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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

### PRAYER

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

Let us pray.

Eternal Spirit, who directs the paths of all who love You, in this season of peace on Earth, we thank You for Your word and for the eternal truths that guide us day by day. Thank You, Lord, for another day with opportunities to make a difference in Your world. Thank You also for the sureness of Your presence that brings us peace in the midst of this world's turmoil. Lord, teach us to turn to You so that Your thoughts can become our thoughts and Your ways our ways.

Be for our Senators a refuge and a fortress, and may they put their trust in You.

We pray in Your great 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, December 1, 2022.

To the Senate:

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

appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### RAILWAY LABOR MANAGEMENT DISPUTE

Mr. SCHUMER. Madam President, yesterday, the House of Representatives passed a joint resolution that will ensure our railroads continue to operate and our economy continues to function as the holiday season commences.

Last night, I invoked rule XIV to place that resolution directly onto the legislative Calendar. Senators are working morning, noon, and night to reach an agreement for us to act on

this measure ASAP. The Senate cannot leave until we get the job done, and Democrats will keep working with Republicans to find a path forward that everyone can support.

One of my top priorities is holding a vote to provide rail workers with the paid sick leave many of them have asked for. I support paid sick leave. My Democratic colleagues support paid sick leave, and we want to see it included in the package. We hope some of our Republican colleagues will join us.

Forcing workers to choose between their health and their livelihoods is unacceptable, and for that reason, Democrats—myself included—think it should be included.

One thing is certain—one thing is certain—time is of the essence. A rail shutdown is set to begin December 9, but the truth is, we need to resolve this impasse well in advance of that date.

Suppliers and businesses across the Nation are going to begin shutting down operations soon if they think a strike is imminent. They are not going to wait until December 9. They are not going to put something on a railcar in Seattle on December 7 that may be stuck in Peoria on December 9 because there is a rail strike, even when it is headed, say, to the East Coast. So for the suppliers and businesses, the date, the drop-dead date, if you will, before damage occurs is a lot sooner than December 9. And there would be painful disruptions to the economy before December 9 if we didn't act soon.

The consequences of inaction would be severe: unsafe drinking water, unusable gasoline, shuttered powerplants, and a crippling shutdown of passenger rail across the country. And those are just a few of the myriad of problems, serious problems, that would occur if there is a rail shutdown.

In that scenario, nobody wins; everybody loses. So the responsible thing to do here is to move forward and do everything we can to include paid sick leave. Again, we must keep working until the task is complete.

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



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S6919

OMNIBUS AND NATIONAL DEFENSE  
AUTHORIZATION ACT

Madam President, now on the omni and the NDAA, as we approach the end of the year, two of the most important priorities the Senate must focus on are passing a yearlong omnibus and approving a bipartisan Defense appropriations bill.

We have a lot of work left to do on both fronts, but so far, I am encouraged by the goodwill coming from both sides. While Democrats and Republicans disagree on the details of the omnibus, there is little debate that a CR would be terrible news for our troops and for American security.

Yesterday, I attended a classified briefing on the latest developments in the war in Ukraine. Without getting into any of the details disclosed there, it was obvious, sitting in the room, that much of Ukraine's success is thanks to the emergency military and economic aid provided by the United States. Ten months into this war, there is no question, in my judgment, that helping our Ukrainian friends has been the right thing to do.

But the fighting in Eastern Europe is sadly far from over. Putin's human rights atrocities continue. He is a vicious and brutal dictator. News reports come in daily of mass graves, civilian casualties. Entire cities—men, women, children—civilians, being killed and maimed and entire cities being reduced to rubble. Yet even now, the brave and strong people of Ukraine have endured and fought back. They know what Russian aggression is. They remember it from the days of the 1930s when Stalin sought to starve a huge number of Ukrainians to death.

The United States must stay the course helping our friends in need. And by the way, this is not just a matter of standing with Ukraine; it is a matter of American security because, deep down, Putin is nothing more than a violent bully who will endanger our own democracy if his influence is allowed to expand, and he will not stop at Ukraine if he succeeds there.

The single worst thing we can do right now is give Putin any signal that we are wavering in our commitment to help Ukraine. That is precisely what a CR would signal, and we cannot afford to go down that treacherous road. So I hope both sides will work together. We are making good progress. Paper is now being exchanged back and forth. We are not there yet. We have got a ways to go, but we have got to keep working until we get an omnibus done, for the sake of our national security.

Meanwhile, at the same time, both parties must cooperate on passing a bipartisan national defense act, as we have done now for more than six decades. Just as we need to hold the line against Putin and his belligerence, we also have to stand firm against encroachments and aggression from the Chinese Communist Party.

A few months ago, the Senate took a major step in that direction by passing

the CHIPS and Science Act, which will boost domestic chip manufacturing and help sever our dependence on foreign-made semiconductors. But just because we passed CHIPS and Science doesn't mean the job is done. We need to build on our accomplishments by adding even more protections in the NDAA so we can continue reducing U.S. reliance on risky, Chinese-made microchips.

So, last month, I joined with Senator CORNYN, my colleague from Texas, to introduce an amendment to the NDAA that would prohibit the U.S. Government from doing business with companies that rely on certain Chinese chipmakers that the Pentagon has labeled "Chinese military contractors." This amendment would address a very big problem: Too many American companies with Federal contracts are purchasing chips made by Chinese makers with well-known ties to the Chinese Communist Party and the Chinese Government. You don't need to be a national security expert to see how this dependence on Chinese chips presents a serious risk to Americans' cyber security, to our privacy, to our defense.

The previous administration—one of the few areas they went forward on that I agreed with—got rid of Huawei because it gave the Chinese Government and the Chinese Communist Party too much influence. Well, the same thing will happen with these chipmakers, these Chinese military contractor chipmakers, if they are allowed to continue to infuse their chips in our own equipment.

Now, our amendment would remedy this with a simple proposition: If American businesses want to do business with the Federal Government, they shouldn't be allowed to turn around and then do business with risky Chinese chipmakers. We certainly need and give ample time for American companies to adjust and get American-made chips or non-Chinese-made chips, non-Chinese-military-contractor-made chips, but it must be done. This is national security, once again, as well as economic security and the idea of keeping America No. 1, which we took a big step forward on with the CHIPS Act, but there is more that has to be done.

So this proposal is one of many sound proposals that I hope to see included in the NDAA. I am, of course, fighting for a whole bunch of other things. On this issue, I thank Senator CORNYN for working with me on the amendment, and very soon the Senate hopefully will take quick action to send a defense authorization bill to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

THE JUDICIARY

Mr. MCCONNELL. Madam President, it has been one of the big, unfortunate ironies of the past several years: Many of the same individuals and institutions on the political left that have spent the years 2017 through 2020 yelling about the importance of norms and institutions have themselves not hesitated to undermine our institutions when they are unhappy with a given outcome.

Just as an example, the newly elected incoming leader of the House Democrats is a past election denier who baselessly said the 2016 election was "illegitimate" and suggested that we had a "fake" President. He has also mounted reckless attacks on our independent judiciary and said that Justices he didn't like have "zero legitimacy."

Unfortunately, when it comes to attacking our independent judiciary, the Democrats' new leader isn't an outlier; he is a representative sample. In the last few years, we have seen my counterpart, the Senate Democratic leader, threaten sitting Justices by name over on the Supreme Court steps; we have seen President Biden and Attorney General Garland refuse to enforce Federal law and put a stop to illegal harassment campaigns at the homes of Justices; and we have seen coordinated efforts by Democrats and the media to use smear campaigns to personally punish Justices whose legal reasoning they don't like.

The latest target has been Justice Alito, whose great offense was overruling a deeply flawed precedent that prominent liberal legal scholars, including even the late Justice Ginsburg herself, long acknowledged was badly written and poorly reasoned.

I am confident the smear campaigns and baseless fishing expeditions will keep groping around, and I am just as confident that Justices Alito, Thomas, and the entire Court will continue to ignore the noise and the smears and practice judicial independence.

We also see growing evidence that the attacks on members of the legal profession who dare to upset the activist left are actually not limited to judges and other public officials. Private citizens are not safe. Earlier this week, a longtime female partner at a major law firm explained in an op-ed how she was forced out of the firm after she dared—dared—to enter into a "safe space for women" and share her own personal views on the Dobbs ruling. As she tells it, simply being a woman who agreed with the five-Justice majority of the Supreme Court was a fireable offense. Some of her colleagues claimed that merely hearing her express a dissenting view caused them to "[lose] their ability to breathe."

