in-person or through telehealth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Ms. SMITH, Mr. CRAMER, Mr. MANCHIN, Mr. DAINES, Mrs. CAPITO, Mr. BAR-RASSO, and Mr. TESTER):

S. 661. A bill to amend the Internal Revenue Code of 1986 to modify the qualifying advanced coal project credit, and for other purposes; to the Committee on Finance.

By Mrs. FISCHER (for herself and Ms. SMITH):

S. 662. A bill to establish an interactive online dashboard to allow the public to review information for Federal grant funding related to mental health programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VAN HOLLEN (for himself, Mr. CARDIN, and Ms. KLOBUCHAR):

S. 663. A bill to direct the Joint Committee on the Library, in accordance with section 1831 of the Revised Statutes, to accept a statue depicting Harriet Tubman from the Harriet Tubman Statue Commission of Maryland and display the statue in a prominent location in the Capitol; to the Committee on Rules and Administration.

By Mr. PAUL (for himself, Ms. HASSAN, Mr. LANKFORD, and Ms. ERNST):

S. 664. A bill to require the Comptroller General of the United States to review certain legislation in order to identify potential risks of duplication of and overlap with existing Federal programs, offices, and initiatives; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 665. A bill to allow Federal funds appropriated for kindergarten through grade 12 education to follow the student; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 666. A bill to modify the criteria used by the Corps of Engineers to dredge small ports; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 667. A bill to provide regulatory relief to alternative fuel producers and consumers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 668. A bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, to amend the Migratory Bird Treaty Act to permit the taking of certain black vultures and ravens, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURPHY:

S. 669. A bill to provide for the appropriate balance of empowering diplomats to pursue vital diplomatic goals and mitigating security risks at United States diplomatic posts, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. WICKER):

S. 670. A bill to amend the Federal Food, Drug, and Cosmetic Act to accelerate development of therapies across the spectrum of rare diseases and conditions and facilitate patient access to such therapies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself and Mr. LANKFORD):

S. 671. A bill to require the collection of voluntary feedback on services provided by agencies, and for other purposes; to the Com-

mittee on Homeland Security and Governmental Affairs.

By Ms. HASSAN (for herself, Ms. ERNST, Mr. CARPER, Ms. MURKOWSKI, and Mr. CRAMER):

S. 672. A bill to amend title 31, United States Code, to save Federal funds by authorizing changes to the composition of circulating coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. KENNEDY, Mr. BOOKER, Mr. PAUL, and Mr. WHITEHOUSE):

S. 673. A bill to provide a temporary safe harbor for publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. BENNET, Mr. BROWN, Ms. WARREN, Mr. REED, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SCHATZ, Ms. BALDWIN, Mr. MENENDEZ, Ms. SMITH, Ms. DUCKWORTH, Mr. CASEY, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Ms. ROSEN, Mr. HIRONO, Mr. DURBIN, and Mrs. GILLIBRAND):

S. 674. A bill to support public health infrastructure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. CORNYN, Ms. DUCKWORTH, Mr. RUBIO, Mr. CARPER, Mr. LANKFORD, Ms. KLOBUCHAR, Ms. COLLINS, Mr. MANCHIN, Mr. TOOMEY, Mr. GRAHAM, and Mrs. SHAHEEN):

S. 675. A bill to provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on prosecutions secured against prohibited persons who attempt to acquire a firearm; to the Committee on the Judiciary.

By Mr. CRUZ (for himself and Mrs. BLACKBURN):

S. 676. A bill to address foreign threats to higher education in the United States; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. PAUL, Ms. ERNST, Mr. LANKFORD, Mr. HAWLEY, and Mr. HAGERTY):

S. 677. A bill to require annual reports on allied contributions to the common defense, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. CRAMER, Mr. ROUNDS, Mrs. HYDE-SMITH, Mr. MARSHALL, and Mrs. BLACKBURN):

S. 678. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Mr. SANDERS, Mr. DURBIN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BOOKER, and Ms. SMITH):

S. 679. A bill to authorize additional monies to the Public Housing Capital Fund of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHATZ (for himself and Mrs. SHAHEEN):

S. 680. A bill to award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. BOOKER, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. MARKEY, Ms. BALDWIN, Mr. WYDEN, Mr. SANDERS, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. PADILLA, Ms. ROSEN, Ms. HIRONO, Mr. BROWN, Mrs. FEINSTEIN, and Mr. MENENDEZ):

S. 681. A bill to report data on COVID-19 immigration detention facilities and local correctional facilities that contract with U.S. Immigration and Customs Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself, Mr. BOOZMAN, Mr. MORAN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. TILLIS, Mr. BROWN, Mrs. BLACKBURN, Ms. SINEMA, Ms. HASSAN, Mr. TUBERVILLE, Mr. COONS, Mr. CRAMER, and Mr. ROUNDS):

S. 682. A bill to authorize the Secretary of Veterans Affairs to furnish a vaccine for COVID-19 to certain individuals who are not enrolled in the patient enrollment system of the Department of Veterans Affairs; to the Committee on Veterans Affairs.

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

S. 683. A bill to amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum, and for other purposes; to the Committee on Finance.

By Mr. MARKEY (for himself, Mr. SULLIVAN, and Mr. VAN HOLLEN):

S. 684. A bill to direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to build safe and connected options for bicycles and walkers within and between communities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 685. A bill to amend the Internal Revenue Code of 1986 to establish a carbon fee to reduce greenhouse gas emissions, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Ms. BALDWIN, and Ms. SMITH):

S. 686. A bill to amend the Internal Revenue Code of 1986 to address the teacher and school leader shortage in early childhood, elementary, and secondary education, and for other purposes; to the Committee on Finance.

By Mr. RISCH (for himself, Mr. ROMNEY, Mr. YOUNG, Mr. SULLIVAN, Mr. ROUNDS, Mr. WICKER, Mr. RUBIO, Mr. HAGERTY, and Mr. PORTMAN):

S. 687. A bill to advance a policy for managed strategic competition with the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. TILLIS, and Ms. ROSEN):

S. 688. A bill to prohibit contracting with persons that have business operations with the Maduro regime, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Mr. CRUZ, and Mr. SCOTT of Florida):

S. 689. A bill to prohibit the removal of Cuba from the list of state sponsors of terrorism until Cuba satisfies certain conditions, and for other purposes; to the Committee on Foreign Relations.

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

S. 690. A bill to expedite the provision of humanitarian assistance, including life-saving medical care, to the people of North Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEE (for himself, Mr. MORAN, and Mr. PAUL):

S. 691. A bill to provide for congressional review of the imposition of duties and other trade measures by the executive branch, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. MORAN, Ms. HASSAN, and Mrs. BLACKBURN):

S. 692. A bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the "Hello Girls"; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. ROSEN (for herself and Mr. SCOTT of Florida):

S. 693. A bill to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CORTEZ MASTO (for herself, Ms. COLLINS, Mr. HEINRICH, Ms. MURKOWSKI, Mr. MERKLEY, Ms. HIRONO, and Ms. STABENOW):

S. 694. A bill to require the Secretary of Energy to provide grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO (for herself and Mr. CRAMER):

S. 695. A bill to improve the Safe Routes to School Program, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CORTEZ MASTO (for herself, Mr. ROMNEY, Mr. MANCHIN, and Mr. BOOZMAN):

S. 696. A bill to amend the Secure Rural Schools and Community Self-Determination Act of 2000 to allow counties to use certain funds to provide or expand access to broadband telecommunications services and other technologies; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BRAUN (for himself and Mr. YOUNG):

S. Res. 102. A resolution recognizing the 100th anniversary of The Hoosier Gym and the 35th anniversary of the release of the film "Hoosiers"; considered and agreed to.

By Mr. SCOTT of Florida (for himself, Mr. SULLIVAN, Mr. WICKER, Mr. TILLIS, and Mr. HAWLEY):

S. Res. 103. A resolution condemning military aggression and use of force by the Chinese Coast Guard against peaceful foreign vessels that purportedly violate the unlawful maritime sovereignty of China; to the Committee on Foreign Relations.

By Ms. WARREN (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CASEY, Mr.

COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. PADILLA, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, and Mr. WHITEHOUSE):

S. Res. 104. A resolution recognizing the centennial of the 1921 Tulsa Race Massacre; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 15

At the request of Ms. KLOBUCHAR, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 15, a bill to require the Federal Trade Commission to submit a report to Congress on scams targeting seniors, and for other purposes.

S. 50

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 50, a bill to temporarily designate Venezuela under section 244(b) of the Immigration and Nationality Act to permit eligible nationals of Venezuela to be granted temporary protected status.

S. 89

At the request of Ms. SINEMA, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 89, a bill to require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID-19 to determine whether their service-connected disabilities were the principal or contributory causes of death, and for other purposes.

S. 195

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 195, a bill to amend title 23, United States Code, to require the Secretary of Transportation to provide States applying for distracted driving grants an explanation of the eligibility decision with respect to the State, and for other purposes.

S. 300

At the request of Mr. BOOKER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 300, a bill to address the history of discrimination against Black farmers and ranchers, to require reforms within the Department of Agriculture to prevent future discrimination, and for other purposes.

S. 307

At the request of Ms. CORTEZ MASTO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 307, a bill to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to make grants for travel promotion, and for other purposes.

S. 368

At the request of Mr. SCOTT of South Carolina, the name of the Senator from

Maine (Mr. KING) was added as a cosponsor of S. 368, a bill to amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program related to the COVID-19 public health emergency.

S. 419

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 419, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 425

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

S. 437

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

S. 475

At the request of Mr. MARKEY, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 475, a bill to amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday.

S. 584

At the request of Ms. HASSAN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 584, a bill to amend title XVIII of the Social Security Act to provide coverage of medical nutrition therapy services for individuals with eating disorders under the Medicare program.

S. 595

At the request of Mr. VAN HOLLEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 595, a bill to prohibit the use of funds for the research and development, production, or deployment of the nuclear-armed sea-launched cruise missile and its associated nuclear warhead.

S. 623

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 623, a bill to make daylight saving time permanent, and for other purposes.

S. 628

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 628, a bill to increase access to agency guidance documents.

S. 631

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 631, a bill to direct the Secretary

of Health and Human Services, acting through the Director of the National Institute of Mental Health, to conduct or support research on the mental health consequences of SARS-CoV-2 or COVID-19, and for other purposes.

S. 635

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 635, a bill to reauthorize The Last Green Valley National Heritage Corridor and the Upper Housatonic Valley National Heritage Area, and for other purposes.

S. 644

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. SMITH), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 644, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program, and for other purposes.

S. RES. 95

At the request of Mr. BOOKER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. Res. 95, a resolution recognizing the disproportionate impact of COVID-19 on women and girls globally.

S. RES. 96

At the request of Ms. ROSEN, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. Res. 96, a resolution designating March 8 through March 14, 2021, as "Women of the Aviation Workforce Week".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN:

S. 685. A bill to amend the Internal Revenue Code of 1986 to establish a carbon fee to reduce greenhouse gas emissions, and for other purposes; to the Committee on Finance.

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

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

S. 685

*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 "America's Clean Future Fund Act".

#### SEC. 2. CLIMATE CHANGE FINANCE CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an independent agency, to be known as the "Climate Change Finance Corporation" (referred to in this section as the "C2FC"), which shall finance clean en-

ergy and climate change resiliency activities in accordance with this section.

(2) MISSION.—

(A) IN GENERAL.—The mission of the C2FC is to combat and reduce the effects of climate change by building resiliency among communities facing harmful impacts of climate change and supporting a dramatic reduction in greenhouse gas emissions—

(i) through the deployment of clean and renewable technology, resilient infrastructure, research and development, the commercialization of new technology, clean energy manufacturing, and industrial decarbonization; and

(ii) to meet the goals of—

(I) by 2030, a net reduction of greenhouse gas emissions by 45 percent, based on 2018 levels; and

(II) by 2050, a net reduction of greenhouse gas emissions by 100 percent, based on 2018 levels.

(B) ACTIVITIES.—The C2FC shall carry out the mission described in subparagraph (A) by—

(i) financing investments in clean energy and transportation, resiliency, and infrastructure;

(ii) using Federal investment to encourage the infusion of private capital and investment into the clean energy and resilient infrastructure sectors, while creating new workforce opportunities; and

(iii) providing financing in cases where private capital cannot be leveraged, while minimizing competition with private investment.

(3) EXERCISE OF POWERS.—Except as otherwise provided expressly by law, all Federal laws dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, United States Code, shall apply to the exercise of the powers of the C2FC.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The management of the C2FC shall be vested in a Board of Directors (referred to in this section as the "Board") consisting of 7 members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—A Chairperson and Vice Chairperson of the Board shall be appointed by the President, by and with the advice and consent of the Senate, from among the individuals appointed to the Board under paragraph (1).

(B) TERM.—An individual—

(i) shall serve as Chairperson or Vice Chairperson of the Board for a 3-year term; and

(ii) may be renominated for the position until the term of that individual on the Board under paragraph (3)(C) expires.

(3) BOARD MEMBERS.—

(A) CITIZENSHIP REQUIRED.—Each member of the Board shall be an individual who is a citizen of the United States.

(B) REPRESENTATION.—The members of the Board shall fairly represent agricultural, educational, research, industrial, nongovernmental, labor, and commercial interests throughout the United States.

(C) TERM.—

(i) IN GENERAL.—Except as otherwise provided in this section, each member of the Board—

(I) shall be appointed for a term of 6 years; and

(II) may be reappointed for 1 additional term.

(ii) INITIAL STAGGERED TERMS.—Of the members first appointed to the Board—

(I) 2 shall each be appointed for a term of 2 years;

(II) 3 shall each be appointed for a term of 4 years; and

(III) 2 shall each be appointed for a term of 6 years.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board are appointed under paragraph (1), the Board shall hold an initial meeting.

(c) WORKING GROUPS.—

(1) IN GENERAL.—The Board shall create, oversee, and incorporate feedback from the following working groups (each referred to in this section as a "working group"):

(A) An environmental justice working group.