This past summer, two wildly successful appellate litigators, including a former U.S. Solicitor General, were

drummed out of another prominent firm because they won a Supreme Court victory for the Second Amendment. In their telling, they were basically told to either abandon their pro-Second Amendment clients or hand in their badges.

Meanwhile, intellectual freedom and the competition of ideas have also been slipping away in the legal academy. Multiple circuit judges are so disturbed by the anti-free speech trends in elite law schools that they are starting to decline to hire clerks from otherwise prestigious schools that are hostile to nonliberal views.

Just last night, two such judges participated in a Yale Law School panel titled—listen to this—“Is Free Speech Dead on Campus?” “Is Free Speech Dead on Campus?”

And of course, the left’s rapidly growing appetite for censorship is not limited to the legal realm. Earlier this week, in a truly bizarre and disturbing moment, the White House Press Secretary said the Biden administration is—listen to this—“keeping an eye on” the social media company Twitter, which was recently purchased by an owner who doesn’t happen to be a liberal.

The antidote to all this toxic nonsense is renewed appreciation for the deeply American principle of free speech and open debate. No one in my lifetime has understood the importance of free speech and the competition of ideas better than the recently departed Judge Laurence Silberman. Larry was a legal genius and a patriot, whose rich and varied career culminated on the DC Circuit, where many came to view him as the single most important jurist in American history who never sat on the Supreme Court.

The last major address Judge Silberman gave before his death was a powerful and important speech on free speech, which he delivered at Dartmouth in September. He explained how un-American and dangerous it is to enter an era where “some political speech is attacked as if it were blasphemy drawn from the colonial period when witches were burned at the stake.”

I will have more to say on this subject soon. But for now, I ask unanimous consent to have printed in the RECORD the published text of Judge Silberman’s final speech, in full, at the conclusion of my remarks.

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

[From Dartmouth University, Sept. 20, 2022]  
FREE SPEECH IS THE MOST FUNDAMENTAL  
AMERICAN VALUE

(By Laurence H. Silberman)

This is a Constitution Day talk. So I will address one of today’s most contentious constitutional subjects—the First Amendment’s protection of free speech. As I noted in a recent opinion, the First Amendment’s guarantee of free speech is not just a legal doctrine. It represents the most fundamental value in American democracy. A national

commitment to uninhibited political speech is a crucial aspect of our country’s culture. It is the penumbra around the First Amendment, which, by itself, only prohibits government control of speech. Unless all American institutions are committed to free political speech, I fear the strain on the First Amendment’s guarantees will become unbearable.

Those seeking to suppress free speech sometimes think that provocative, even extreme and obnoxious, political speech is dangerously divisive. It should be suppressed. I think that is profoundly wrong. I think it is the very opposite. Tolerance of all versions of political speech is the crucial unifying factor in our country.

Some years ago, I was ambassador to Yugoslavia, a communist country where freedom of political speech did not exist. I had a small fund with which I could send promising young intellectuals to the United States in the summer. Yugoslavia, then a country of six separate ethnicities, was threatened by centrifugal ethnic forces (which ultimately resulted in six separate nationalities). The government sought to squelch talk that threatened Yugoslav unity.

One intellectual that I sent to the United States came back and expressed wonderment that our country—composed as it is of the descendants of an enormous number of nationalities—could nevertheless enjoy such a uniform commitment to shared values. I explained that we swore allegiance not to a sovereign nor a blood grouping, but rather to a legal document—the Constitution. And nothing in that legal document was more important than the First Amendment. Protection of the speech of fellow Americans, even the most provocative and unpleasant, reflects a fundamental tolerance for all Americans.

I was often obliged to explain the First Amendment to the Yugoslavs who demanded that I restrain the New York Times’s criticism of their government. Their eyes would glaze over during my First Amendment lectures; they didn’t believe me until I pointed out that if our government could influence the New York Times a Republican administration would have every incentive to do so. That finally got across. Interestingly, even allied democratic governments that generally—but only generally—supported free speech were mystified by the strength of our First Amendment.

To be sure, I recently wrote an opinion seeking the overturning of *New York Times v. Sullivan*, a case that benefits the press. That case, by constitutionalizing American libel law, made it nearly impossible to sue media for certain inaccurate personal attacks on public figures. Some have suggested my position reflects less than vigorous support for the First Amendment. On the contrary, I oppose *New York Times v. Sullivan* because it was wholly illegitimate policy making by the Supreme Court.

A guarantee of free press does not mean special immunization from accountability when the press libels a person. A free press is not necessarily an all-powerful press. The Supreme Court in *Sullivan* was concerned, legitimately, about problems created by excessive libel actions against newspapers supporting the struggle for civil rights, but that could have been handled with legislation. It was illegitimate for the Supreme Court to literally make up constitutional law to deal with the problem. Its decision was contrary to text and history, and it created new problems for society in the form of media that can spread false rumors and sling unfounded accusations directed at public figures without consequence.

The history of the First Amendment is fascinating. The phrase “freedom of speech” first appeared in the Anglo-American tradi-

tion in the English Bill of Rights written in 1689. It only protected the expression of members of Parliament. This was so because, in the English tradition, Parliament, not the general population, was the source of sovereignty. Our Founders extended that right to all citizens, because here the people rule as sovereign.

As many of you know, the First Amendment was drafted by one of the most extraordinary of our original political leaders—James Madison. His primary focus was freedom of the press, which was included in the constitutions of virtually all the colonies; whereas the phrase “freedom of speech” only existed in one of those. But if one thinks about it, which clearly Madison did, freedom of speech was a necessary corollary of freedom of the press. It followed apodictically, if you protect words that appear in the press, you couldn’t suppress those words uttered verbally.

There are virtually no cases in the first half of the 19th century involving the First Amendment’s freedom of speech. As you might know, the First Amendment did not apply to the states until after the Civil War, when the 14th amendment’s Due Process Clause was seen to incorporate the First Amendment.

The first case that I could find considering the First Amendment’s free speech clause as applied to the states was *Patterson v. Colorado* in 1907. It included a dissent by one of our greatest justices, John Marshall Harlan. He was the man who dissented in *Plessy v. Ferguson* from the odious view that racial segregation, although separate could nevertheless be equal.

*Patterson* involved a state judge who held a litigant in contempt for criticizing the judge’s opinion. The majority upheld the contempt finding. Harlan disagreed. He said: “I cannot assent to that view if it be meant that the legislature may impair or abridge the rights of a free press and of free speech whenever it thinks that the public welfare requires that to be done. The public welfare cannot override constitutional privileges.” He concluded that “the privileges of free speech and of a free press—belonging to every citizen of the United States—constitute essential parts of every man’s liberty.”

Not surprisingly, the constitutional protection of free speech from government action has been most strained when we faced national security threats. First were the notorious Alien and Sedition acts growing out of the three-corner tension between the United States, Great Britain, and France. But the statutes were abandoned before the Supreme Court had an opportunity to rule on them.

Perhaps most astonishing is the degree of Lincoln’s tolerance of free speech even during the bloody Civil War. He did strain the First Amendment on occasion, but given the threat to the nation, it is amazing how tolerant Lincoln was of fierce criticism. For instance, he announced that the arrest of Vallandigham, a southern sympathizer, was wrong if that arrest was based purely on Vallandigham’s criticism of Lincoln. In instructions to his general in dealing with Northern civilians aiding Confederate guerrillas, Lincoln explicitly directed Gen. Ewing to only arrest individuals or suppress assemblies or newspapers if they were working “palpable injury to the Military” and that “in no other case will you interfere with the expression of opinion in any form.”

Then, we have the 20th century’s wartime pressures on the First Amendment. Some of the most celebrated First Amendment opinions, *Abrams*, *Gitlow*, *Whitney* were the result of challenges to laws passed to suppress wartime protests. Perhaps the most problematic was the McCarthy era, which my class

of 1957 experienced at the time we entered Dartmouth. The notorious senator from Wisconsin was able to intimidate politicians, academics and Hollywood writers in his wide-ranging and, in many cases, wholly unjustified pursuit of alleged communist sympathizers.

Turning to the present, I am convinced we are faced today with a worse threat to free speech than during that earlier time. Indeed, now some political speech is attacked as if it were blasphemy drawn from the colonial period when witches were burned at the stake. Threats against political speakers are not simply levied by unscrupulous politicians, they come also from young people influenced by academics—ironically the prime targets of the McCarthy era. Certain controversial subjects are placed out of bounds.

I am shocked at the recent challenges to free speech in our academic institutions—particularly the Ivy League. For example, recently at Yale Law School, students attempted to stop, then drown out, a public dialogue between a conservative and a liberal lawyer. They were both supporting untrammelled political speech. The administration's response was to vaguely gesture at the importance of free speech but also to celebrate "respect and inclusion"—whatever that means. The dean sent a letter calling the behavior "unacceptable," but she did not so much as issue a slap on the wrist to the students who were hostile to free speech.

And at Princeton, Prof. Joshua Katz was stripped of his tenure and fired after challenging the university's orthodox view on race. He was terminated ostensibly based on the disputed details of a consensual relationship he had with a student 15 years ago—for which he had already been disciplined. This was only after he criticized a Princeton faculty letter that demanded preferential treatment both for minority faculty and a black student organization. Does anyone believe that Katz would have been fired if instead he gave a speech in support of a black student organization?

Similarly, at Harvard, Prof. Roland Fryer, one of the most gifted economists in the country—who happens to be black—has been suspended for two years for allegations that he made inappropriate comments. His supposed crime was telling raunchy jokes. But Fryer's real crime was his work empirically demonstrating that police do not kill blacks at a higher rate than other races, and that black students excel when faced with high expectations—challenges to the current shibboleths on race.

Amy Wax, professor at Penn Law School, was recently punished because she unwisely—indeed somewhat cruelly—described her experience over many years regarding black student performance in her class. She therefore touched on the mismatch theory popularized by Richard Sander and Stuart Taylor. They wrote a book by that name and have filed an amicus brief in the Harvard case before the Supreme Court.

They contend that in an effort to achieve soft quotas, elite schools artificially admit less qualified minorities thereby injuring the very students supposedly benefitted. In other words, in a less competitive school those students might do much better. I emphasize that, as a judge, I take no position on the mismatch theory. But I predict you will see reference to it in the forthcoming Supreme Court opinion.

To be sure, it is unseemly for any serving professor to suggest that minority students are less qualified. (That proposition is more

readily expressed openly by emeritus professors no longer teaching, like Alan Dershowitz at Harvard Law School and Stanley Goldfarb at Penn Medical School.) In furtherance of Amy Wax's tendency to offend minority groups, she recently attacked Asian-Americans in the most unflattering terms. I gagged when I read her remarks, but free speech is free speech.

Even Dartmouth, to my distress, has engaged in smothering provocative speech. In January, the college cancelled an event with Andy Ngo, a controversial conservative journalist. His speech was forced online based on unspecified information from the Hanover Police Department. Apparently, Dartmouth has been evasive about the "credible threats" it received. It has provided shifting rationales for its decision.

The College Republicans have also been charged \$3,600 for an event which did not actually take place. Indeed, I think it is inappropriate for the college to ever charge organizations for the protection their speech requires. That policy simply accentuates the power of those who would discourage free speech.

If the Dartmouth administration had the backbone to discipline students who shouted down speakers or to arrest nonstudents for disrupting events, the deterrent effect would obviate the need for imposing security expenses.

Regardless of the situation, the college aligned itself with those who wish to silence speech by cancelling the event. It should be recalled that, in *Terminiello*, the Supreme Court squarely rejected the so-called heckler's-veto rationale for suppressing speech. The court held that speech cannot be punished merely because it could cause unrest amongst potential listeners.

A common thread of these incidents at Yale, Princeton, Harvard, U Penn and Dartmouth is that university authorities, in discouraging unfashionable speech, do not do so explicitly. Rather, they perform an "Ivy League Two Step." First, they pay lip service towards the value of free speech. Then they use alternative reasons as a pretext to shut down "objectionable" speech. That, in some ways, is more dangerous than a frontal attack.

Even assuming that there are some circumstances in which speech can be legitimately restrained, we have seen that schools have been inclined to dissemble in their justifications for suppressing speech.

It is for that reason, when universities take action to limit free speech, they have a solemn responsibility to be absolutely honest and transparent in why they are doing so—they must, as Oliver Wendell Holmes said, "turn square corners" when demanding such accommodations. So far, our Ivy League schools have demonstrated a pattern of suppression that should upset all friends of freedom of speech.

I hope that Dartmouth's new president, Sian Leah Beilock, will have the steel in her spine that is needed to take this responsibility seriously and stand up for free speech when it becomes difficult. Her recent statements are encouraging. But when the chips are down, many university presidents have folded.

Admittedly, one of the most serious questions the country faces is how to achieve racial equality. Does it mean equal opportunity or equal results? Is progress for African-Americans, for instance, held back because of residual racism or because of other aspects of the black experience? Views about

achieving racial equality that are uttered in good faith are repressed—even shut down as "racist"—if they vary from certain orthodoxies.

As a result, the charge of "racism," not unlike McCarthy's frequent cry of "communism," has been drained of much of its meaning. Similarly, debates over issues relating to sex education and sexual identity—issues about which many hold sharply divergent views, sometimes based on religious differences—are ruled unacceptable.

Those repressive forces come from the left side of our political spectrum, but I can think of examples coming from the opposite political pole. For instance, although it is certainly reasonable for parents to argue about the curriculum of public schools, it is intolerant to seek to ban library books on critical race theory, at least at the high school level.

By the same token, efforts to prevent persons such as Linda Sarsour from speaking on college campuses in support of BDS (boycott, divestment and sanctions) directed against Israel are equally intolerant. As a onetime special envoy in the Middle East I regard BDS and Sarsour's views as particularly obnoxious, but I deplore the effort of Jewish groups to prevent her from speaking at universities.

My class at Dartmouth entered in the fall of 1953. The previous spring Dwight D. Eisenhower spoke at commencement. He implicitly attacked Joe McCarthy and McCarthyism, admonishing students: "Don't join the book burners."

Consider the context of Eisenhower's speech: we were in the midst of a Cold War with the Soviet Union, over 50,000 American men had been killed in Korea, and there were indeed prominent pro-communist traitors in our own government, as well as in allied governments. Nevertheless, speaking extemporaneously, Eisenhower courageously said, "How will we defeat communism unless we know what it is and what it teaches and why does it have such an appeal to men, why are so many people swearing allegiance to it? . . . And we have got to fight it with something better, not try to conceal the thinking of our own people."

And this is the part I love: "They are part of America. And even if they think ideas that are contrary to ours, their right to say them, their right to record them, and their right to have them at places where they are accessible to others is unquestioned, or it isn't America."

Because McCarthy was a Republican, it was important that Republicans—most notably Sen. Margaret Chase Smith and then Eisenhower himself—were the ones to speak out and put an end to his reign of intolerance. I hope you Dartmouth students—on both sides of the political spectrum—will stand up for freedom of expression. It is not a partisan issue. It is, as I have tried to explain, fundamental to American democracy.

To be sure, you may have to draw upon "the granite of New Hampshire, in your muscles and your brains" to withstand the immense pressure to bow to conformity. But I expect nothing less.

TRIBUTE TO PATRICK J. LEAHY

Mr. McCONNELL. Madam President, on another matter, we begin to reach

the period every 2 years when the Senate begins our process of honoring and bidding farewell to our distinguished colleagues who are soon leaving our ranks. Seeing friends off is hardly a task to look forward to, but it is made more tolerable when I get to boast about and embarrass our talented colleagues one last time before they head for the exits.

I will begin today with one of only two current Senators who were around when I arrived as a freshman in 1985. By then, of course, PAT LEAHY had already made history.

When PAT was first elected in 1974, he was the first non-Republican to represent Vermont in the Senate since 1856. And now, after eight terms, he will depart having made history all over again as his State's longest serving Senator by a comfortable margin.

Of course, it is the dash in between the dates that matters the most, and to say that PAT LEAHY has made the most of his time in Washington would be truly an understatement.