(B) A worker and community transition assistance working group.

(C) A research and innovation working group.

(2) WORKING GROUP MEMBERS.—

(A) IN GENERAL.—Each working group shall—

(i) be chaired by a Board member; and

(ii) comprise not less than 10 and not more than 20 individuals, who shall be experts, members of directly impacted communities relating to the subject matter of the working group, and other relevant stakeholders.

(B) DIVERSITY.—Individuals on a working group shall, to the maximum extent practicable, represent—

(i) a diverse array of interests related to the subject matter of the working group; and

(ii) diverse geographical, racial, religious, gender, educational, age, disability, and socioeconomic backgrounds.

(3) MEETINGS.—Each working group shall meet not less than 2 times per year.

(4) COMMUNITY AND STAKEHOLDER ENGAGEMENT.—

(A) IN GENERAL.—Each working group shall create and engage in meaningful community and stakeholder involvement opportunities, including through regular community engagement activities, for purposes of—

(i) maintaining up-to-date situational awareness about the needs of relevant communities and stakeholders;

(ii) using the feedback obtained through those opportunities to inform the advice of the working group to the Board; and

(iii) providing a mechanism for direct and substantial community feedback relating to the investment plan and the funding decisions of the C2FC.

(B) PUBLIC AWARENESS.—Each working group shall inform the public about C2FC investment by engaging in public awareness campaigns, which shall target relevant communities through electronic media, newspapers, radio, direct mailings, canvassing, or other outreach methods suited for the relevant community.

(C) BROAD PARTICIPATION.—In carrying out subparagraph (A), each working group shall, to the maximum extent practicable, maximize participation from a broad group of stakeholders, including by holding multiple meetings with significant advance notice and holding meetings at different times and in multiple languages.

(5) TASKS.—Each working group shall, as it relates to the subject matter of the working group—

(A) advise and provide general input to the Board regarding loans and grants provided by the C2FC; and

(B) consult with and, based on the activities described in paragraph (4), provide recommendations to, the Board in the development of and updates to the investment plan of the C2FC.

(d) INVESTMENT PLAN.—

(1) IN GENERAL.—The Board, in consultation with each working group described in subsection (c)(1), shall develop an investment plan (referred to in this subsection as the "investment plan") for the C2FC in accordance with this subsection.

(2) PURPOSES.—The purposes of the investment plan are—

(A) to ensure that investments made by the C2FC—

- (i) are equitable and reach the prioritized communities described in subsection (e)(2);
- (ii) are effective at progressing towards the goals described in subsection (a)(2)(A)(ii);
- (iii) support the advancement of research in clean technologies and resilience; and
- (iv) are transparent to the public; and

(B) to provide methods and standards by which the Board and the working groups described in subsection (c)(1) shall choose projects in which to invest.

(3) DISTRIBUTION OF GRANT FUNDS.—The initial investment plan shall require that, of the total amount of grant funds provided under subsection (e)(3)(A) each year, not less than 40 percent shall be used to benefit communities described in subsection (e)(2)(A).

(4) INVESTMENT PLAN UPDATES.—

(A) IN GENERAL.—The Board, in consultation with each working group described in subsection (c)(1), shall update the investment plan not later than December 31, 2023, and every 4 years thereafter, including by taking into account—

- (i) the current needs of the prioritized communities described in subsection (e)(2);
- (ii) the effectiveness of the previous investment plan in addressing the needs of those communities;
- (iii) the current state of relevant research and technology;
- (iv) the resiliency needs of local communities;
- (v) the goals described in subsection (a)(2)(A)(ii); and
- (vi) the 2 most recent program reviews conducted under subsection (f).

(B) EFFECTIVENESS.—An investment plan shall remain in effect until the date on which the Board approves an updated investment plan.

(C) PUBLIC INPUT.—In updating the investment plan, the Board and the working groups described in subsection (c)(1) shall—

- (i) engage stakeholders and the public in a public comment and feedback process; and
- (ii) ensure that the prioritized communities described in subsection (e)(2) have access to participate in that process.

(5) PUBLIC UPDATES.—The Board shall make publicly available on a quarterly basis information relating to the expenditure of funds under the investment plan.

(e) INVESTMENT TOOLS.—

(1) DEFINITIONS.—In this subsection:

(A) COMMUNITY OF COLOR.—The term “community of color” means a geographically distinct area in which the population of any of the following categories of individuals is higher than the average population of that category for the State in which the community is located:

- (i) Black.
- (ii) African American.
- (iii) Asian.
- (iv) Pacific Islander.
- (v) Other non-White race.
- (vi) Hispanic.
- (vii) Latino.
- (viii) Linguistically isolated.

(B) ELIGIBLE BORROWER.—The term “eligible borrower” means any person, including a business owner or project developer, that seeks a loan to carry out approved practices or projects described in subparagraph (A)(i) of paragraph (3) from an eligible lender that may receive a loan guarantee under that paragraph for that loan, according to criteria determined by the C2FC.

(C) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (i) a State;
- (ii) an Indian Tribe;
- (iii) a unit of local government; and

(iv) a research and development institution (including a National Laboratory).

(D) ELIGIBLE LENDER.—The term “eligible lender” means—

- (i) a Federal- or State-chartered bank;
- (ii) a Federal- or State-chartered credit union;
- (iii) an agricultural credit corporation;
- (iv) a United States Green Bank Institution;
- (v) a community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702));
- (vi) a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note; Public Law 101-73)); and
- (vii) any other lender that the Board determines has a demonstrated ability to underwrite and service loans for the intended approved practice for which the loan will be used.

(E) ENVIRONMENTAL JUSTICE COMMUNITY.—The term “environmental justice community” means a community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

(F) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(G) LOW-INCOME COMMUNITY.—The term “low-income community” means any census block group in which 30 percent or more of the population are individuals with an annual household income equal to, or less than, the greater of—

- (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and
- (ii) 200 percent of the Federal poverty line.

(H) STATE.—The term “State” means—

- (i) a State;
- (ii) the District of Columbia;
- (iii) the Commonwealth of Puerto Rico; and
- (iv) any other territory or possession of the United States.

(2) COMMUNITY PRIORITIZATION.—In providing financial and other assistance under paragraph (3), the C2FC shall give priority to, as determined by the C2FC—

(A) environmental justice communities, communities with populations of color, communities of color, indigenous communities, and low-income communities that—

- (i) experience a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards, such as natural disasters; or
- (ii) may not have access to public information and opportunities for meaningful public participation relating to human health and environmental planning, regulations, and enforcement;

(B) deindustrialized communities or communities with significant local economic reliance on carbon-intensive industries;

(C) low-income communities at risk of impacts of natural disasters or sea level rise exacerbated by climate change;

(D) public or nonprofit entities that serve dislocated workers, veterans, or individuals with a barrier to employment; and

(E) communities that have minimal or no investment in the approved practices and projects described in paragraph (3)(A)(i).

(3) GRANTS, LOAN GUARANTEES, AND OTHER INVESTMENT TOOLS.—

(A) IN GENERAL.—The C2FC—

- (i) shall provide grants to eligible entities and loan guarantees to eligible lenders issuing loans to eligible borrowers for approved practices and projects relating to climate change mitigation and resilience measures, including—

(I) energy efficiency upgrades to infrastructure;

(II) electric, hydrogen, and clean transportation programs and deployment, including programs—

- (aa) to purchase personal vehicles, commercial vehicles, and public transportation fleets and school bus fleets;
- (bb) to deploy electric vehicle charging and hydrogen infrastructure; and

(cc) to develop and deploy low carbon sustainable aviation fuels;

(III) clean energy and vehicle manufacturing research, demonstrations, and deployment;

(IV) battery storage research, demonstrations, and deployment;

(V) development or purchase of equipment for practices described in section 6;

(VI) development and deployment of clean energy and clean technologies, with a focus on—

- (aa) carbon capture, utilization, and sequestration, bioenergy with carbon capture and sequestration, direct air capture, and infrastructure associated with those processes, including construction of carrier pipelines for the transportation of anthropogenic carbon dioxide;
- (bb) energy storage and grid modernization;

(cc) geothermal energy;

(dd) commercial and residential solar;

(ee) wind energy; and

(ff) any other clean technology use or development, as determined by the Board;

(VII) measures that anticipate and prepare for climate change impacts, and reduce risks and enhance resilience to sea level rise, extreme weather events, heat island impacts, and other climate change impacts, including by—

- (aa) building resilient energy, water, and transportation infrastructure;
- (bb) providing weatherization assistance for low-income households; and

(cc) increasing the resilience of the agriculture sector; and

(VIII) natural infrastructure research, demonstrations, and deployment; and

(ii) may implement other investment tools and products approved by the Board, pursuant to subparagraph (C), to achieve the mission of the C2FC described in subsection (a)(2).

(B) LOAN GUARANTEES.—

(i) IN GENERAL.—In providing loan guarantees under subparagraph (A), the C2FC shall cooperate with eligible lenders through agreements to participate on a deferred (guaranteed) basis.

(ii) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—In providing a loan guarantee under subparagraph (A), the C2FC shall guarantee 75 percent of the balance of the financing outstanding at the time of disbursement of the loan.

(iii) INTEREST RATES.—Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest that may be charged, taken, received, or reserved, the maximum legal rate of interest on any financing made on a deferred basis under this subsection shall not exceed a rate prescribed by the C2FC.

(iv) GUARANTEE FEES.—

(I) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than

a loan that is repayable in 1 year or less), the C2FC shall collect a guarantee fee, which shall be payable by the eligible lender, and may be charged to the eligible borrower in accordance with subclause (II).

(II) BORROWER CHARGES.—A guarantee fee described in subclause (I) charged to an eligible borrower shall not—

(aa) exceed 2 percent of the deferred participation share of a total loan amount that is equal to or less than \$150,000;

(bb) exceed 3 percent of the deferred participation share of a total loan amount that is greater than \$150,000 but less than \$700,000; or

(cc) exceed 3.5 percent of the deferred participation share of a total loan amount that is equal to or greater than \$700,000.

(C) OTHER INVESTMENT TOOLS AND PRODUCTS.—

(i) IN GENERAL.—The Board may, based on market needs, develop and implement any other investment tool or product necessary to achieve the mission of the C2FC described in subsection (a)(2) and the deployment of projects described in subparagraph (A)(i), including offering—

(I) warehousing and aggregation credit facilities;

(II) zero interest loans;

(III) credit enhancements; and

(IV) construction finance.

(ii) STATE AND LOCAL GREEN BANKS.—The Board shall provide—

(I) funds to United States Green Bank Institutions as necessary to finance projects that are best served by those entities; and

(II) technical assistance as necessary to States and localities seeking to establish green banks.

(4) WAGE RATE REQUIREMENTS.—

(A) IN GENERAL.—All laborers and mechanics employed by eligible entities and eligible borrowers on projects funded directly by or assisted in whole or in part by the activities of the C2FC under this section shall be paid at wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(5) BUY AMERICA REQUIREMENTS.—

(A) IN GENERAL.—All iron, steel, and manufactured goods used for projects under this section shall be produced in the United States.

(B) WAIVER.—The Board may waive the requirement in subparagraph (A) if the Board finds that—

(i) enforcing the requirement would be inconsistent with the public interest;

(ii) the iron, steel, and manufactured goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(iii) enforcing the requirement will increase the overall cost of the project by more than 25 percent.

(f) PROGRAM REVIEW AND REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall—

(1) conduct a review of the activities of the C2FC and identify projects and funding opportunities that were a part of the current investment plan; and

(2) submit to Congress and make publicly available a report that—

(A) describes the projects and funding opportunities that have been most successful in progressing towards the mission described in subsection (a)(2) during the time period covered by the report;

(B) includes recommendations on the clean energy and resiliency projects that should be prioritized in forthcoming years to achieve that mission;

(C) quantifies the total amount and percentage of funding given to prioritized communities described in subsection (e)(2); and

(D) identifies barriers for disadvantaged groups to receive C2FC funding and provides recommendations to address those barriers.

(g) INITIAL CAPITALIZATION.—There is appropriated to carry out this section, out of any funds in the Treasury not otherwise appropriated, \$7,500,000,000 for each of fiscal years 2022 and 2023, to remain available until expended.

### SEC. 3. CARBON FEE.

(a) IN GENERAL.—Chapter 38 of subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

#### “Subchapter E—Carbon Fee

“Sec. 4691. Definitions.

“Sec. 4692. Carbon fee.

“Sec. 4693. Fee on noncovered fuel emissions.

“Sec. 4694. Refunds for carbon capture, sequestration, and utilization.

“Sec. 4695. Border adjustments.

#### “SEC. 4691. DEFINITIONS.

“For purposes of this subchapter—

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) CARBON DIOXIDE EQUIVALENT OR CO<sub>2</sub>-E.—The term ‘carbon dioxide equivalent’ or ‘CO<sub>2</sub>-e’ means the number of metric tons of carbon dioxide emissions with the same global warming potential over a 100-year period as one metric ton of another greenhouse gas.

“(3) CARBON-INTENSIVE PRODUCT.—The term ‘carbon-intensive product’ means—

“(A) iron, steel, steel mill products (including pipe and tube), aluminum, cement, glass (including flat, container, and specialty glass and fiberglass), pulp, paper, chemicals, or industrial ceramics, and

“(B) any manufactured product which the Secretary, in consultation with the Administrator, the Secretary of Commerce, and the Secretary of Energy, determines is energy-intensive and trade-exposed (with the exception of any covered fuel).