PAT first developed his habit for life-long learning growing up around the printing press of his family's newspaper in Montpelier. But I suspect our friend never hit the books as hard as he did after he found out that the girl for whom he had fallen head over heels, Marcelle, spoke not English but French at home. The way PAT tells it, he "wanted to know what [Marcelle's] parents were saying about [him]." So the studies began.

Here in the Senate, that same energy and curiosity led PAT to collect enough policy passions for an entire congressional delegation—from dairy farming to privacy, to landmine mitigation.

PAT and I got a chance to work closely together during our long tenures switching off and on as chairmen and ranking members of the State and Foreign Ops Subcommittee on Appropriations. As often as the majority changed hands during our time, PAT and I made a point of working as partners. He always knew the right time to break up tense negotiations with a stemwinder of an old Irish joke.

We rolled up our sleeves and bonded over our shared commitment to extending American influence and promoting our interests using soft power, everywhere from East Asia to the former Soviet Union.

And like good appropriators, we also bonded over a firm mutual conviction that our true opponent was never each other. It was the House.

Our time leading the subcommittee together saw a major landmine removal effort deservedly come to bear the name of its champion: the Leahy War Victims Fund. And PAT lent equal support to one of my passion projects: our work on behalf of the pro-democracy movement in Burma.

All of this work was accompanied by great humor. One time, after an election that turned out well for my side, PAT showed up at our next hearing having found a unique way to show

grace in defeat. Here is what happened. He showed up with a yard sign from a campaign of some local candidate where he lived that read, "McConnell for Chairman," and remarked that, apparently, the voters of his neighborhood had gotten their wish.

Even just measuring by local votes cast, PAT's colossal Senate legacy put the name "Leahy" right up there with fellow titans like Kennedy, Stevens, and Inouye. But PAT's legendary service to the people of Vermont has been more than a vote tally. Over eight terms, he has made a point of becoming not just a familiar name but a friendly face and a committed servant to his neighbors.

And it certainly didn't come easy. The way I have heard the story, PAT's first Senate victory came after he wisely dispatched his darling French-speaking emissary, Marcelle, into the Francophone enclaves of Vermont's "northeast kingdom."

Of course, we know Marcelle is much more than a natural campaigner. She is an accomplished nurse and a treasured member of the Senate's family in her own right.

So I know I speak for so many colleagues, past and present, in saying the Senate will miss our distinguished President pro tempore. But we know that PAT and Marcelle have more than earned some extra free time to spend in their beautiful home State, with their kids—Kevin, Alicia, and Mark—and their five grandkids, and with the many neighbors who are grateful—so grateful—for a lifetime of outstanding service.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, while the distinguish leader is still on the floor, let me thank him for those remarks. And I know Marcelle will thank him too. Of course, our spouses have spent a lot of time together, and we know who the real leaders are in the house.

I think of what the leader has said, and he speaks of the time when we worked together. And I appreciate very much—I have told him privately, but I will say it publicly: I have appreciated the friendship and the work together.

We did go back and forth over a period of years. Part of the time he was chair, and part of the time I was chair, but in a very, very important subcommittee.

In Foreign Ops we had everything from foreign aid to a lot of the things we did around the world. But that bill would pass on the floor, oftentimes on a Friday afternoon, when everybody would say: Bring it up; we have got to get out of here.

And it passed, virtually, unanimously. We would work out a couple of differences. First, we talked about them, and then they were gone, and off we went.

I remember speaking at a symposium put together by the distinguished leader, and I was given and presented with

a Louisville Slugger with my name on it. Now, throughout the course of any Senator's career, and certainly one of 48 years, you get presented with a lot of things, which you thank people for, and you put them in the closet or the attic. This, I would tell the distinguished Senator, has stayed in public view in my office ever since I came home with it. And I loved showing it off at a time when we have to be back together on more things. But we have on that. You talked about the landmine legislation and the war victims legislation, and I appreciate your work on that, Mr. Leader.

And it reflected such good in this Senate but also the people who were helped by it. There are no eradicating landmines, there is no victim of landmines that is going to come in and say: Well, we can support your next campaign.

No, they don't even know who we are. They know we helped them.

When the leader talked to me about Burma, I finally got educated on Burma. And I was an easy sell—I think he would agree on that—because of the case he made but also because of the history he gave me.

I don't want to hold up the Senate. I will speak longer about these things on the day I leave, which will be soon.

I look forward to leaving because Marcelle and I can be back home all the time, but I will miss so many friends I have made—the well over 400 Senators I have served with. And I think the distinguished leader has served with hundreds also. Some were here for a long time. Some were here for, sometimes, I think, in a couple of instances, a matter of a month or two. I prefer a long time to a month or two. It is easier to get to know each other.

I will speak further about this. But I was honored to be on the floor when this happened.

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

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

Mr. DURBIN. Madam President, I walked onto the floor just as Senator LEAHY was closing his remarks, and I want to tell you that we were together in the Judiciary Committee this morning, where I joined the chorus of praise for his career and his service in the Senate. And it seems like at every room he steps into, there is another tribute, and well-deserved. I thank him for being such a steadfast Member of the Senate and, particularly, of the Senate Judiciary Committee, which will forever be benefitted by his contribution.

UKRAINE

Madam President, I rise today to speak on a different topic, and it is one that is very timely and important.

Yesterday, a number of us received a classified briefing from the White House about Russia's ongoing invasion of Ukraine. It was sobering. Russia continues to indiscriminately target civilian populations and infrastructure, killing tens of thousands of innocent people in Ukraine, leaving countless more in the bitter dark and cold without access to electricity, water, or heat.

The briefing was also astonishing because it raised a bigger question: What has Vladimir Putin really accomplished with this cruel war?

I will tell you the answer.

Today, as a result of Putin's barbaric invasion of Ukraine, the Western alliance in opposition to him is stronger than ever before. Putin's actions have strengthened the resolve of the Ukrainian people to fight to the death for a free and democratic country, as they press back against the Russian occupation and regain territory from Kharkiv to Kherson.

Moreover, NATO is now stronger and more united, with two new countries, valuable additions to the NATO alliance—Sweden and Finland—soon to join the fold. And just this week, NATO also recommitted to continuing support for Ukraine.

Countries have rallied behind the United States in sending everything from weapons to helmets, to medical supplies, to food, and in imposing crushing sanctions that are taking a massive toll on the Russian economy.

Yesterday's briefing also made one thing abundantly clear: Now is not the time for the United States or NATO to back down. While Putin deceived himself into thinking the Ukrainian people would fold and welcome the Russian military with open arms, or that Kyiv could fall in days, the Ukrainian people—and their desire for sovereignty and self-rule—have prevailed.

The world stepped up to help secure their freedom, bound together by the shared principles and international norms that dictators like Putin can never and will never wipe away.

The day will come when Putin and his thugs are held accountable for their war crimes, and, sadly, there are many.

Since February, the United States alone has committed billions of dollars in aid to Ukraine, with defense articles delivered at recordbreaking speed to support Ukrainian war efforts on the frontlines. And just weeks ago, the White House requested another supplemental aid request for Ukraine. I support it.

Now, I understand that some Members of Congress have expressed a concern about the economic consequences of increased defense spending and whether there is appropriate oversight of the actual funds sent and spent. I share those concerns. They are legitimate. They are reasonable. And I pushed the administration to ensure that it strengthens efforts to fully account for our assistance to Ukraine.

I might just add parenthetically that over the decades that we were in war in

Afghanistan, it is well known that so many dollars were wasted, American tax dollars, in an effort to stop the forces of terrorism that were residing in that country. We should never knowingly allow that to occur, and we certainly shouldn't in Ukraine despite my wholehearted support for President Biden supporting the efforts.

I am glad my colleagues on the other side of the aisle finally joined us yesterday—yesterday—in the confirmation of Robert Storch. He is going to be the next inspector general at the Department of Defense. If you want to keep an eye out on how the money is being spent in that great and important Department, you need an inspector general. It took us months to reach the point where the Senate confirmed his nomination. He will be key to oversight.

Instead of looking for solutions, some of my colleagues on the other side of the aisle are vowing to stop assistance to Ukraine or slow it down in another way to obstruct the Biden administration. In doing so, they are undermining our broader foreign assistance programs and ultimately undercutting the success of Ukraine's resistance.

The Presiding Officer and I both know we have to fund the fiscal year we are currently in. It runs from October to October. We are in that fiscal year already. We know that if we do a continuing resolution, that it will be wasteful spending, and we will not be investing in the things we really need to keep America safe and strong. If we do the Omnibus bill, the Omnibus appropriations bill, we can cure that problem by having specific appropriations bills that target the money where it is needed in our future. If we don't do that, it is going to undermine assistance in many areas, including Ukraine.

We can't let leadership fail on either side of the aisle when it comes to the spending bill. As the Ukrainian people continue to fight, we must continue to stand by their side.

When the news first broke of Russia's full-scale invasion this past February, I was sitting in an airport departure lounge 800 miles away in Lithuania. Many in this Chamber have heard me speak many times about my mother, who arrived in the United States from Russian-occupied Lithuania when she was 2 years old in the year 1911. Life was bleak and oppressive for the Lithuanian people at that time. It was no wonder that my family tried to escape the Russian czar and his heavy hand. That was the case in Eastern Europe for many countries.

So it is no surprise that when the Soviet Union collapsed, many of these same nations reached out to join the community of democracies and stand with us behind the shield of NATO. We welcomed and supported Lithuania, the Baltic States, Poland, and so many other countries, as we welcome Ukraine's efforts now to stop this invasion.

Today, decades later, Lithuania is a thriving democracy and is among the many countries rallying to Ukraine's aid. I want to commend the people of Lithuania. So many times, this tiny little nation has spoken out in courageous ways to stand up for democracy and freedom. I am very proud of them and what they have done.

The free nations of the world understand Ukraine is on the frontlines in the battle for democracy over autocracy. It is a fundamental struggle between the rule of law and the rule of brute force. Now is not the time for the United States and the rest of the free world to in any way diminish their support for Ukraine. Like the Ukrainian people, we must show resolve, determination, and a commitment to fighting on and standing together in the defense of democracy.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### ELLSWORTH AIR FORCE BASE

Mr. THUNE. Madam President, tomorrow, Northrop Grumman and the U.S. Air Force will unveil the new B-21 bomber, a sixth-generation aircraft that will revolutionize the Air Force's long-range strike capabilities.

I had the special opportunity to see the first tails under development at Palmdale, and I am excited that this incredible feat of U.S. engineering will finally be unveiled to the American public and to our adversaries. It is an exciting day for the Air Force, and it is an especially exciting day for Ellsworth Air Force Base in South Dakota, which was chosen to be the first home—Main Operating Base 1—of the B-21 Raider.

We have come a long way at Ellsworth since I first came to the Senate. Shortly after I took office, Ellsworth was recommended for closure by the Department of Defense's Base Realignment and Closure Commission. So one of my first priorities as a U.S. Senator became getting Ellsworth taken off the closure list. Statistically speaking, our odds of pulling through were not high, but thanks to an all-hands effort by the congressional delegation and State and community leaders, we won the day, and we were removed from the BRAC list that August.

Then we got right to work on building up the base so we would never again find ourselves in the same position.

In 2007, the Air Force Financial Services Center opened at Ellsworth, and 2011 saw the arrival of the 89th Attack Squadron and its command and control stations for MQ-9 Reapers.

In 2015, a nearly decade-long effort paid off with the quadrupling of the

training airspace for the base. The Powder River Training Complex is now the largest training airspace in the continental United States and can be used for large-force exercises that draw combat aircraft from across the country, and it is well-suited for B-21 training. This is just one of the efforts that we undertook to put Ellsworth in the best possible position to secure the B-21 mission. I am proud that it paid off with last June's announcement that Ellsworth would become the home of the Raider.

The B-21 represents a significant step forward in our long-range strike capabilities, and it will come not a moment too soon. Between chronic underfunding and a high operational tempo during the War on Terror, our military preparedness became seriously strained.

A 2018 National Defense Strategy Commission report warned that our Nation's readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China. This was not just because of the wear and tear of our own forces but also because of the significant investments being made by China and Russia in their militaries, with the intent of neutralizing our military strengths. We have made progress since then, but there is still a lot of work that needs to be done.

The importance of continued investment in our Nation's military and our technological edge cannot be overstated. The events of the past year should remind us that there will always be bad actors who represent a threat to peace and freedom, and being prepared to meet those threats is the best way of preserving peace and keeping our Nation secure.

It is disappointing that the National Defense Authorization Act—yearly legislation to authorize funding for our military and national defense—has been so low on Democrats' priority list this year. We are 2 months in fiscal year 2023; yet the Senate still hasn't taken up the 2023 bill. Democrats were more focused on spending hundreds of billions of dollars on their Green New Deal priorities than they were on passing essential legislation for our Nation's defense.

As efforts continue to negotiate a way to bring the NDAA to the floor, I hope we are able to pass a comprehensive bill that rejects the President's inadequate funding request and addresses all our key defense requirements.

As always, one of my top priorities is ensuring that each year's NDAA addresses the needs of our airmen at Ellsworth Air Force Base. I am working to ensure that the base continues to receive full funding for the many equipment and support facilities that will be needed for the B-21 Raider mission.

In late October, I had the opportunity of reviewing the progress at Ellsworth firsthand with Secretary of the Air Force Frank Kendall, and suffice it to say, things are going to be

very, very busy over the coming years. The B-21 training and operational missions will require significant investments in new infrastructure, including a low-observable coating restoration facility and a radio frequency facility to support the Raider's stealth properties, as well as a weapons generation facility to support its nuclear capability. The NDAA will continue this essential military construction and ensure that it remains on pace in preparation for the arrival of the B-21.

We also need to ensure Ellsworth remains a premier training space for our bombers, which is why I am pursuing a provision to require the Federal Aviation Administration to establish a pilot program to support the development of dynamic airspace. Dynamic airspace—sometimes called adaptive airspace—refers to efficiently scheduling and managing airspace and adjusting airspace boundaries as military exercises or other flights proceed through them. This concept will better enable the Pentagon to meet training requirements for aircraft like the B-21, which need larger volumes of training airspace to accommodate longer engagement distances.

As always, while we prepare for the B-21 mission, I continue to work to ensure that our B-1s at Ellsworth receive all the resources they need to remain a responsive and lethal component of Global Strike Command, as they demonstrated in the just-completed Bomber Task Force deployment to Guam.

While updated planes and equipment are essential, as always, our greatest resource is the men and women who wear the uniform. I will continue to work to improve quality of life for our Ellsworth airmen and their families.

More military families will be moving into the communities surrounding Ellsworth with the arrival of the B-21 mission, and another one of my priorities is making sure that the infrastructure is in place to provide ample support for these new families.

I worked to include a provision in this year's NDAA that would allow the Secretary of Defense to continue to adjust basic allowance for housing rates if an installation is experiencing a sudden increase in the number of service-members assigned there. This will help ensure that families at Ellsworth and elsewhere will have the resources they need to secure appropriate accommodations.

I am also working to ensure that the Douglas School District is able to integrate and support Air Force members' children and provide sufficient classroom space. I am grateful to the other members of South Dakota's congressional delegation for working with me to ensure that this year's NDAA will authorize up to \$15 million in Impact Aid funding for schools experiencing forced structure changes like the anticipated growth at Ellsworth.

I am looking forward to tomorrow's unveiling of the B-21 Raider and to that day in the near future when the

first Raider lands at Ellsworth. It is an honor to be part of building up the base and to represent the men and women of Ellsworth in the U.S. Senate.

I will continue to do everything I can to ensure that our Ellsworth airmen and our men and women in uniform in every branch of the military have everything they need to carry out their missions.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### INTERNATIONAL TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2022

Mr. MENENDEZ. Mr. President, I come to the floor today to get this body to act in the face of one of the most heinous forms of exploitation on the planet, which is human trafficking.

The year is almost over; the Congress is coming to a close; we are running out of time; and the Senate still has not passed the Menendez-Risch International Trafficking Victims Protection Reauthorization Act, which was reported out of the Foreign Relations Committee by voice vote over 5 months ago.

Therefore, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 407, S. 4171.