“(4) COVERED ENTITY.—The term ‘covered entity’ means—

“(A) in the case of crude oil—

“(i) any operator of a United States refinery (as described in subsection (d)(1) of section 4611), and

“(ii) any person entering such product into the United States for consumption, use, or warehousing (as described in subsection (d)(2) of such section),

“(B) in the case of coal—

“(i) any producer subject to the tax under section 4121, and

“(ii) any importer of coal into the United States,

“(C) in the case of natural gas—

“(i) any entity which produces natural gas (as defined in section 613A(e)(2)) from a well located in the United States, and

“(ii) any importer of natural gas into the United States,

“(D) in the case of any noncovered fuel emissions, the entity which is the source of such emissions, provided that the total amount of carbon dioxide or methane emitted by such entity for the preceding year (as determined using the methodology required under section 4692(e)(4)) was not less than 25,000 metric tons, and

“(E) any entity or class of entities which, as determined by the Secretary, is transporting, selling, or otherwise using a covered fuel in a manner which emits a greenhouse gas into the atmosphere and which has not been covered by the carbon fee, the fee on noncovered fuel emissions, or the carbon border fee adjustment.

“(5) COVERED FUEL.—The term ‘covered fuel’ means crude oil, natural gas, coal, or any other product derived from crude oil, natural gas, or coal which shall be used so as to emit greenhouse gases to the atmosphere.

“(6) GREENHOUSE GAS.—The term ‘greenhouse gas’—

“(A) has the meaning given such term in section 901 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17321), and

“(B) includes any other gases identified by rule of the Administrator.

“(7) GREENHOUSE GAS CONTENT.—The term ‘greenhouse gas content’ means the amount of greenhouse gases, expressed in metric tons of CO<sub>2</sub>-e, which would be emitted to the atmosphere by the use of a covered fuel.

“(8) NONCOVERED FUEL EMISSION.—The term ‘noncovered fuel emission’ means any carbon dioxide or methane emitted as a result of the production, processing, transport, or use of any product or material within the energy or industrial sectors—

“(A) including any fugitive or process emissions associated with the production, processing, or transport of a covered fuel, and

“(B) excluding any emissions from the combustion or use of a covered fuel.

“(9) QUALIFIED CARBON OXIDE.—The term ‘qualified carbon oxide’ has the meaning given the term in section 45Q(c).

“(10) UNITED STATES.—The term ‘United States’ shall be treated as including each possession of the United States (including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands).

#### “SEC. 4692. CARBON FEE.

“(a) DEFINITIONS.—In this section:

“(1) APPLICABLE PERIOD.—The term ‘applicable period’ means, with respect to any determination made by the Secretary under subsection (e)(3) for any calendar year, the period—

“(A) beginning on January 1, 2023, and

“(B) ending on December 31 of the preceding calendar year.

“(2) CUMULATIVE EMISSIONS.—The term ‘cumulative emissions’ means an amount equal to the sum of any greenhouse gas emissions resulting from the use of covered fuels and any noncovered fuel emissions for all years during the applicable period.

“(3) CUMULATIVE EMISSIONS TARGET.—The term ‘cumulative emissions target’ means an amount equal to the sum of the emissions targets for all years during the applicable period.

“(4) EMISSIONS TARGET.—The term ‘emissions target’ means the target for greenhouse gas emissions during a calendar year as determined under subsection (e)(1).

“(b) CARBON FEE.—During any calendar year that begins after December 31, 2022, there is imposed a carbon fee on any covered entity’s use, sale, or transfer of any covered fuel.

“(c) AMOUNT OF THE CARBON FEE.—The carbon fee imposed by this section is an amount equal to—

“(1) the greenhouse gas content of the covered fuel, multiplied by

“(2) the carbon fee rate, as determined under subsection (d).

“(d) CARBON FEE RATE.—The carbon fee rate shall be determined in accordance with the following:

“(1) IN GENERAL.—The carbon fee rate, with respect to any use, sale, or transfer during a calendar year, shall be—

“(A) in the case of calendar year 2023, \$25, and

“(B) except as provided in paragraphs (2) and (3), in the case of any calendar year after 2023, the amount equal to the sum of—

“(i) the amount under subparagraph (A), plus

“(ii)(I) in the case of calendar year 2024, \$10, and

“(II) in the case of any calendar year after 2024, the amount in effect under this clause for the preceding calendar year, plus \$10.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any calendar year after 2023, the amount determined under paragraph (1)(B) shall be increased by an amount equal to—

“(i) that dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for that calendar year, determined by substituting ‘2022’ for ‘2016’ in subparagraph (A)(ii) thereof.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of \$1, such increase shall be rounded up to the next whole dollar amount.

“(3) ADJUSTMENT OF CARBON FEE RATE.—

“(A) INCREASE IN RATE FOLLOWING MISSED CUMULATIVE EMISSIONS TARGET.—In the case of any calendar year following a determination by the Secretary pursuant to subsection (e)(3) that the cumulative emissions for the preceding calendar year exceeded the cumulative emissions target for such year, paragraph (1)(B)(ii)(II) shall be applied—

“(i) in the case of calendar years 2026 through 2030, by substituting ‘\$15’ for ‘\$10’,

“(ii) in the case of calendar years 2031 through 2040, by substituting ‘\$20’ for ‘\$10’, and

“(iii) in the case of any calendar year beginning after 2040, by substituting ‘\$25’ for ‘\$10’.

“(B) CESSATION OF RATE INCREASE FOLLOWING ACHIEVEMENT OF CUMULATIVE EMISSIONS TARGET.—In the case of any year following a determination by the Secretary pursuant to subsection (e)(3) that—

“(i) the average annual emissions of greenhouse gases from covered entities over the preceding 3-year period are not more than 10 percent of the greenhouse gas emissions during the year 2018, and

“(ii) the cumulative emissions did not exceed the cumulative emissions target, paragraph (1)(B)(ii)(II) shall be applied by substituting ‘\$0’ for ‘\$10’.

“(C) METHODOLOGY.—With respect to any year, the annual greenhouse gas emissions and cumulative emissions described in subparagraph (A) or (B) shall be determined using the methodology required under subsection (e)(4).

“(e) EMISSIONS TARGETS.—

“(1) IN GENERAL.—

“(A) REFERENCE YEAR.—For purposes of subsection (d), the emissions target for any year shall be the amount of greenhouse gas emissions that is equal to—

“(i) for calendar years 2023 and 2024, the applicable percentage of the total amount of greenhouse gas emissions from the use of any covered fuel during calendar year 2018, and

“(ii) for calendar year 2025 and each calendar year thereafter, the applicable percentage of the total amount of greenhouse gas emissions from the use of any covered fuel and noncovered fuel emissions during calendar year 2018.

“(B) METHODOLOGY.—For purposes of subparagraph (A), with respect to determining the total amount of greenhouse gas emissions from the use of any covered fuel and noncovered fuel emissions during calendar

year 2018, the Administrator shall use such methods as are determined appropriate, provided that such methods are, to the greatest extent practicable, comparable to the methods established under paragraph (4).

“(2) APPLICABLE PERCENTAGE.—

“(A) 2023 THROUGH 2035.—In the case of calendar years 2023 through 2035, the applicable percentage shall be determined as follows:

Year	Applicable percentage
2023	81 percent
2024	75 percent
2025	70 percent
2026	67 percent
2027	63 percent
2028	60 percent
2029	57 percent
2030	55 percent
2031	52 percent
2032	49 percent
2033	46 percent
2034	43 percent
2035	40 percent

“(B) 2036 THROUGH 2050.—In the case of calendar years 2036 through 2050, the applicable percentage shall be equal to—

“(i) the applicable percentage for the preceding year, minus

“(ii) 2 percentage points.

“(C) AFTER 2050.—In the case of any calendar year beginning after 2050, the applicable percentage shall be equal to 10 percent.

“(3) EMISSIONS REPORTING AND DETERMINATIONS.—

“(A) REPORTING.—Not later than September 30, 2024, and annually thereafter, the Administrator, in consultation with the Secretary, shall make available to the public a report on—

“(i) the cumulative emissions with respect to the preceding calendar year, and

“(ii) any other relevant information, as determined appropriate by the Administrator.

“(B) DETERMINATIONS.—Not later than September 30, 2025, and annually thereafter, the Administrator, in consultation with the Secretary and as part of the report described in subparagraph (A), shall determine whether cumulative emissions with respect to the preceding calendar year exceeded the cumulative emissions target with respect to such year.

“(4) EMISSIONS ACCOUNTING METHODOLOGY.—

“(A) IN GENERAL.—Not later than January 1, 2023, the Administrator shall prescribe rules for greenhouse gas accounting for covered entities for purposes of this subchapter, which shall—

“(i) to the greatest extent practicable, employ existing data collection methodologies and greenhouse gas accounting practices,

“(ii) ensure that the method of accounting—

“(I) applies to—

“(aa) all greenhouse gas emissions from covered fuels and all noncovered fuel emissions, and

“(bb) all covered entities,

“(II) excludes—

“(aa) any greenhouse gas emissions which are not described item (aa) of subclause (I), and

“(bb) any entities which are not described in item (bb) of such subclause, and

“(III) appropriately accounts for—

“(aa) qualified carbon oxide which is captured and disposed or used in a manner described in section 4694, and

“(bb) nonemitting uses of covered fuels, as described in subsection (f),

“(iii) subject to such penalties as are determined appropriate by the Administrator, require any covered entity to report, not later than April 1 of each calendar year—

“(I) the total greenhouse gas content of any covered fuels used, sold, or transferred by such covered entity during the preceding calendar year, and

“(II) the total noncovered fuel emissions of the covered entity during the preceding calendar year, and

“(iv) require any information reported pursuant to clause (iii) to be verified by a third-party entity that, subject to such process as is determined appropriate by the Administrator, has been certified by the Administrator with respect to the qualifications, independence, and reliability of such entity.

“(B) GREENHOUSE GAS REPORTING PROGRAM.—For purposes of establishing the rules described in subparagraph (A), the Administrator may elect to modify the activities of the Greenhouse Gas Reporting Program to satisfy the requirements described in clauses (i) through (iv) of such subparagraph.

“(5) REVISIONS.—With respect to any determination made by the Administrator as to the amount of greenhouse gas emissions for any calendar year (including calendar year 2018), any subsequent revision by the Administrator with respect to such amount shall apply for purposes of the fee imposed under subsection (b) for any calendar years beginning after such revision.

“(f) EXEMPTION AND REFUND.—The Secretary shall prescribe such rules as are necessary to ensure the carbon fee imposed by this section is not imposed with respect to any nonemitting use, or any sale or transfer for a nonemitting use, including rules providing for the refund of any carbon fee paid under this section with respect to any such use, sale, or transfer.

“(g) ADMINISTRATIVE AUTHORITY.—The Secretary, in consultation with the Administrator, shall prescribe such regulations, and other guidance, to assess and collect the carbon fee imposed by this section, including—

“(1) the identification of covered entities that are liable for payment of a fee under this section or section 4693,

“(2) as may be necessary or convenient, rules for distinguishing between different types of covered entities,

“(3) as may be necessary or convenient, rules for distinguishing between the greenhouse gas emissions of a covered entity and the greenhouse gas emissions that are attributed to the covered entity but not directly emitted by the covered entity,

“(4) requirements for the quarterly payment of such fees, and

“(5) rules to ensure that the carbon fee under this section, the fee on noncovered fuel emissions under section 4693, or the carbon border fee adjustment is not imposed on an emission from covered fuel or noncovered fuel emission more than once.

**“SEC. 4693. FEE ON NONCOVERED FUEL EMISSIONS.**

“(a) IN GENERAL.—During any calendar year that begins after December 31, 2024, there is imposed a fee on a covered entity for any noncovered fuel emissions which occur during the calendar year.

“(b) AMOUNT.—The fee to be paid under subsection (a) by the covered entity which is the source of the emissions described in that subsection shall be an amount equal to—

“(1) the total amount, in metric tons of CO<sub>2</sub>-e, of emitted greenhouse gases, multiplied by

“(2) an amount equal to the carbon fee rate in effect under section 4692(d) for the calendar year of such emission.

“(c) ADMINISTRATIVE AUTHORITY.—The Secretary, in consultation with the Administrator, shall prescribe such regulations, and other guidance, to assess and collect the carbon fee imposed by this section, including regulations describing the requirements for the quarterly payment of such fees.

**“SEC. 4694. REFUNDS FOR CARBON CAPTURE, SEQUESTRATION, AND UTILIZATION.**

“(a) IN GENERAL.—



“(1) CAPTURE, SEQUESTRATION, AND USE.—The Secretary, in consultation with the Administrator and the Secretary of Energy, shall prescribe regulations for providing payments to any person which captures qualified carbon oxide which is—

“(A) disposed of by such person in secure geological storage, as described in section 45Q(f)(2), or

“(B) used in a manner which has been approved by the Secretary pursuant to subsection (c).

“(2) ELECTION.—If the person described in paragraph (1) makes an election under this paragraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

“(A) shall be allowable to the person that owns the facility described in subsection (b)(1), and

“(B) shall not be allowable to the person described in paragraph (1).

“(b) PAYMENTS FOR CARBON CAPTURE.—

“(1) IN GENERAL.—In the case of any facility for which carbon capture equipment has been placed in service, the Secretary shall make payments in the same manner as if such payment was a refund of an overpayment of the fee imposed by section 4692 or 4693.

“(2) AMOUNT OF PAYMENT.—The payment determined under this subsection shall be an amount equal to—

“(A) the metric tons of qualified carbon oxide captured and disposed of, used, or utilized in a manner consistent with subsection (a), multiplied by

“(B)(i) the carbon fee rate during the year in which the carbon fee was imposed by section 4692 on the covered fuel to which such carbon oxide relates, or

“(ii) in the case of a direct air capture facility (as defined in section 45Q(e)(1)), the carbon fee rate during the year in which the qualified carbon oxide was captured and disposed of, used, or utilized.

“(c) APPROVED USES OF QUALIFIED CARBON OXIDE.—The Secretary, in consultation with Administrator and the Secretary of Energy, shall, through regulation or other public guidance, determine which uses of qualified carbon oxide are eligible for payments under this section, which may include—

“(1) utilization in a manner described in clause (i) or (ii) of section 45Q(f)(5)(A), or

“(2) any other use which ensures minimal leakage or escape of such carbon oxide.

“(d) EXCEPTION.—In the case of any facility which is owned by an entity that is determined to be—

“(1) in violation of any applicable air or water quality regulations, or

“(2) with respect to any environmental justice community (as defined in section 2(d)(1)(D) of the America's Clean Future Fund Act), creating health or environmental harm to such community, such facility shall not be eligible for any payment under this section during the period of such violation.