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

The legislative clerk read as follows:

A bill (S. 4171) to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "International Trafficking Victims Protection Reauthorization Act of 2022."*

##### SEC. 2. TABLE OF CONTENTS.

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

##### TITLE I—COMBATING HUMAN TRAFFICKING ABROAD

*Sec. 101. United States support for integration of anti-trafficking in persons interventions in multilateral development banks.*

*Sec. 102. Expanding prevention efforts at the United States Agency for International Development.*

*Sec. 103. Counter-trafficking in persons efforts in development cooperation and assistance policy.*

*Sec. 104. Technical amendments to tier rankings.*



Sec. 105. Modifications to the program to end modern slavery.

Sec. 106. Clarification of nonhumanitarian, nontrade-related foreign assistance.

Sec. 107. Expanding protections for domestic workers of official and diplomatic visa holders.

Sec. 108. Effective dates.

#### TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Extension of authorizations under the Victims of Trafficking and Violence Protection Act of 2000.

Sec. 202. Extension of authorizations under the International Megan's Law.

#### TITLE III—BRIEFINGS

Sec. 301. Briefing on annual trafficking in person's report.

Sec. 302. Briefing on use and justification of waivers.

#### TITLE I—COMBATING HUMAN TRAFFICKING ABROAD

##### SEC. 101. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING IN PERSONS INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.

(a) **REQUIREMENTS.**—The Secretary of the Treasury, in consultation with the Secretary of State acting through the Ambassador-at-Large to Monitor and Combat Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank (as defined in section 110(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d))) to encourage the inclusion of a counter-trafficking strategy, including risk assessment and mitigation efforts as needed, in proposed projects in countries listed—

(1) on the Tier 2 Watch List (required under section 110(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A))), as amended by section 104(a);

(2) under subparagraph (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly referred to as “tier 3”); and

(3) as Special Cases in the most recent report on trafficking in persons required under such section (commonly referred to as the “Trafficking in Persons Report”).

(b) **BRIEFINGS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall brief the appropriate congressional committees regarding the implementation of this section.

(c) **GAO REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that details the activities of the United States relating to combating human trafficking, including forced labor, within multilateral development projects.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

##### SEC. 102. EXPANDING PREVENTION EFFORTS AT THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) **IN GENERAL.**—In order to strengthen prevention efforts by the United States abroad, the Administrator of the United States Agency for International Development (referred to in this section as the “Administrator”) shall, to the extent practicable and appropriate—

(1) encourage the integration of activities to counter trafficking in persons (referred to in this section as “C-TIP”) into broader assistance programming;

(2) determine a reasonable definition for the term “C-TIP Integrated Development Programs,” which shall include any programming to address health, food security, economic development, education, democracy and governance, and humanitarian assistance that includes a sufficient C-TIP element; and

(3) ensure that each mission of the United States Agency for International Development (referred to in this section as “USAID”)—

(A) integrates a C-TIP component into development programs, project design, and methods for program monitoring and evaluation, as necessary and appropriate, when addressing issues, including—

- (i) health;
- (ii) food security;
- (iii) economic development;
- (iv) education;
- (v) democracy and governance; and
- (vi) humanitarian assistance;

(B) continuously adapts, strengthens, and implements training and tools related to the integration of a C-TIP perspective into the work of development actors; and

(C) encourages USAID Country Development Cooperation Strategies to include C-TIP components in project design, implementation, monitoring, and evaluation, as necessary and appropriate.

(b) **REPORTS AND BRIEFINGS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of an Act making appropriations for the Department of State, Foreign Operations, and Related Programs through fiscal year 2026, the Secretary of State, in consultation with the Administrator, shall submit to the appropriate congressional committees a report on obligations and expenditures of all funds managed by the Department of State and USAID in the prior fiscal year to combat human trafficking and forced labor, including integrated C-TIP activities.

(2) **CONTENTS.**—The report required by paragraph (1) shall include—

(A) a description of funding aggregated by program, project, and activity; and

(B) a description of the management structure at the Department of State and USAID used to manage such programs.

(3) **BIENNIAL BRIEFING.**—Not later than 6 months of after the date of the enactment of this Act, and every 2 years thereafter through fiscal year 2026, the Secretary of State, in consultation with the Administrator, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

##### SEC. 103. COUNTER-TRAFFICKING IN PERSONS EFFORTS IN DEVELOPMENT COOPERATION AND ASSISTANCE POLICY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 102(b)(4) (22 U.S.C. 2151-1(b)(4))—

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

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

(C) by adding at the end the following:

“(H) effective counter-trafficking in persons policies and programs.”; and

(2) in section 492(d)(1) (22 U.S.C. 2292a(d)(1))—

(A) by striking “that the funds” and inserting the following: “that—

“(A) the funds”;

(B) in subparagraph (A), as added by subparagraph (A) of this paragraph, by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) in carrying out the provisions of this chapter, the President shall, to the greatest extent possible—

“(i) ensure that assistance made available under this section does not create or contribute to conditions that can be reasonably expected to result in an increase in trafficking in persons who are in conditions of heightened vulnerability as a result of natural and manmade disasters; and

“(ii) integrate appropriate protections into the planning and execution of activities authorized under this chapter.”.

##### SEC. 104. TECHNICAL AMENDMENTS TO TIER RANKINGS.

(a) **MODIFICATIONS TO TIER 2 WATCH LIST.**—Section 110(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)), is amended—

(1) in the paragraph heading, by striking “SPECIAL” and inserting “TIER 2”; and

(2) in subparagraph (A)—

(A) by striking “of the following countries” and all that follows through “annual report, where—” and inserting “of countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, in which—”; and

(B) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and moving such clauses (as so redesignated) 2 ems to the left.

(b) **MODIFICATION TO SPECIAL RULE FOR DOWNGRADED AND REINSTATED COUNTRIES.**—Section 110(b)(2)(F) of such Act (22 U.S.C. 7107(b)(2)(F)) is amended—

(1) in the matter preceding clause (i), by striking “special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country” and inserting “Tier 2 watch list described in subparagraph (A) for more than one year immediately after the country consecutively”; and

(2) in clause (i), in the matter preceding subclause (I), by striking “special watch list described in subparagraph (A)(iii)” and inserting “Tier 2 watch list described in subparagraph (A)”; and

(3) in clause (ii), by inserting “in the year following such waiver under subparagraph (D)(ii)” after “paragraph (1)(C)”.

(c) **CONFORMING AMENDMENTS.**—

(1) **TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**—Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by subsections (a) and (b), is further amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking “special watch list” and inserting “Tier 2 watch list”;

(ii) in subparagraph (C)—

(I) in the subparagraph heading, by striking “SPECIAL WATCH LIST” and inserting “TIER 2 WATCH LIST”; and

(II) by striking “special watch list” and inserting “Tier 2 watch list”; and

(iii) in subparagraph (D)—

(I) in the subparagraph heading, by striking “SPECIAL WATCH LIST” and inserting “TIER 2 WATCH LIST”; and

(II) in clause (i), by striking “special watch list” and inserting “Tier 2 watch list”;

(B) in paragraph (3)(B), in the matter preceding clause (i), by striking “clauses (i), (ii), and (iii) of”; and

(C) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “each country described in paragraph (2)(A)(ii)” and inserting “each country described in paragraph (2)(A)”; and

(ii) in subparagraph (D)(ii), by striking “the Special Watch List” and inserting “the Tier 2 watch list”.

(2) **FREDERICK DOUGLASS TRAFFICKING VICTIMS PREVENTION AND PROTECTION REAUTHORIZATION ACT OF 2018.**—Section 204(b)(1) of the Frederick



Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Public Law 115-425) is amended by striking “special watch list” and inserting “Tier 2 watch list”.

(3) BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.—Section 106(b)(6)(E)(iii) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205(b)(6)(E)(iii)) is amended by striking “under section” and all that follows and inserting “under section 110(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A))”.

#### SEC. 105. MODIFICATIONS TO THE PROGRAM TO END MODERN SLAVERY.

(a) IN GENERAL.—Section 1298 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) is amended—

(1) in subsection (a)(1), by striking “Not later than 90 days after the date of the enactment of this Act” and inserting “Not later than 90 days after the date of the enactment of the International Trafficking Victims Protection Reauthorization Act of 2022”;

(2) in subsection (g)—

(A) by striking “APPROPRIATIONS” in the heading and all that follows through “There is authorized” and inserting “APPROPRIATIONS.—There is authorized”; and

(B) by striking paragraph (2); and

(3) in subsection (h)(1), by striking “Not later than September 30, 2018, and September 30, 2020” and inserting “Not later than September 30, 2022, and September 30, 2026”.

(b) ELIGIBILITY.—To be eligible for funding under the Program to End Modern Slavery of the Office to Monitor and Combat Trafficking in Persons, a grant recipient shall—

(1) publish the names of all subgrantee organizations on a publicly available website; or

(2) if the subgrantee organization expresses a security concern, the grant recipient shall relay such concerns to the Secretary of State, who shall transmit annually the names of all subgrantee organizations in a classified annex to the chairs of the appropriate congressional committees (as defined in section 1298(i) of the National Defense Authorization Act of 2017 (22 U.S.C. 7114(i))).

(c) AWARD OF FUNDS.—All grants issued under the program referred to in subsection (b) shall be—

(1) awarded on a competitive basis; and

(2) subject to the regular congressional notification procedures applicable with respect to grants made available under section 1298(b) of the National Defense Authorization Act of 2017 (22 U.S.C. 7114(b)).

#### SEC. 106. CLARIFICATION OF NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.

(a) CLARIFICATION OF SCOPE OF WITHHELD ASSISTANCE.—Section 110(d)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)(1)) is amended to read as follows:

“(1) WITHHOLDING OF ASSISTANCE.—The President has determined that—

“(A) the United States will not provide non-humanitarian, nontrade-related foreign assistance to the central government of the country or funding to facilitate the participation by officials or employees of such central government in educational and cultural exchange programs, for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

“(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance that directly addresses basic human needs, is not administered by the central government of the

sanctioned country, and is not provided for the benefit of that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.”.

(b) DEFINITION OF NON-HUMANITARIAN, NONTRADE RELATED ASSISTANCE.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended to read as follows:

“(10) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—

“(A) IN GENERAL.—The term ‘nonhumanitarian, nontrade-related foreign assistance’ means—

“(i) United States foreign assistance, other than—

“(I) with respect to the Foreign Assistance Act of 1961—

“(aa) assistance for international narcotics and law enforcement under chapter 8 of part I of such Act (22 U.S.C. 2291 et seq.);

“(bb) assistance for International Disaster Assistance under subsections (b) and (c) of section 491 of such Act (22 U.S.C. 2292);

“(cc) antiterrorism assistance under chapter 8 of part II of such Act (22 U.S.C. 2349aa et seq.); and

“(dd) health programs under chapters 1 and 10 of part I and chapter 4 of part II of such Act (22 U.S.C. 2151 et seq.);

“(II) assistance under the Food for Peace Act (7 U.S.C. 1691 et seq.);

“(III) assistance under sections 2(a), (b), and (c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(a), (b), (c)) to meet refugee and migration needs;

“(IV) any form of United States foreign assistance provided through nongovernmental organizations, international organizations, or private sector partners—

“(aa) to combat human and wildlife trafficking;

“(bb) to promote food security;

“(cc) to respond to emergencies;

“(dd) to provide humanitarian assistance;

“(ee) to address basic human needs, including for education;

“(ff) to advance global health security; or

“(gg) to promote trade; and

“(V) any other form of United States foreign assistance that the President determines, by not later than October 1 of each fiscal year, is necessary to advance the security, economic, humanitarian, or global health interests of the United States without compromising the steadfast U.S. commitment to combatting human trafficking globally; or

“(ii) sales, or financing on any terms, under the Arms Export Control Act (22 U.S.C. 2751 et seq.), other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

“(B) EXCLUSIONS.—The term ‘nonhumanitarian, nontrade-related foreign assistance’ shall not include payments to or the participation of government entities necessary or incidental to the implementation of a program that is otherwise consistent with section 110.”.

#### SEC. 107. EXPANDING PROTECTIONS FOR DOMESTIC WORKERS OF OFFICIAL AND DIPLOMATIC VISA HOLDERS.

Section 203(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c(b)) is amended by inserting after paragraph (4) the following:

“(5) NATIONAL EXPANSION OF IN-PERSON REGISTRATION PROGRAM.—The Secretary shall administer the Domestic Worker In-Person Registration Program for employees with A-3 visas or G-5 visas employed by accredited foreign mission members or international organization employees and shall expand this program nationally, which shall include—

“(A) after the arrival of each such employee in the United States, and annually during the

course of such employee's employment, a description of the rights of such employee under applicable Federal and State law; and

“(B) provision of a copy of the pamphlet developed pursuant to section 202 to the employee with an A-3 visa or a G-5 visa; and

“(C) information on how to contact the National Human Trafficking Hotline.

“(6) MONITORING AND TRAINING OF A-3 AND G-5 VISA EMPLOYERS ACCREDITED TO FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary shall—

“(A) inform embassies, international organizations, and foreign missions of the rights of A-3 and G-5 domestic workers under the applicable labor laws of the United States, including the fair labor standards described in the pamphlet developed pursuant to section 202. Information provided to foreign missions, embassies, and international organizations should include material on labor standards and labor rights of domestic worker employees who hold A-3 and G-5 visas;

“(B) inform embassies, international organizations, and foreign missions of the potential consequences to individuals holding a non-immigrant visa issued pursuant to subparagraph (A)(i), (A)(ii), (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) who violate the laws described in subclause (I)(aa), including (at the discretion of the Secretary)—

“(i) the suspension of A-3 visas and G-5 visas;

“(ii) request for waiver of immunity;

“(iii) criminal prosecution;

“(iv) civil damages; and

“(v) permanent revocation of or refusal to renew the visa of the accredited foreign mission or international organization employee; and

“(C) require all accredited foreign mission and international organization employers of individuals holding A-3 visas or G-5 visas to report the wages paid to such employees on an annual basis.”.

#### SEC. 108. EFFECTIVE DATES.

Sections 104(b) and 106 and the amendments made by those sections take effect on the date that is the first day of the first full reporting period for the report required by section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) after the date of the enactment of this Act.

### TITLE II—AUTHORIZATION OF APPROPRIATIONS

#### SEC. 201. EXTENSION OF AUTHORIZATIONS UNDER THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a), by striking “2018 through 2021, \$13,822,000” and inserting “2023 through 2026, \$17,000,000”; and

(2) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by striking “2018 through 2021, \$65,000,000” and inserting “2023 through 2026, \$102,500,000, of which \$22,000,000 shall be made available each fiscal year to the United States Agency for International Development and the remainder of”; and

(B) in subparagraph (C), by striking “; and” at the end and inserting a semicolon;

(C) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) to fund programs to end modern slavery, in an amount not to exceed \$37,500,000 for each of the fiscal years 2023 through 2026.”.

#### SEC. 202. EXTENSION OF AUTHORIZATIONS UNDER THE INTERNATIONAL MEGAN'S LAW.

Section 11 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (34 U.S.C. 21509) is amended

by striking “2018 through 2021” and inserting “2023 through 2026”.

### TITLE III—BRIEFINGS

#### SEC. 301. BRIEFING ON ANNUAL TRAFFICKING IN PERSONS REPORT.

Not later than 30 days after the public designation of country tier rankings and subsequent publishing of the Trafficking in Persons Report, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on—

(1) countries that were downgraded or upgraded in the most recent Trafficking in Persons Report; and

(2) the efforts made by the United States to improve counter-trafficking efforts in those countries, including foreign government efforts to better meet minimum standards to eliminate human trafficking.

#### SEC. 302. BRIEFING ON USE AND JUSTIFICATION OF WAIVERS.

Not later than 30 days after the President has determined to issue a waiver under section 110(d)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)(5)), the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on—

(a) each country that received a waiver;

(b) the justification for each such waiver; and

(c) a description of the efforts made by each country to meet the minimum standards to eliminate human trafficking.

Mr. MENENDEZ. Mr. President, I further ask that the committee-reported substitute amendment be agreed to and the bill, as amended, be considered read a third time.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

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

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

The bill (S. 4171), as amended, was passed.

Mr. MENENDEZ. Mr. President, I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

Mr. MENENDEZ. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

### EXECUTIVE CALENDAR—Continued

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

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

#### NOMINATION OF JERRY W. BLACKWELL

Ms. KLOBUCHAR. Mr. President, I rise in support of the nominee to be the next U.S. district court judge for the District of Minnesota—that would be Jerry Blackwell.