#### “SEC. 4695. BORDER ADJUSTMENTS.

“(a) IN GENERAL.—The fees imposed by, and refunds allowed under, this section shall be referred to as ‘the carbon border fee adjustment’.

“(b) EXPORTS.—

“(1) CARBON-INTENSIVE PRODUCTS.—In the case of any carbon-intensive product which is exported from the United States, the Secretary shall pay to the person exporting such product a refund equal to the amount of the cost of such product attributable to any fees imposed under this subchapter related to the manufacturing of such product (as determined under regulations established by the Secretary).

“(2) COVERED FUELS.—In the case of any covered fuel which is exported from the

United States, the Secretary shall pay to the person exporting such fuel a refund equal to the amount of the cost of such fuel attributable to any fees imposed under this subchapter related to the use, sale, or transfer of such fuel.

“(c) IMPORTS.—

“(1) CARBON-INTENSIVE PRODUCTS.—

“(A) IMPOSITION OF EQUIVALENCY FEE.—In the case of any carbon-intensive product imported into the United States, there is imposed an equivalency fee on the person importing such product in an amount equal to the cost of such product that would be attributable to any fees imposed under this subchapter related to the manufacturing of such product if any inputs or processes used in manufacturing such product were subject to such fees (as determined under regulations established by the Secretary).

“(B) REDUCTION IN FEE.—The amount of the equivalency fee under subparagraph (A) shall be reduced by the amount, if any, of any fees imposed on the carbon-intensive product by the foreign nation or governmental units from which such product was imported.

“(2) COVERED FUELS.—

“(A) IN GENERAL.—In the case of any covered fuel imported into the United States, there is imposed a fee on the person importing such fuel in an amount equal to the amount of any fees that would be imposed under this subchapter related to the use, sale, or transfer of such fuel.

“(B) REDUCTION IN FEE.—The amount of the fee under subparagraph (A) shall be reduced by the amount, if any, of any fees imposed on the covered fuel by the foreign nation or governmental units from which the fuel was imported.

“(d) TREATMENT OF ALTERNATIVE POLICIES AS FEES.—Under regulations established by the Secretary, foreign policies that have substantially the same effect in reducing emissions of greenhouse gases as fees shall be treated as fees for purposes of subsections (b) and (c).

“(e) REGULATORY AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall consult with the Administrator, the Secretary of Commerce, and the Secretary of Energy in establishing rules and regulations implementing the purposes of this section.

“(2) TREATIES.—The Secretary, in consultation with the Secretary of State, may adjust the applicable amounts of the refunds and equivalency fees under this section in a manner that is consistent with any obligations of the United States under an international agreement.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods beginning after December 31, 2022.

#### SEC. 4. AMERICA'S CLEAN FUTURE FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

##### “SEC. 9512. AMERICA'S CLEAN FUTURE FUND.

“(a) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the ‘America's Clean Future Fund’ (referred to in this section as the ‘Trust Fund’), consisting of such amounts as are appropriated to the Trust Fund under subsection (b).

“(b) TRANSFERS TO AMERICA'S CLEAN FUTURE FUND.—There is appropriated to the Trust Fund, out of any funds in the Treasury not otherwise appropriated, amounts equal to the fees received into the Treasury under sections 4692, 4693, and 4695, less—

“(1) any amounts refunded or paid under sections 4692(d), 4694, and 4695(b), and

“(2) for each of the first 18 fiscal years beginning after September 30, 2023, an amount equal to the quotient of—

“(A) \$100,000,000,000, and

“(B) 18.

“(c) EXPENDITURES.—For each fiscal year, amounts in the Trust Fund shall be apportioned as follows:

“(1) CARBON FEE REBATE AND AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.—

“(A) CARBON FEE REBATE.—For the purposes described in section 5 of the America's Clean Future Fund Act and any expenses necessary to administer such section—

“(i) for each of the first 10 fiscal years beginning after September 30, 2023, an amount equal to—

“(I) 75 percent of those amounts, minus

“(II) the amount determined under subparagraph (B) for such fiscal year, and

“(ii) for any fiscal year beginning after the period described in clause (i), the applicable percentage of such amounts.

“(B) AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.—For the purposes described in section 6 of the America's Clean Future Fund Act, for each of the first 10 fiscal years beginning after September 30, 2023, an amount equal to 7 percent of the amount determined annually under subparagraph (A)(i)(I).

“(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(ii), the applicable percentage shall be equal to—

“(i) for the first fiscal year beginning after the period described in subparagraph (A)(i), 76 percent,

“(ii) for each of the first 3 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year increased by 1 percentage point, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 80 percent.

“(2) CLIMATE CHANGE FINANCE CORPORATION.—

“(A) IN GENERAL.—For the purposes described in section 2 of the America's Clean Future Fund Act, the applicable percentage of such amounts.

“(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be equal to—

“(i) for each of the first 10 fiscal years beginning after the period described in subsection (e) of such section, 15 percent,

“(ii) for each of the first 4 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year increased by 1 percentage point, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 20 percent.

“(3) TRANSITION ASSISTANCE FOR IMPACTED COMMUNITIES.—

“(A) IN GENERAL.—For the purposes described in section 7 of the America's Clean Future Fund Act, the applicable percentage of such amounts.

“(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be equal to—

“(i) for each of the first 10 fiscal years beginning after September 30, 2023, 10 percent,

“(ii) for each of the first 4 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year reduced by 2 percentage points, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 0 percent.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 9512. America's Clean Future Fund.”.

#### SEC. 5. AMERICA'S CLEAN FUTURE FUND STIMULUS.

(a) ELIGIBLE INDIVIDUAL.—

(1) IN GENERAL.—In this section, the term “eligible individual” means, with respect to any quarter, any natural living person—

(A) who has a valid Social Security number or taxpayer identification number,

(B) who has attained 18 years of age, and

(C) whose principal place of abode is in the United States for more than one-half of the most recent taxable year for which a return has been filed.

(2) VERIFICATION.—The Secretary of the Treasury, or the Secretary's delegate (referred to in this section as the "Secretary") may verify the eligibility of an individual to receive a carbon fee rebate payment under subsection (b).

(b) REBATES.—Subject to subsections (c)(2) and (k), from amounts in the America's Clean Future Fund established by section 9512(c)(1)(A) of the Internal Revenue Code of 1986 that are available in any year, the Secretary shall, for each calendar quarter beginning after September 30, 2023, make carbon fee rebate payments to each eligible individual, to be known as "America's Clean Future Fund Stimulus payments" (referred to in this section as "carbon fee rebate payments").

(c) PRO-RATA SHARE.—

(1) IN GENERAL.—With respect to each quarter during any fiscal year beginning after September 30, 2023, the carbon fee rebate payment is 1 pro-rata share for each eligible individual of an amount equal to 25 percent of amounts apportioned under section 9512(c)(1)(A) of the Internal Revenue Code of 1986 for such fiscal year.

(2) INITIAL ANNUAL REBATE PAYMENTS.—

(A) IN GENERAL.—From amounts appropriated under subsection (j), the Secretary shall, for each of fiscal years 2022 and 2023, make carbon fee rebate payments to each eligible individual during the third quarter of each such fiscal year.

(B) PRO-RATA SHARE.—For purposes of this paragraph, the carbon fee rebate payment is 1 pro-rata share for each eligible individual of the amount appropriated under subsection (j) for the fiscal year.

(3) ESTIMATE.—For each fiscal year described in paragraph (1), the Secretary shall, not later than the first day of such fiscal year, publicly announce an estimate of the amount of the carbon fee rebate payment for each quarter during such fiscal year.

(d) PHASEOUT.—

(1) DEFINITIONS.—In this subsection:

(A) MODIFIED ADJUSTED GROSS INCOME.—The term "modified adjusted gross income" means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933 of the Internal Revenue Code of 1986.

(B) HOUSEHOLD MEMBER.—The term "household member of the taxpayer" means the taxpayer, the taxpayer's spouse, and any dependent of the taxpayer.

(C) THRESHOLD AMOUNT.—The term "threshold amount" means—

(i) \$150,000 in the case of a taxpayer filing a joint return, and

(ii) \$75,000 in the case of a taxpayer not filing a joint return.

(2) PHASEOUT OF PAYMENTS.—In the case of any taxpayer whose modified adjusted gross income for the most recent taxable year for which a return has been filed exceeds the threshold amount, the amount of the carbon fee rebate payment otherwise payable to any household member of the taxpayer under this section shall be reduced (but not below zero) by a dollar amount equal to 5 percent of such payment (as determined before application of this paragraph) for each \$1,000 (or fraction thereof) by which the modified adjusted gross income of the taxpayer exceeds the threshold amount.

(e) FEE TREATMENT OF PAYMENTS.—Amounts paid under this section shall not be includible in gross income for purposes of Federal income taxes.

(f) FEDERAL PROGRAMS AND FEDERAL ASSISTED PROGRAMS.—The carbon fee rebate payment received by any eligible individual shall not be taken into account as income and shall not be taken into account as resources for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(g) DISCLOSURE OF RETURN INFORMATION.—Section 6103(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(23) DISCLOSURE OF RETURN INFORMATION RELATING TO CARBON FEE REBATE PAYMENTS.—

"(A) DEPARTMENT OF TREASURY.—Return information with respect to any taxpayer shall, without written request, be open to inspection by or disclosure to officers and employees of the Department of the Treasury whose official duties require such inspection or disclosure for purposes of administering section 5 of the America's Clean Future Fund Act.

"(B) RESTRICTION ON DISCLOSURE.—Information disclosed under this paragraph shall be disclosed only for purposes of, and to the extent necessary in, carrying out such section."

(h) REGULATIONS.—The Secretary shall prescribe such regulations, and other guidance, as may be necessary to carry out the purposes of this section, including—

(1) establishment of rules for eligible individuals who have not filed a recent tax return, and

(2) in coordination with the Commissioner of Social Security, the Secretary of Veterans Affairs, and any relevant State agencies, establish methods to identify eligible individuals and provide carbon fee rebate payments to such individuals through appropriate means of distribution, including through the use of electronic benefit transfer cards.

(i) PUBLIC AWARENESS CAMPAIGN.—The Secretary shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security, the heads of other relevant Federal agencies, and Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), to provide information to the public regarding the availability of carbon fee rebate payments under this section.

(j) INITIAL APPROPRIATION.—For purposes of subsection (c)(2), there is appropriated, out of any funds in the Treasury not otherwise appropriated, to remain available until expended—

(1) for the fiscal year ending September 30, 2022, \$37,500,000,000, and

(2) for the fiscal year ending September 30, 2023, \$37,500,000,000.

(k) TERMINATION.—This section shall not apply to any calendar quarter beginning after—

(1) a determination by the Secretary under section 4692(d)(3)(B) of the Internal Revenue Code of 1986; or

(2) any period of 8 consecutive calendar quarters for which the amount of carbon fee rebate payment (without application of subsection (d)) during each such quarter is less than \$20.

## SEC. 6. AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to provide transition assistance to eligible producers in the agricultural, livestock, and forestry sectors to prepare for and facilitate entry into private sector greenhouse gas credit markets; and

(2) to provide for the collection and reporting of data under subsection (d).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LAND.—

(A) IN GENERAL.—The term "eligible land" means land in the United States—

(i) on which farming, ranching, or forestry may physically and legally be conducted; and

(ii) that is—

(I) cropland, grassland, pastureland, rangeland, hayland, or other land on which food, feed, fiber, crops, livestock, or other agricultural products are produced or capable of being produced; or

(II) nonindustrial private forest land (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

(B) INCLUSION OF TRIBAL LAND.—The term "eligible land" includes land described in subparagraph (A) that is Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501)).

(2) ELIGIBLE PRODUCER.—The term "eligible producer" means an individual or legal entity that—

(A) is an owner, operator, or tenant of eligible land;

(B) has control over the eligible land;

(C) is actively engaged in farming, ranching, or forestry on the eligible land, as determined by the Secretary;

(D) bears the risk of loss of the farming, ranching, or forestry on the eligible land; and

(E) has the ability to enter into an agreement with the Secretary to carry out qualifying practices described in subsection (c)(2) under the program.

(3) GREENHOUSE GAS EMISSIONS REDUCTION.—The term "greenhouse gas emissions reduction" means the reduction in greenhouse gas emissions as a result of the adoption of qualifying practices described in subsection (c)(2), as compared to a historical baseline.

(4) HISTORICALLY UNDERSERVED.—The term "historically underserved", with respect to an eligible producer, means that the eligible producer—

(A) is American Indian or Alaskan Native;

(B) is Asian or Asian American;

(C) is Black or African American;

(D) is Native Hawaiian or Pacific Islander;

(E) is Hispanic;

(F) is disabled;

(G) is female;

(H) is new to farming, ranching, or forestry, as determined by the Secretary;

(I)(i) has served in the United States Armed Forces; and

(ii)(I) has not operated a farm, ranch, or forestry operation;

(II) is new to farming, ranching, or forestry, as determined by the Secretary; or

(III) first obtained veteran status during the previous 5-year period; or

(J) is an owner, operator, or tenant of a limited resource farming, ranching, or forestry operation or has a household income not greater than the national poverty level.

(5) PROGRAM.—The term "program" means the program established under subsection (c)(1).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish a program to provide payments to eligible producers that will assist with the transition to reducing greenhouse gas emissions through the adoption of qualifying practices described in paragraph (2).

(2) QUALIFYING PRACTICES.—

(A) IN GENERAL.—To be eligible for payments under the program, a practice shall be—

(i) approved by the Secretary; and

(ii) measurable, reportable, and verifiable for reducing greenhouse gas emissions, as determined by the Secretary.

(B) INCLUDED PRACTICES.—Practices that the Secretary may determine to be qualifying practices under the program include—

(i) improved crop, soil health, water, and land management systems, including—

(I) diversified soil health-enhancing cropping systems that may include resource-conserving crop rotations, cover crops, and sod crops;

(II) conservation plantings, such as prairie strips, contour grass strips, filter strips and riparian buffers, field borders, hedgerows, windbreaks, alley cropping, and silvopasture or other agroforestry plantings;

(III) conservation tillage;

(IV) fertilizer practice improvements, including biologically based nutrient management;

(V) ecologically appropriate reforestation and other sustainable forestry and related stewardship practices;

(VI) application of soil carbon amendments, such as compost or biochar;

(VII) restoration or avoidance of the conversion of grassland, wetland, and forest land; and

(VIII) the adoption of organic and other similar advanced agroecological production systems;

(i) livestock management, including—

(I) enteric fermentation reduction, including—

(aa) improved feed, forage, and grazing; and

(bb) feed additives approved by the Commissioner of Food and Drugs;

(II) improved manure management, including anaerobic digesters; and

(III) the integration of livestock and crop production;

(iii) on-site capital upgrades and infrastructure investments, including—

(I) building and equipment refurbishment or upgrades, including energy efficiency technologies and digital technologies; and

(II) the adoption of renewable or clean energy;

(iv) conservation easements, including farm, ranch, and forest land preservation, that include conservation activities to improve soil health and reduce greenhouse gas emissions; and

(v) other similar practices, as determined by the Secretary.

(3) CONSIDERATIONS.—In determining the rate and duration of a payment under paragraph (1), the Secretary shall consider—

(A) the degree of additionality of the greenhouse gas emissions reduction;

(B) whether the recipient of the payment was an early adopter of 1 or more practices that reduce greenhouse gas emissions;

(C) the likelihood that the applicable qualifying practice described in paragraph (2) would have been carried out absent the provision of the payment;

(D) the degree of transitionality or permanence of the greenhouse gas emissions reduction;

(E) whether the applicable qualifying practice described in paragraph (2) provides multiple environmental and health co-benefits in addition to reduced greenhouse gas emissions;

(F) the degree to which current soil conditions influence the greenhouse gas emissions reductions;

(G) the degree to which the recipient of the payment is a historically underserved eligible producer;

(H) the integration with and enhancement of payments and policies of similar Federal, State, or local programs; and

(I) any payments received, or to be received, by the applicable eligible producer from a private carbon offset market due to the applicable qualifying practice described in paragraph (2).

(4) INELIGIBILITY.—A person that is determined to be in violation of any applicable water or air quality regulation, including under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including regulations), shall not be eligible for any payment under paragraph (1) during the period of the violation.

(5) EFFECTIVENESS.—The authority to provide payments under this subsection shall be effective for each of the first 10 fiscal years beginning after September 30, 2022.

(d) COLLECTION OF DATA AND REPORTING.—

(1) MEASUREMENT SYSTEM.—

(A) IN GENERAL.—The Secretary shall establish an outcomes-based measurement system (referred to in this paragraph as the “measurement system”) that uses the best available science and technology for cost-effective recordkeeping, modeling, and measurement of farm-level greenhouse gas emissions on eligible land enrolled in the program.

(B) STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate standards on the measurement system, based on information obtained from—

(i) agro-ecosystem models;

(ii) remote sensing data and analysis;

(iii) soil health demonstration trials; and

(iv) field-level measurement.

(C) PROTOCOLS.—In developing the measurement system, the Secretary shall compile and publish a list of generally accepted public and private protocols for soil health and greenhouse gas programs and markets.

(D) REVIEW.—The Secretary shall maintain the measurement system by—

(i) conducting an annual review of the measurement system; and

(ii) making any necessary updates to the measurement system.

(2) INVENTORY.—

(A) IN GENERAL.—For the purposes of providing payments under the program, the Secretary shall conduct a nationwide soil health and agricultural greenhouse gas emissions inventory that uses the best available science and data to establish baselines and expected average performance for soil carbon drawdown and storage and greenhouse gas emissions reduction by primary production type and production region.

(B) DATABASE.—The Secretary shall—

(i) establish an accessible and interoperable database for the inventory established under subparagraph (A) using the measurement system established under paragraph (1); and

(ii) improve and update the database as new data is collected, but not less frequently than once every 2 years.

(3) CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish criteria for payments under the program to inform policy and markets established to promote soil carbon sequestration or greenhouse gas emissions reductions.

(B) REQUIREMENTS.—The criteria established under subparagraph (A) shall—

(i) have a documented likelihood to lead to transitioning towards or providing long-term net greenhouse gas emissions reductions, according to the best available science;

(ii) be based in part on environmental impact modeling of the changes of shifting from baseline practices to new or improved practices; and

(iii) prevent, to the maximum extent practicable, the degradation of other natural resource or environmental conditions.

(4) MEASUREMENT, REPORTING, MONITORING, AND VERIFICATION SERVICES.—

(A) IN GENERAL.—The Secretary—

(i) shall provide services described in subparagraph (B) to eligible producers participating in the program; and

(ii) may approve and provide oversight of 1 or more third-party agents to provide services described in subparagraph (B) to eligible producers participating in the program.

(B) SERVICES DESCRIBED.—Services referred to in subparagraph (A) are determining the greenhouse gas emissions reduction by—

(i) measurement;

(ii) reporting;

(iii) monitoring; and

(iv) verification.

(C) USE OF PROTOCOLS.—Services referred to in subparagraph (A) shall be provided using—

(i) the measurement system described in paragraph (1); and

(ii) the criteria described in paragraph (3).

(D) USE OF DEPARTMENT OF AGRICULTURE RESOURCES.—The Secretary shall require a third-party agent approved under subparagraph (A)(i) to use the resources, boards, committees, geospatial data, aerial or other maps, employees, offices, and capacities of the Department of Agriculture, to the maximum extent practicable, in providing services under that subparagraph to eligible producers.

(E) PRIVACY AND DATA SECURITY.—

(i) IN GENERAL.—The Secretary shall establish—

(I) safeguards to protect the privacy of information that is submitted through or retained by a third-party agent approved under subparagraph (A), including employees and contractors of the third-party agent; and

(II) such other rules and standards of data security as the Secretary determines to be appropriate to carry out this subsection.

(ii) PENALTIES.—The Secretary shall establish penalties for any violations of privacy or confidentiality under clause (i).

(F) DISCLOSURE OF INFORMATION.—

(i) PUBLIC DISCLOSURE.—Information collected for purposes of services provided under subparagraph (A) may be disclosed to the public—

(I) if the information is transformed into a statistical or aggregate form such that the information does not include any identifiable or personal information of individual producers; or

(II) in a form that may include identifiable or personal information of a producer only if that producer consents to the disclosure of the information.

(ii) REQUIREMENT.—The participation of a producer in, and the receipt of any benefit by the producer under, a program under this section or any other program administered by the Secretary may not be conditioned on the producer providing consent under clause (i)(II).

(iii) RESEARCH, AUDIT, AND PROGRAM IMPROVEMENT.—Information collected for the purposes of services provided under subparagraph (A) may be disclosed for the purposes of providing technical assistance, including audit, research, or improvement of a program under this section, either in aggregate or in a form that includes identifiable or personal information of a producer, if the Secretary obtains adequate assurances that—

(I) the recipient shall ensure privacy safeguards of identifiable or personal information of a producer; and

(II) the release of any data to the public will only occur only if the data has been transformed into a statistical or aggregate form.

(e) REGULATIONS.—Not later than July 1, 2022, the Secretary shall promulgate regulations to carry out this section, including—

(1) the amount of a payment under subsection (c), which shall be based on—

(A) the quantity of carbon dioxide equivalent emissions reduced; and

(B) the considerations described in subsection (c)(3);

(2) a methodology that any third-party agents approved under subsection (d)(4)(A)(ii) shall use to provide the services under that subsection, including—

(A) an accreditation process; and

(B) a conflict of interest policy; and

(3) provisions for the ownership and transportability of data, including historical data, generated by an eligible producer for the purpose of determining eligibility for payments under the program.

#### SEC. 7. TRANSITION ASSISTANCE FOR IMPACTED COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term “individual with a barrier to employment” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) LOCAL BOARD.—The term “local board” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(5) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term “recognized postsecondary credential” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(7) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(8) STATE BOARD.—The term “State board” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(9) SUPPORTIVE SERVICES.—The term “supportive services” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) GRANTS.—The Secretary, in coordination with the Secretary of Labor, shall provide grants to eligible entities for transition assistance to a low-carbon economy.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is a labor organization, an institution of higher education, a unit of State or local government, an Indian Tribe, an economic development organization, a nonprofit organization, community-based organization, or intermediary, or a State board or local board that serves or is located in a community that—

(1) as determined by the Secretary, in coordination with the Secretary of Labor, has been or will be impacted by economic changes in carbon-intensive industries, including job losses;

(2) as determined by the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, has been or is at risk of being impacted by extreme weather events, sea level rise, and natural disasters related to climate change; or

(3) as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, has been

impacted by harmful residuals from a fossil fuel or carbon-intensive industry.

(d) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant for—

(1) economic and workforce development activities, such as—

(A) job creation;

(B) providing reemployment and worker transition assistance, including registered apprenticeships, subsidized employment, job training, transitional jobs, and supportive services, with priority given to—

(i) workers impacted by changes in carbon-intensive industries;

(ii) individuals with a barrier to employment; and

(iii) programs that lead to a recognized postsecondary credential;

(C) local and regional investment, including commercial and industrial economic diversification;

(D) export promotion; and

(E) establishment of a monthly subsidy payment for workers who retire early due to economic changes in carbon-intensive industries;

(2) climate change resiliency, such as—

(A) building electrical, communications, utility, transportation, and other infrastructure in flood-prone areas above flood zone levels;

(B) building flood and stormproofing measures in flood-prone areas and erosion-prone areas;

(C) increasing the resilience of a surface transportation infrastructure asset to withstand extreme weather events and climate change impacts;

(D) improving stormwater infrastructure;

(E) increasing the resilience of agriculture to extreme weather;

(F) ecological restoration;

(G) increasing the resilience of forests to wildfires;

(H) increasing coastal resilience; and

(I) implementing heat island cooling strategies;

(3) environmental cleanup from fossil fuel industry facilities that are abandoned or retired, or closed due to bankruptcy, and residuals from carbon-intensive industries, such as—

(A) coal ash and petroleum coke cleanup;

(B) mine reclamation;

(C) reclamation and plugging of abandoned oil and natural gas wells on private and public land; and

(D) remediation of impaired waterways and drinking water resources; or

(4) other activities as the Secretary, in coordination with the Secretary of Labor, the Administrator of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, determines to be appropriate.

(e) REQUIREMENTS.—

(1) LABOR STANDARDS; NONDISCRIMINATION.—An eligible entity that receives a grant under this section shall use the funds in a manner consistent with sections 181 and 188 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241, 3248).

(2) WAGE RATE REQUIREMENTS.—

(A) IN GENERAL.—All laborers and mechanics employed by eligible entities to carry out projects and activities funded directly by or assisted in whole or in part by a grant under this section shall be paid at wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), the Secretary of Labor shall have the authority

and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) BUY AMERICA REQUIREMENTS.—

(A) IN GENERAL.—All iron, steel, and manufactured goods used for projects and activities carried out with a grant under this section shall be produced in the United States.

(B) WAIVER.—The Secretary may waive the requirement in subparagraph (A) if the Secretary finds that—

(i) enforcing the requirement would be inconsistent with the public interest;

(ii) the iron, steel, and manufactured goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(iii) enforcing the requirement will increase the overall cost of the project or activity by more than 25 percent.

(f) COORDINATION.—An eligible entity that receives a grant under this section is encouraged to collaborate or partner with other eligible entities in carrying out activities with that grant.

(g) REPORT.—Not later than 3 years after the date on which the Secretary establishes the grant program under this section, the Secretary and the Secretary of Labor shall submit to Congress a report on the effectiveness of the grant program, including—

(1) the number of individuals that have received reemployment or worker transition assistance under this section;

(2) a description of any job creation activities carried out with a grant under this section and the number of jobs created from those activities;

(3) the percentage of individuals that have received reemployment or worker transition assistance under this section who are, during the second and fourth quarters after exiting the program—

(A) in education or training activities; or

(B) employed;

(4) the average wages of individuals that have received reemployment or worker transition assistance under this section during the second and fourth quarters after exit from the program;

(5) a description of any regional investment activities carried out with a grant under this section;

(6) a description of any export promotion activities carried out with a grant under this section, including—

(A) a description of the products promoted; and

(B) an analysis of any increase in exports as a result of the promotion;

(7) a description of any resilience activities carried out with a grant under this section;

(8) a description of any cleanup activities from fossil fuel industry facilities or carbon-intensive industries carried out with a grant under this section; and

(9) the distribution of funding among geographic and socioeconomic groups, including urban and rural communities, low-income communities, communities of color, and Indian Tribes.

(h) FUNDING.—

(1) INITIAL FUNDING.—There is appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, \$5,000,000,000 for each of fiscal years 2022 and 2023 to carry out this section, to remain available until expended.

(2) AMERICA'S CLEAN FUTURE FUND.—The Secretary shall carry out this section using amounts made available from the America's Clean Future Fund under section 9512 of the Internal Revenue Code of 1986 (as added by section 4).

**SEC. 8. STUDY ON CARBON PRICING.**

(a) IN GENERAL.—Not later than January 1, 2025, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study not less frequently than once every 5 years to evaluate the effectiveness of the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986 in achieving the following goals:

(1) A net reduction of greenhouse gas emissions by 45 percent, based on 2018 levels, by 2030.

(2) A net reduction of greenhouse gas emissions by 100 percent, based on 2018 levels, by 2050.

(b) REQUIREMENTS.—In executing the agreement under subsection (a), the Administrator shall ensure that, in carrying out a study under that subsection, the National Academy of Sciences—

(1) includes an evaluation of—

(A) total annual greenhouse gas emissions by the United States, including greenhouse gas emissions not subject to the fees described in that subsection;

(B) the historic trends in the total greenhouse gas emissions evaluated under subparagraph (A); and

(C) the impacts of the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986 on changes in the levels of fossil fuel-related localized air pollutants in environmental justice communities;

(2) analyzes the extent to which greenhouse gas emissions have been or would be reduced as a result of current and potential future policies, including—

(A) a projection of greenhouse gas emissions reductions that would result if the regulations of the Administrator were to be adjusted to impose stricter limits on greenhouse gas emissions than the goals described in that subsection, with a particular focus on greenhouse gas emissions not subject to the fees described in that subsection;

(B) the status of greenhouse gas emissions reductions that result from the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986;

(C) a projection of greenhouse gas emissions reductions that would result if the fees established under those sections were annually increased—

(i) at the current price path; and

(ii) above the current price path;

(D) an analysis of greenhouse gas emissions reductions that result from the policies of States, units of local government, Tribal communities, and the private sector;

(E) a projection of greenhouse gas emissions reductions that would result from the promulgation of additional Federal climate policies, including a clean energy standard, increased fuel economy and greenhouse gas emissions standards for motor vehicles, a low-carbon fuel standard, electrification of cars and heavy-duty trucks, and reforestation of not less than 3,000,000 acres of land within the National Forest System; and

(F) the status and projections of decarbonization in other major economies; and

(3) submits a report to the Administrator, Congress, and the Board of Directors of the Climate Change Finance Corporation describing the results of the study.

**SEC. 9. ESTABLISHMENT OF TARGETS FOR CARBON SEQUESTRATION BY LAND AND WATER.**

(a) IN GENERAL.—The Chair of the Council on Environmental Quality, in consultation with the Secretaries of Agriculture, Commerce, and the Interior, the Chief of Engi-

neers, and the Administrator of the Environmental Protection Agency, shall—

(1) establish a target for carbon sequestration that can reasonably be achieved through enhancing the ability of public and private land and water to function as natural carbon sinks;

(2) develop strategies for meeting that target; and

(3) develop strategies to expand protections for coastal ecosystems that sequester carbon and provide resiliency benefits, such as—

(A) flood protection;

(B) soil and beach retention;

(C) erosion reduction;

(D) biodiversity;

(E) water purification; and

(F) nutrient cycling.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, the Chair of the Council on Environmental Quality shall submit to Congress a report describing—

(1) the target and strategies described in paragraphs (1) through (3) of subsection (a); and

(2) any additional statutory authorities or authorized funding levels needed to successfully implement those strategies.

By Mr. DURBIN (for himself, Ms. BALDWIN, and Ms. SMITH):

S. 686. A bill to amend the Internal Revenue Code of 1986 to address the teacher and school leader shortage in early childhood, elementary, and secondary education, and for other purposes; to the Committee on Finance.

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

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

S. 686

*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 “Retaining Educators Takes Added Investment Now Act” or the “RETAIN Act”.

**SEC. 2. PURPOSE.**

The purpose of this Act is to create a refundable tax credit for early childhood educators, teachers, early childhood education program directors, school leaders, and school-based mental health services providers in early childhood, elementary, and secondary education settings that rewards retention based on the time spent serving high-need students.

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) The shortage of experienced, qualified early childhood educators and elementary school and secondary school teachers is a national problem that compromises the academic outcomes and long-term success of students.

(2) The shortage is the result of many factors including low pay, frequent turnover in school leadership, poor teaching conditions, and inadequate teacher supports.

(3) The shortage is worse in high-poverty areas where the factors contributing to the shortage are particularly acute and have an increased negative impact on teachers of color remaining in the field.

(4) A child’s access to high-quality early childhood education is critical to supporting positive outcomes, and early childhood educators—

(A) play an important role in setting the foundation for future learning, and

(B) promote the development of vital skills, habits, and mindsets that children need to be successful in school and in life.

(5) In 2019, the national median pay of early childhood educators was a mere \$30,520, with many early childhood educators relying on government assistance programs such as Medicaid, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or the temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and struggling to provide for their own families.

(6) Studies have demonstrated that well-qualified, experienced teachers are the single most important school-based element contributing to a child’s academic achievement and success.

(7) In 2019, the average teacher salary in public elementary schools and secondary schools was only \$64,470, which is on average 19.2 percent less than other college graduates working in non-teaching fields, and with many teachers struggling with large amounts of student loan debt.

(8) An experienced, well-qualified education workforce must also be reflective of the diversity of the student body across race, ethnicity, and disability.

(9) Experienced, well-qualified school leaders and school-based mental health service providers are essential for providing strong educational opportunities and services for students and promoting teacher retention through improved professional supports and teaching conditions.

(10) In 2020, surveys found nearly 27 percent of educators were considering leaving teaching due to the COVID-19 pandemic, including 55 percent of teachers with more than 30 years of experience.

**SEC. 4. REFUNDABLE TAX CREDIT FOR TEACHER AND SCHOOL LEADER RETENTION.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of subtitle A of the Internal Revenue Code of 1986 is amended by inserting after section 36B the following new section:

**“SEC. 36C. TEACHER AND SCHOOL LEADER RETENTION CREDIT.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is employed in a position described in paragraph (2) during a school year ending with or within the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable amount (as determined under subsection (b)).

“(2) ELIGIBLE POSITIONS.—The positions described in this paragraph shall consist of the following:

“(A) An eligible early childhood educator.

“(B) An eligible early childhood education program director.

“(C) An eligible early childhood education provider.

“(D) An eligible teacher.

“(E) An eligible paraprofessional.

“(F) An eligible school-based mental health services provider.

“(G) An eligible school leader.

“(b) APPLICABLE AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable amount shall be an amount determined based on the number of school years for which the individual has been continuously employed in any position described in subsection (a)(2), as follows:

“(A) Subject to paragraph (2), for the first year of employment, \$5,800.

“(B) For the second continuous year of employment, \$5,800.

“(C) For the third and fourth continuous year of employment, \$7,000.

“(D) For the fifth, sixth, seventh, eighth, and ninth continuous year of employment, \$8,700.

“(E) For the tenth continuous year of employment, \$11,600.

“(F) For the eleventh, twelfth, thirteenth, fourteenth, and fifteenth continuous year of employment, \$8,700.

“(G) For the sixteenth continuous year of employment, \$7,000.

“(H) For the seventeenth, eighteenth, nineteenth, and twentieth continuous year of employment, \$5,800.

“(2) FIRST YEAR.—For purposes of the first year of employment ending with or within a taxable year, an individual must have been so employed for a period of not less than 4 months before the first day of such taxable year.

“(3) LIMITATION BASED ON TOTAL NUMBER OF SCHOOL YEARS.—In the case of any individual who has been employed in any position described in subsection (a)(2) for a total of more than 20 school years, the applicable amount shall be reduced to zero.

“(c) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2022, each of the dollar amounts in subsection (b)(1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2021’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of \$100, such increase shall be rounded to the nearest multiple of \$100.

“(d) SUPPLEMENTING, NOT SUPPLANTING, STATE AND LOCAL EDUCATION FUNDS.—

“(1) IN GENERAL.—A State educational agency or local educational agency shall not reduce or adjust any compensation, or any assistance provided through a loan forgiveness program, to an employee of the State educational agency or local educational agency who serves in any position described in subsection (a)(2) due to the individual’s eligibility for the credit under this section.

“(2) METHODOLOGY.—Upon request by the Secretary of Education, a State educational agency or local educational agency shall reasonably demonstrate that the methodology used to allocate amounts for compensation and for loan forgiveness to the employees described in paragraph (1) at qualifying schools or qualifying early childhood education programs ensures that employees at each qualifying school or qualifying early childhood education program in the State or served by the local educational agency, respectively, receive the same amount of State or local funds for compensation and loan forgiveness that the qualifying school or qualifying early childhood education program would receive if the credit under this section had not been enacted.

“(e) INFORMATION SHARING.—The Secretary of Education and the Secretary of Health and Human Services shall provide the Secretary with such information as is necessary for purposes of determining whether an early childhood education program or an elementary school or secondary school satisfies the requirements for a qualifying early childhood education program or a qualifying school, respectively.

“(f) DEFINITIONS.—For purposes of this section—

“(1) ESEA DEFINITIONS.—The terms ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State educational agency’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM DIRECTOR.—The term ‘eligible early childhood education program director’ means an employee or officer of a qualifying early childhood education program who is responsible for the daily instructional leadership and managerial operations of such program.

“(3) ELIGIBLE EARLY CHILDHOOD EDUCATION PROVIDER.—The term ‘eligible early childhood education provider’ means an individual—

“(A) who—

“(i) has an associate’s degree or higher degree in early childhood education or a related field, or

“(ii) is enrolled during the taxable year in a program leading to such an associate’s or higher degree and is making satisfactory progress toward such degree, and

“(B) who is responsible for the daily instructional leadership and managerial operations of a qualifying early childhood education program in a home-based setting.

“(4) ELIGIBLE EARLY CHILDHOOD EDUCATOR.—The term ‘eligible early childhood educator’ means an individual—

“(A) who—

“(i) has an associate’s degree or higher degree in early childhood education or a related field, or

“(ii) is enrolled during the taxable year in a program leading to such an associate’s or higher degree and is making satisfactory progress toward such degree, and

“(B) who has credentials or a license under State law for early childhood education, as applicable, and

“(C) whose primary responsibility is for the learning and development of children in a qualifying early childhood education program during the taxable year.

“(5) ELIGIBLE PARAPROFESSIONAL.—The term ‘eligible paraprofessional’ means an individual—

“(A) who is a paraprofessional, as defined in section 3201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011),

“(B) who meets the applicable State professional standards and qualifications pursuant to section 111(g)(2)(M) of such Act (20 U.S.C. 6311(g)(2)(M)),

“(C) whose primary responsibilities involve working or assisting in a classroom setting, and

“(D) who is employed in a qualifying school or a qualifying early childhood education program.

“(6) ELIGIBLE SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘eligible school-based mental health services provider’ means an individual—

“(A) described in section 4102(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(6)), and

“(B) who is employed in a qualifying school or a qualifying early childhood education program.

“(7) ELIGIBLE SCHOOL LEADER.—The term ‘eligible school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of a qualifying school, and

“(B) responsible for the daily instructional leadership and managerial operations in the qualifying school.

“(8) ELIGIBLE TEACHER.—The term ‘eligible teacher’ means an individual who—

“(A) is an elementary school or secondary school teacher who, as determined by the State or local educational agency, is a teacher of record who provides direct classroom teaching (or classroom-type teaching in a nonclassroom setting) to students in a qualifying school, and

“(B) meets applicable State certification and licensure requirements, including any

requirements for certification obtained through alternative routes to certification, in the State in which such school is located and in the subject area in which the individual is the teacher of record.

“(9) QUALIFYING EARLY CHILDHOOD EDUCATION PROGRAM.—

“(A) IN GENERAL.—The term ‘qualifying early childhood education program’ means an early childhood education program, as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003), that, regardless of setting—

“(i) serves children who receive services for which financial assistance is provided in accordance with the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), or the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and

“(ii) participates in a State tiered and transparent system for measuring program quality.

“(B) SPECIAL RULE.—Notwithstanding subparagraph (A), an early childhood program that does not satisfy the requirements of subparagraph (A)(ii) shall be deemed to be a qualifying early childhood education program until September 30, 2021, if the program—

“(i) satisfies all requirements of subparagraph (A) except for clause (ii) of such subparagraph, and

“(ii) meets the Head Start program performance standards described in section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), if applicable, or

“(II) is accredited by a national accreditor of early learning programs as of the date of enactment of the Retaining Educators Takes Added Investment Now Act.

“(10) QUALIFYING SCHOOL.—The term ‘qualifying school’ means—

“(A) a public elementary school or secondary school that—

“(i) is in the school district of a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), or

“(ii) is served or operated by an educational service agency that is eligible for such assistance, or

“(B) an elementary school or secondary school that is funded by the Bureau of Indian Education and that is in the school district of a local educational agency that is eligible for such assistance.”

(b) W-2 REPORTING OF CONTINUOUS EMPLOYMENT FOR CERTAIN POSITIONS AT QUALIFYING EARLY CHILDHOOD EDUCATION PROGRAMS OR QUALIFYING SCHOOLS.—Section 6051(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “, and”, and by inserting after paragraph (17) the following new paragraph:

“(18) in the case of an employee who is employed in a position described in subsection (a)(2) of section 36C, the number of school years for which such employee has been continuously employed in any such position.”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of subtitle A of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following:

“Sec. 36C. Teacher and school leader retention credit.”

(2) Section 6211(b)(4)(A) of such Code is amended by inserting “36C,” after “36B.”

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “36C,” after “36B.”



(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

#### SEC. 5. DEVELOPING INTERAGENCY DATA SERIES.

The Secretary of Labor, in coordination with the Secretary of Treasury, the Secretary of Education, and the Secretary of Health and Human Services, shall—

(1) develop and publish on the internet website of the Bureau of Labor Statistics a data series that captures—

(A) the average base salary of teachers in elementary schools and secondary schools, disaggregated by—

(i) employment in public elementary schools and secondary schools that receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.),

(ii) employment in public elementary schools and secondary schools that do not receive such assistance, and

(iii) geographic region, and

(B) the average base salary of early childhood educators, disaggregated by highest level of degree attained, and

(2) update the data series under paragraph (1) on an annual basis.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 102—RECOGNIZING THE 100TH ANNIVERSARY OF THE HOOSIER GYM AND THE 35TH ANNIVERSARY OF THE RELEASE OF THE FILM “HOOSIERS”

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

##### S. RES. 102

Whereas The Hoosier Gym is a basketball gymnasium, museum, and community center located in Knightstown, Indiana, and is famous for being a filming location for the 1986 basketball movie “Hoosiers”, starring Gene Hackman and Dennis Hopper;

Whereas, in 1920, the Knightstown Community School had no gymnasium;

Whereas, in February 1921, a half dozen Knightstown businessmen met to discuss the fact that Knightstown was lagging behind other towns in the development of children's athletic education;

Whereas, after much debate, a plan to build a “gymnasium and community house” was developed and approved;

Whereas, to help fund the new gym, the Knightstown businessmen raised more than \$14,400 in donations from more than 250 citizens and several local businesses;

Whereas, on December 1, 1921, construction of the gym was completed;

Whereas, at 105 feet (32 meters) long and 80 feet (24 meters) wide, the new gym was big enough to accommodate not only basketball games and spectators (with bleacher seating around the sides and ends of the playing floor), but also many civic and community-oriented events;

Whereas it was not long before arrangements were made for several professional basketball teams to play on the new floor, including the EmRoes, the Michigan Rails, and the Baltimore Orioles, and the town even persuaded players from various colleges to compete against local teams;

Whereas, by 1966, the gym had become obsolete with the building of a new high school and gym;

Whereas the Panthers of Knightstown played their last official regular-season basketball game at the gym in February 1966;

Whereas, after 45 years of serving the community and providing a place for its young people to grow and develop, the gym was closed, and for the next 19 years, the gym saw little use;

Whereas, in 1985, interest in the gym increased when a film crew descended upon Knightstown, Indiana, looking for a place to film “Hoosiers”;

Whereas “Hoosiers” is an American sports film written by Angelo Pizzo and directed by David Anspaugh in his feature directorial debut, and both individuals were raised in Indiana;

Whereas the film tells the story of the unique phenomenon known as “Hoosier Hysteria”—Indiana's obsession with basketball;

Whereas the film is inspired by the 1954 Milan High School team, which made an unlikely run to win the Indiana High School Boys Basketball State Championship, which consisted of a single class of high school basketball for all schools throughout the State;

Whereas about ⅓ of the film was filmed in the gym, and the film included many Hoosiers, including players on the team and most of the stand-ins;

Whereas Dennis Hopper's role earned him an Oscar nomination, and Jerry Goldsmith was also nominated for an Academy Award for his score;

Whereas the film “Hoosiers” is often considered the greatest sports movie of all time and was added to the National Film Registry in 2001 by the Library of Congress as being “culturally, historically, or aesthetically significant”;

Whereas, as a result of the success of this film, the old Knightstown gymnasium came to be known as The Hoosier Gym;

Whereas The Hoosier Gym has kept the same look as it did when “Hoosiers” was filmed in 1985;

Whereas, by 1988, the gym faced possible demolition when the 112-year-old school next door, then serving as an elementary school, was replaced by a new school north of town, but Historic Knightstown and Historic Landmarks of Indiana stepped forward to help preserve the gym;

Whereas now The Hoosier Gym usually hosts 80 high school basketball games with teams from throughout the country and over 100 games in total each year;

Whereas, each year, the gym holds the Hoosiers Reunion All-Star Classic, where Indiana's best high school athletes play against each other, with the teams named “Hickory” and “Terhune”, as in the film;

Whereas many of these athletes have gone on to play in the National Basketball Association and the Women's National Basketball Association;

Whereas “Hoosiers” and The Hoosier Gym have highlighted the cultural impact and importance of basketball in the State of Indiana to the world;

Whereas, in 2021, The Hoosier Gym is celebrating its 100th anniversary, and the film “Hoosiers” is celebrating its 35th anniversary; and

Whereas the film “Hoosiers”, The Hoosier Gym, Hinkle Fieldhouse, and all the other locations throughout Indiana used for filming highlight Hoosiers' love for basketball and “Hoosier Hysteria” at its finest: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) The Hoosier Gym, which is celebrating its 100th anniversary in 2021, continues to remain an important historical and cultural location for the State of Indiana, Henry County, the Town of Knightstown, and the

nearly 80,000 basketball enthusiasts and tourists throughout Indiana, the United States, and the world that visit the location every year;

(2) the film “Hoosiers”, which is celebrating its 35th anniversary in 2021, continues to remain one of the top ranked and most influential sports movies of all time, highlights the love of basketball in the State of Indiana, and provides a better understanding of “Hoosier Hysteria” to the world;

(3) both the film and this historical location deserve recognition for the continued legacies that greatly enrich the State of Indiana, its local communities, and its citizens by providing the world with a better understanding of the love of basketball in Indiana and what it means to be a Hoosier;

(4) continued admiration for this film and historical location reinforces the quote by Dr. James Naismith, basketball's inventor, after visiting an Indiana High School State Basketball Championship game that “Basketball really had its beginning in Indiana which remains today the center of the sport”, and such admiration continues to promote throughout the world a better understanding of the motto “In 49 States, it's just basketball, but this is Indiana”;

(5) the anniversaries of the film “Hoosiers” and The Hoosier Gym should be recognized due to the historical and cultural significance each had and continue to have in introducing the State of Indiana and its love of basketball to the rest of the country and the world.

#### SENATE RESOLUTION 103—CONDEMNING MILITARY AGGRESSION AND USE OF FORCE BY THE CHINESE COAST GUARD AGAINST PEACEFUL FOREIGN VESSELS THAT PURPORTEDLY VIOLATE THE UNLAWFUL MARITIME SOVEREIGNTY OF CHINA

Mr. SCOTT of Florida (for himself, Mr. SULLIVAN, Mr. WICKER, Mr. TILLIS, and Mr. HAWLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 103

Whereas the National People's Congress of China passed the Coast Guard Law of the People's Republic of China on January 22, 2021, for the alleged purposes of defending the national sovereignty, security, and maritime rights and interests of China;

Whereas the Coast Guard Law of the People's Republic of China applies to activities in the “jurisdictional waters” of China, a term that is neither defined nor drafted in accordance with international law;

Whereas 6 countries lay overlapping claims to the South China Sea, an area known to be rich in oil, gas, and natural resources and by which \$3,400,000,000,000 in commerce transits through;

Whereas the Government of the People's Republic of China has made claims to the South China Sea by means of a “nine-dash line” that is not based on legitimate evidence and nor legal or historical precedent;

Whereas United States Navy and United States Coast Guard ships conduct freedom of navigation operations throughout the South China Sea, challenging excessive and illegal maritime claims; and

Whereas the United States will not tolerate a threat from the People's Republic of China for its extension of power in waters far beyond its legitimate territorial sea boundaries: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns exertion of illegitimate authorization for Chinese Coast Guard military aggression by the People's Republic of China against foreign vessels;

(2) condemns the unlawful claims by the Government of the People's Republic of China to the South China Sea;

(3) applauds the United States Navy and the United States Coast Guard for their continued efforts to conduct freedom of navigation operations in order to assert international rights to freedom of navigation and uphold a free and open international order that promotes security and prosperity;

(4) calls on all nations to condemn the exertion of power by People's Republic of China that threatens rules based order and international law;

(5) calls on all nations to join and condemn unlawful claims by the Government of the People's Republic of China and stand with Southeast Asian allies and partners in protecting their sovereign rights to offshore resources; and

(6) encourages all nations to condemn and stand together against attempts by the Government of the People's Republic of China to impose its will on other countries.

#### SENATE RESOLUTION 104—RECOGNIZING THE CENTENNIAL OF THE 1921 TULSA RACE MASSACRE

Ms. WARREN (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CASEY, Mr. COONS, Ms. CORTES MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. PADILLA, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 104

Whereas, in the early 20th century, *de jure* segregation confined Tulsa's Black residents into the "Greenwood District", which they built into a thriving community with a nationally renowned entrepreneurial center known as the "Black Wall Street";

Whereas, at the time, white supremacy and racist violence were common throughout the United States and went largely unchecked by the justice system;

Whereas reports of an alleged and disputed incident on the morning of May 30, 1921, between two teenagers, a Black man and a white woman, caused the white community of Tulsa, including the Tulsa Tribune, to call for a lynching amidst a climate of white racial hostility and white resentment over Black economic success;

Whereas, on May 31, 1921, a mob of armed white men descended upon Tulsa's Greenwood District and launched what is now known as the "Tulsa Race Massacre";

Whereas Tulsa municipal and county authorities failed to take actions to calm or contain the violence, and civil and law enforcement officials deputized many white men who were participants in the violence as their agents, directly contributing to the violence through overt and often illegal acts;

Whereas, over a period of 24 hours, the white mob's violence led to the death of an estimated 300 Black residents, as well as over 800 reports of injuries;

Whereas the white mob looted, damaged, burned, or otherwise destroyed approximately 40 square blocks of the Greenwood district, including an estimated 1,256 homes

of Black residents, as well as virtually every other structure, including churches, schools, businesses, a hospital, and a library, leaving nearly 9,000 Black Tulsans homeless and effectively wiping out tens of millions of dollars in Black prosperity and wealth in Tulsa;

Whereas, in the wake of the Tulsa Race Massacre, the Governor of Oklahoma declared martial law, and units of the Oklahoma National Guard participated in the mass arrests of all or nearly all of Greenwood's surviving residents, removing them from Greenwood to other parts of Tulsa and unlawfully detaining them in holding centers;

Whereas Oklahoma local and State governments dismissed claims arising from the 1921 Tulsa Race Massacre for decades, and the event was effectively erased from collective memory and history until, in 1997, the Oklahoma State Legislature finally created a commission to study the event;

Whereas, on February 28, 2001, the commission issued a report that detailed, for the first time, the extent of the Massacre and decades-long efforts to suppress its recollection;

Whereas none of the law enforcement officials nor any of the hundreds of other white mob members who participated in the violence were ever prosecuted or held accountable for the hundreds of lives lost and tens of millions of dollars of Black wealth destroyed, despite the Tulsa Race Massacre Commission confirming their roles in the Massacre, nor was any compensation ever provided to the Massacre's victims or their descendants;

Whereas government and city officials not only abdicated their responsibility to rebuild and repair the Greenwood community in the wake of the violence, but actively blocked efforts to do so, contributing to continued racial disparities in Tulsa akin to those that Black people face across the United States;

Whereas the pattern of violence against Black people in the United States, often at the hands of law enforcement, shows that the fight to end State-sanctioned violence against Black people continues; and

Whereas this year marks the 100th anniversary of the Tulsa Race Massacre: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the centennial of the Tulsa Race Massacre;

(2) acknowledges the historical significance of this event as one of the largest single instances of State-sanctioned violence against Black people in American history;

(3) honors the lives and legacies of the estimated 300 Black individuals who were killed during the Massacre and the nearly 9,000 Black individuals who were left homeless and penniless;

(4) condemns the participants of the Tulsa Race Massacre, including white municipal officials and law enforcement who directly participated in or who aided and abetted the unlawful violence;

(5) condemns past and present efforts to cover up the truth and shield the white community, and especially State and local officials, from accountability for the Tulsa Race Massacre and other instances of violence at the hands of law enforcement;

(6) condemns the continued legacy of racism, including systemic racism, and white supremacy against Black people in the United States, particularly in the form of police brutality;

(7) encourages education about the Tulsa Race Massacre, including the horrors of the massacre itself, the history of white supremacy that fueled the massacre, and subsequent attempts to deny or cover up the Massacre, in all elementary and secondary education

settings and in institutions of higher education in the United States; and

(8) recognizes the commitment of Congress to acknowledge and learn from the history of racism and racial violence in the United States, including the Tulsa Race Massacre, to reverse the legacy of white supremacy and fight for racial justice.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. BROWN. Mr. President, I have 9 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 BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 2 p.m., to conduct a hearing on nominations.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 10 a.m., to conduct a hearing on a nomination.

##### 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, March 10, 2021, 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, March 10, 2021, at 10 a.m., to conduct a hearing.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 9:45 a.m., to conduct a hearing on a nomination.

##### COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 2:30 p.m., to conduct a hearing.

##### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 3 p.m., to conduct a hearing.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 2:30 p.m., to conduct a closed briefing.

##### SUBCOMMITTEE ON OVERSIGHT, AGENCY ACTION, FEDERAL RIGHTS AND FEDERAL COURTS

The Subcommittee on Oversight, Agency Action, Federal Rights and

Federal Courts of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 10, 2021, at 3 p.m., to conduct a hearing.

#### ORDERS FOR THURSDAY, MARCH 11, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Thursday, March 11; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the motion to discharge the nomination of Xavier Becerra from the Committee on Finance, with the time expiring at 12 noon; further, that upon disposition of the motion to discharge, the Senate resume consideration of the nomination of DEBRA HAALAND to be Secretary of the Interior; finally, that the cloture motion on the Haaland nomination ripen at 1:30 p.m.

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

Mr. SCHUMER. For the information of Senators, there will be two rollcall votes during Thursday's session of the Senate at 12:00 noon on the motion to discharge the Becerra nomination and at 1:30 p.m. on the motion to invoke cloture on the Haaland nomination.

#### ORDER FOR ADJOURNMENT

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

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

The PRESIDING OFFICER. The Senator from Alaska.

#### CONFIRMATION OF MICHAEL STANLEY REGAN

Mr. SULLIVAN. Mr. President, we just voted on Secretary Michael Regan to be the new EPA Administrator. I want to congratulate him on his vote. He is now the new EPA Administrator.

I sit on the Committee on Environment and Public Works. So we had hearings for Mr. Regan—Administrator Regan, I guess we want to call him now—and I have had a number of conversations with him. I actually voted for him to move out of committee to come to the floor for this vote that we took today.

I like to come down to the floor to explain my votes because sometimes I support the Biden administration's Cabinet officials. I introduced Secretary of Defense Austin at his con-

firmation hearing. I served with him many years ago when I was a marine and he was a four-star general in the Army. I have a lot of respect for the Secretary of Defense.

Then there are other times when I am a "no." What I typically like to do is come and explain the noes but not always. On this one, for Secretary Regan, for Administrator Regan and his team, I want to explain it because I will say that I was impressed with him. I think he is qualified. He was essentially the EPA administrator for North Carolina. Both of his Republican Senators introduced him at his hearing and voted for him, I believe, today, and I have had good conversations with him as well.

Here is the thing: I was trying to get commitments from him. Now, this is very normal in the confirmation process. You work with the nominees and try to get commitments. Sometimes they give them, and sometimes they don't, but that is what we do—give advice and consent. We have been doing this since the Founding Fathers wrote the Constitution on what the Senate should be doing in these confirmation processes that we are going through right now with the Biden administration. So I wasn't asking for a lot in terms of commitments from this administration for the great State of Alaska, but it was important to me.

Why was it important to me?

Unfortunately, the Biden administration has launched a war on working families in Alaska. Now, that sounds like a pretty dramatic statement, "a war on working families in Alaska." What I am looking for is a ceasefire. My State, like a lot of States, is hurting economically. We are doing very well and I am very proud of Alaska on the health side. We are No. 1 in terms of vaccinations per capita in the country, which is remarkable, if you have been to my State, as it is so huge and the populations are so spread out, but we are working together, all of us, and we are achieving really remarkable results. We have been No. 1 in testing per capita throughout the whole pandemic, and we have had some of the lowest per capita death rates throughout the whole pandemic. But we are being really hit hard economically in the energy sector, the tourism sector, and the commercial fishing sector.

So why am I looking for a ceasefire?

In the first 2 months of the Biden administration, there have been eight Executive orders, if you include the recent statement by the President and the Prime Minister of Canada, which had a focus on Alaska, which have been focused on my State. Usually, it will be on economic development projects and usually on access to Federal lands. Eight. There is no State in the country that is getting that kind of attention from this administration, and we are hurting. It is not even close. Show me any other State represented in the U.S. Senate Chamber that has eight Executive orders directed at your State. It

won't exist. Trust me—my constituents don't like all the attention.

So I want to ask the President—not the Presiding Officer but the President: Mr. President, Mr. President Biden, sir, you were a U.S. Senator for three decades. Let me just ask you this question: If a Republican administration came into office and focused its attention on shutting down Delaware with eight Executive orders inside of 2 months, you would be on the floor every day like me, talking about it, asking for some relief. That is all we are asking for—a ceasefire on the hard-working families of Alaska.

This is what I asked Secretary Regan. A commitment on these is not a big issue. I told him, if I could get a commitment on these things, I would come down to the floor and give a speech in favor of his confirmation.

One was of a very big energy project in my State that has been permitted for almost 25 years. It started with the Clinton administration, in a place called the National Petroleum Reserve of Alaska, and was set aside by Congress for oil and gas development. That is what the NPR-A is. We do it responsibly, better than any place in the world, but this is a project that was started by the Clinton administration and moved forward by the Bush administration. There was a big NEPA environmental impact statement by the Obama administration, called the Integrated Activity Plan for NPR-A, which was approved. It was completely non-controversial because that is what this part of Alaska is set aside for. Then the Trump administration finalized a very large but responsibly developed energy project. We started it this winter with no controversy. It has estimates of 2,000 direct jobs, with thousands more indirect jobs. All we wanted was a commitment to keep it going. That is it—simple, status quo. Couldn't get it. Couldn't get it.

There is litigation with regard to this project right now. About 200 people—almost 200 workers—have been sent home with pink slips during a recession. Those were great jobs by the way. We tried to get a commitment on this. We couldn't get it. By the way, 75 percent of those 2,000 jobs were union jobs and high-paying—building trades, laborers, operating engineers, teamsters. They are great Americans, by the way. Seventy-five percent. Non-controversial. Twenty-five years of permits. No one has been against this. So I just wanted a commitment on it. No. Like I said, it is a war on working families.

Here is another one. Here is something that a lot of people don't know about Alaska: 60 percent of the country's wetlands, of America's wetlands, are in my State—six zero. Now, we have the most beautiful State. We love our wilderness. We love the outdoors. We care about the Alaskan environment more than anyone else and—trust me—more than anyone else in the

EPA. That is for sure. We have 175 million acres of wetlands. So this creates challenges.

Unlike most of the lower 48, we have not dredged and filled these areas in the past. If you look at the east coast, at its environments—no offense to some of my colleagues whose States are up the corridor here—holy cow. And you wonder about my environment? Geez Louise. But it is hard to do compensation for projects where you haven't had dredge and fill before, because we have so many wetlands. So, in 2018, the Corps of Engineers and the EPA had an MOU to address some of these mitigation challenges. It wasn't controversial; it was creative. I thought Secretary Regan thought it was creative when I talked to him about it. So we just asked for a continuation of this. These are really simple commitments, good ideas—couldn't get it from the Secretary.

Now, look, here's my own view. I think Mr. Regan wanted to—I explained these to him. I think he was reasonable, someone who has done this in his State and knows each State is unique. He cares about jobs. He cares about environmental justice. That is a big issue in my State when a lot of these communities that are getting targeted are actually Alaska Native communities. They are killing jobs in those communities. That is environmental justice; that is for sure. So my instinct was he wanted to make these commitments, but I think he was told no. I don't know that, but I'm pretty—well, I can't say. But I think he was told no by the White House. This raises a much bigger concern about this nominee.

My good friend, the esteemed Senator from West Virginia, Senator CAPITO, was on the floor earlier. She also sits on the EPW Committee. She is the ranking member on the committee. She gave a really important speech on why she also voted no for Mr. Regan. And I think she had the same feeling I did. He knows the issues, is qualified, cares about different States' challenges. But she raised a concern that I want to reiterate because I think it is going to be a really big concern, and I think it is going to come to a head here soon, and that is this: There is concern, not just among Republican Senators—it is all over the press, and she cited it—that Mr. Regan, who is now the EPA Administrator might not be the person in charge of the EPA. Now he's Senate-confirmed. He is the one who has to come before the Congress for hearings, for oversight, but what are we talking about here?

Well, the former EPA Administrator, Gina McCarthy, is in the White House. She is out talking to the press all the time. She's an unaccountable czar on these issues, working behind the scenes—and, actually, not even behind the scenes. She was recently quoting about herself, saying she's the orchestra leader of all of these issues.

Wait, what about the EPA Administrator? I thought he was the Senate-

confirmed person nominated by the President. The big, big concern is that he is not going to have the authority or the decision-making capacity and is going to be told what to do by a shadow EPA working out of the White House run by Gina McCarthy. That is not just me. That is not just Senator CAPITO. That is all over the press. Read it. Inside EPA—she was quoting from that, Senator CAPITO was. No transparency there? All these previous Obama administration EPA alumnae in the White House running it.

By the way, if I am the new EPA Administrator, Mr. Regan, I wouldn't want that notion out there. But with all due respect, sir—and, again, congratulations—it is out there, and you need to tamp this down because it is going to come to a head.

Look, my State did not fare well under the Gina McCarthy EPA. There is a long list: the waters of the United States—I won't get into the details of the disrespect to my constituents. Armed EPA officials with body armor, rifles, were going after gold miners and placer miners in Alaska because they thought they were violating the Clean Water Act. No kidding. Read about it. Chicken, AK—go Google that. We were not big fans.

So I believe Mr. Regan wants to work with Alaskans. I believe he understands the concept of cooperative federalism on these environmental issues. I don't believe he would authorize armed guards to terrify small placer miners in the interior of Alaska the way the previous Administrator McCarthy did and talk to the press in a blatantly disrespectful way to my fellow Alaskans. It was shameful, in my view. But this issue is going to come to a head.

Who is in charge? Regardless of whether you are a Democrat or Republican, if you voted for the EPA Administrator or you didn't, we want him in charge because he is the Senate-confirmed official nominated by the President, not an unelected official in the White House who I guarantee wouldn't have been able to get confirmed. So it is going to be a challenge.

And it is not just Gina McCarthy. We had an EPW hearing today, and I raised the issue of the other czar—John Kerry, the former Senator. But he is not confirmed. He hasn't been appointed to a Senate-confirmed job. He and the President are at loggerheads on a really big issue. President Biden, the President of the United States, recently in a meeting reported by the press with labor leaders, said: I am all in on natural gas. That is important. That is a huge issue for our environment and our workers. The President of the United States said "I am all in on natural gas" to the men and women who build pipelines. He told them that recently in a White House meeting. He is the President of the United States.

Now John Kerry—I think some people think he is President of the world. He is flying around on his airplane

right now, and he is telling people he is not for natural gas. Well, I wonder who is going to win that debate.

But this goes to this issue: These are going to come to a head. Who is in charge here—the President of the United States or the President of the world—on natural gas? I hope it is the President of the United States because natural gas is going to be key for our workers, for our environment, for our national security. And at the EPA level, who is in charge? Mr. Regan? I hope so. Or Gina McCarthy? It is looking more and more like she is in charge.

So that is why a number of us, despite being impressed, wanting to work with the new EPA Administrator voted no, and I certainly hope that the unaccountable team of McCarthy and Kerry in the White House are not going to be running the policy, but it is going to be the people who were actually confirmed by the U.S. Senate because that is the way our system of government is supposed to work.

So, Mr. President, for those reasons, although I again want to congratulate Mr. Regan, I respectfully declined to support his nomination, and we will see. We will see who is going to be ultimately in charge.

I want to work with him and his team. These issues are so important to my State. I want him to help convince others in the Biden White House for the ceasefire that my constituents need.

We need to get to work, and I am hoping he is going to be a constructive partner in that regard.

#### NATIONAL GUARD

Mr. SULLIVAN. Mr. President, most mornings I get up kind of early, and I go for a run on the Mall, run by the Capitol, this beautiful building, the Senate, the House, the people's house, which recently was open for all of us to enjoy. And now, as most Americans know, it is ringed with gates and razor wire and troops. It looks a little bit like the Green Zone in Baghdad, not the U.S. Capitol.

Here's the thing. When I go running—I do this most mornings; I did it this morning—you see these wonderful National Guard men and women who are serving their country still here behind the fence, behind the razor wire. And they are literally about every 50 yards, sometimes closer, standing post all night—all night—hundreds of them, American soldiers.

They are doing their duty, and we all appreciate it. I talk to them. I just say: Hey, how you guys doing? How is morale? You want to be here? You think it is time to go home? I think it is time for you to go home, and I am going to try and help you with that.

Now, look, most are stoic. They are tough. They are soldiers doing their job. But make no mistake, they want to go home. They are standing their post all night, 1, 2, 3 in the morning,

every 50 yards, for what? For what? I don't think they know what for, and neither do I.

Now the assault that took place on our democracy on January 6 was a dark day for our country, no doubt. I will remember that for the rest of my life. But the Members of Congress did something really important that same day. We reconvened right here in the U.S. Senate, even amid some of the broken glass and smashed doors in the House. We finished our constitutional duty to count the electoral college votes. The rioters that day—who should be prosecuted—did not win. That was important.

But that was 3 months ago, and our Nation's Capitol is still decked in layer upon layer of barbed wire and metal fencing. More than 5,000 troops still roam the Capitol instead of being where they know they should be: home with their families, back to their jobs—these are National Guard members, so their work is obviously being disrupted—and back to their States and their communities.

The cost of keeping them here since January at this juncture is over a half billion dollars. But here's the thing: I pay close attention to these issues. I keep asking: OK, I understand this; they were here after the 6th, and they were here for the inauguration, but what is the threat now? Give me an intel threat—a credible intel threat—that requires 5,000 troops and razor wire all across the U.S. Capitol, the people's house. What is the credible intel? I have not gotten any credible intel that I am aware of.

We learned yesterday that the Secretary of Defense approved the request for these soldiers to be here for another 60 days. Here is what you didn't hear about in those reports. I have a lot of respect for the Secretary of Defense. As a matter of fact, as I mentioned in my remarks earlier, I introduced him at his confirmation hearing. But this decision on whether there should be troops here or not is actually not his decision. It is our decision. It is the Members of Congress's decision. That is the threshold issue: Should we still

have the troops here? It is the majority leader's decision. It is the Speaker of the House's decision. So why do we still have troops here? Why is the Capitol still in high security lockdown?

I think it would be really important for the majority leader to come to the floor and not only tell us but tell the troops, tell the American people what is going on.

Remember, this is not our House. This is not our building. This belongs to the people of America. We are privileged to be here, certainly, but we need answers.

And I will tell you who else needs answers. The troops need answers.

My own view is we need to get these troops home. We need to tear down the wall. We need to open the gate. And this is not just my view; this is a widely held view. Democrats and Republicans all agree.

Just look around the Capitol Hill neighborhoods. These signs are everywhere. So are other signs. "Free the People's House." "Don't Fence the Capitol."

What is happening right now—we all love our military. Our military normally is a symbol of strength for America. But right now, the military here is not a symbol of strength. We are telling the world, through razor wire, that American democracy is fragile and that it is afraid. American democracy is not fragile, and it is not afraid. So these troops are a symbol not just to Americans but to the rest of the world that the Capitol lives in fear or weakness.

There was evidently some kind of vague—it wasn't credible—threat on March 4 from some nutjob group, QAnon—however the heck you pronounce it—and we had the entire House on the other side of this great building call it quits, went home, and said: We are not going to do any work. That is exactly the wrong answer. That is not what we did on January 6.

So what we need is we need our leaders in the House and in the Senate to come down here and tell us why we are still in an armed camp. One can't help but wonder if there is something else

going on here. Why do the leaders of the House and Senate still want thousands of troops and razor wire around the Capitol? I hope they don't fear the people they represent. I don't fear my constituents. Is there intel that they have that we don't know about? How long can we expect this green zone in our Nation's Capital to continue? The American people need answers.

But here is the key issue. At the end of the day, this is a law enforcement problem. It is not a military problem. To make it a military problem is dangerous. If the Capitol Police need more officers, then let's have that discussion, but we are a citizen-controlled government, and our military, whom I respect so much, should not be used for an extended period of time here on the Capitol grounds to handle a law enforcement issue, especially at the most important symbol of democracy in America, probably the most important symbol of democracy in the world.

So here is what we need to do. It is time to tear these walls down, open these gates, and send our brave National Guard troops home.

I yield the floor.

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#### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, March 11, 2021, at 10:30 a.m.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 10, 2021:

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MARCIA LOUISE FUDGE, OF OHIO, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

##### ENVIRONMENTAL PROTECTION AGENCY

MICHAEL STANLEY REGAN, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

##### DEPARTMENT OF JUSTICE

MERRICK BRIAN GARLAND, OF MARYLAND, TO BE ATTORNEY GENERAL.