I would like to thank Senator DURBIN, chair of the Judiciary Committee,

and all the members of the Judiciary Committee, including yourself, Mr. President, for shepherding Mr. Blackwell's nomination through the committee, and I would like to thank Leader SCHUMER for making time for the Senate to consider his nomination, and my colleague Senator SMITH for her work as well in support of the nomination.

Jerry Blackwell is one of the most respected and accomplished litigators in the State of Minnesota. He has nearly 35 years of trial experience, has been named Minnesota Attorney of the Year five times, has argued over 1,000 motions in State and Federal court, and served as lead counsel in over 100 cases.

This is why he received a bipartisan vote in the Judiciary Committee, including with the support of the ranking member, and why I hope my colleagues on both sides of the aisle will support his confirmation.

Jerry has always been driven by his commitment to serve others—a commitment that started early in his life. His dad was a truckdriver who started working after the 10th grade, and his mom worked in a textile mill. She struggled with health conditions and was on dialysis from the time Jerry was 5 years old. They raised Jerry in a textile mill town in North Carolina in a home without running water. And although they did not have much, they raised their kids to believe that no matter what their life circumstances were, it was their responsibility to give back to their community. As Jerry said at his nomination hearing, his mom taught him at a young age that “in serving others we find our own well-being.” Those words inspired Jerry's brother to serve as a police officer and led Jerry to use his skills as an attorney to improve the lives of others.

He was the first in his family to attend college. He attended the University of North Carolina at Chapel Hill as a recipient of the prestigious Morehead Scholarship. He went on to earn his J.D. from the University of North Carolina School of Law and then had the wisdom to move to Minnesota to begin his legal career at a firm in Minneapolis.

After working at several prominent Minneapolis law firms, Jerry went on to found Blackwell Burke, one of the largest minority-owned trial law firms in our State. The firm was, at one point, the second-largest Black-owned law firm in the United States of America. It is highly regarded by the Minnesota legal community and has been rated Minnesota's top litigation firm by Benchmark Litigation for 4 years in a row.

Jerry is also known for his humility—so much so that I did not learn until after his nomination hearing, when his aunt told me, that Jerry has never lost a case in the nearly 35 years he has been practicing.

I then went to Jerry and said “Your aunt was probably kind of exaggerating?” And he said “No, it's true. I've never lost a case.”

As an attorney in Minnesota, Jerry never lost touch with his commitment to serve others. Even while he maintained a busy private practice, he always found ways to give back. He was widely praised for his work obtaining the first posthumous pardon in State history for Max Mason, a young Black man who was wrongfully convicted of rape in 1920. And he captured the attention of our State and the country during his time as Special Assistant Attorney General in one of the most high-profile criminal trials in the history of our country: the prosecution of Derek Chauvin for the murder of George Floyd.

Many of the pages in this room and many of the people watching today will remember Jerry's argument at the trial and the fine lawyering that he demonstrated. He didn't make it about himself. He didn't make it about some hotshot litigation move. He made it about George Floyd, and he made it about the community members and the police officers who came to testify against Derek Chauvin at that trial. It was an extraordinary job, along with his colleagues that also prosecuted the case and Attorney General Ellison who supervised it.

Jerry has broad respect in Minnesota's legal community. He was initially recommended by a judicial selection committee that I convened with Senator SMITH consisting of accomplished Minnesota judges, attorneys, and legal scholars, headed up by Alan Page, the former Minnesota Supreme Court justice, also known as an extraordinary Minnesota Viking.

Jerry earned support from 25 experienced Federal prosecutors from across the political spectrum, who wrote to the Judiciary Committee in support of his nomination that he “distinguished himself as a civil practitioner and has earned a national reputation as a skilled and persuasive advocate.”

The Judiciary Committee also directly heard from a number of current and former police chiefs in Minnesota who wrote:

We are confident that as a federal district court judge, Mr. Blackwell will approach each case with an open mind and will apply the law consistently and fairly.

That is why he got the highest rating from the ABA. That is why he got bipartisan support in the Judiciary Committee.

I am so proud to have Jerry as our nominee, and I ask my colleagues to join me in supporting his nomination.

It is not often that you have a nominee with this breadth of experience, this breadth of support, and also the willingness to take on one of the hardest cases our Nation has ever known and win it.

I yield the floor.

#### CLOTURE MOTION

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1148, Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Tina Smith, Sheldon Whitehouse, Benjamin L. Cardin, Maria Cantwell, Amy Klobuchar, Jon Ossoff, Mark Kelly, Jacky Rosen, Brian Schatz, Mazie Hirono, Angus S. King, Jr., Thomas R. Carper, Sherrod Brown, Tim Kaine.

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 Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 368 Ex.]

## YEAS—54

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

## NAYS—42

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

## NOT VOTING—4

Burr	Murphy
Hyde-Smith	Warnock

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 54, the nays are 42.

The motion is agreed to.

## CLOTURE MOTION

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1129, Doris L. Pryor, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Tina Smith, Sheldon Whitehouse, Benjamin L. Cardin, Maria Cantwell, Amy Klobuchar, Jon Ossoff, Mark Kelly, Jacky Rosen, Brian Schatz, Mazie Hirono, Angus S. King, Jr., Thomas R. Carper, Sherrod Brown, Tim Kaine.

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 Doris L. Pryor, of Indiana, to be United States Circuit Judge for the Seventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. HAWLEY), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from Missouri (Mr. HAWLEY) would have voted "nay."

The yeas and nays resulted—yeas 62, nays 31, as follows:

[Rollcall Vote No. 369 Ex.]

## YEAS—62

Baldwin	Gillibrand	Peters
Bennet	Graham	Portman
Blumenthal	Hassan	Reed
Blunt	Heinrich	Romney
Booker	Hickenlooper	Rosen
Braun	Hirono	Rounds
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Casey	Klobuchar	Sinema
Cassidy	Leahy	Smith
Collins	Lujan	Stabenow
Coons	Manchin	Tester
Cornyn	Markey	Van Hollen
Cortez Masto	McConnell	Warner
Cramer	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murkowski	Wicker
Feinstein	Murray	Wyden
	Ossoff	Young
	Padilla	

## NAYS—31

Barrasso	Hoeven	Rubio
Blackburn	Inhofe	Sasse
Boozman	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Crapo	Lankford	Shelby
Cruz	Lee	Sullivan
Daines	Lummis	Thune
Ernst	Marshall	Toomey
Fischer	Moran	Tuberville
Grassley	Paul	
Hagerty	Risch	

## NOT VOTING—7

Burr	Murphy	Warnock
Hawley	Shaheen	
Hyde-Smith	Tillis	

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 62, the nays are 31.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Doris L. Pryor, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The majority Leader.

## ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and proceed to the immediate consideration of Calendar No. 570, H.J. Res. 100; that the only amendment in order to the joint resolution be the Sullivan-Cotton amendment No. 6503; that there be up to 20 minutes for debate equally divided between the leaders or their designees; that upon the use or yielding back of time, the Senate vote on the amendment; further, that following disposition of amendment No. 6503, the Senate then proceed to the immediate consideration of H. Con. Res. 119, which was received from the House and is at the desk; that there be up to 20 minutes for debate equally divided between the two leaders or their designees prior to a vote on the concurrent resolution; finally, that upon the disposition of the concurrent resolution, the Senate resume consideration of H.J. Res. 100 and that there be 2 minutes of debate equally divided between the two leaders or their designees, and upon the use or the yielding back of time, the joint resolution be considered read a third time and the Senate vote on the passage of the joint resolution, as amended, if amended; and that the amendment, concurrent resolution, and joint resolution require 60 affirmative votes for adoption, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

## LEGISLATIVE SESSION

PROVIDING FOR A RESOLUTION WITH RESPECT TO THE UNRESOLVED DISPUTES BETWEEN CERTAIN RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE OF THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 100) to provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

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

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, for the information of Members, we are going to resume votes very soon, first on the Sullivan resolution, then on the sick-day resolution, and then on the concurrent, final resolution. Votes will be quick.

I am glad that the two sides have come together so that we can avoid this shutdown, which would be extremely damaging to the country. I hope that we can add sick days under the Sanders resolution. And I urge Members—we are going to try to vote as quickly as we can to get this done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 6503

Mr. SULLIVAN. Mr. President, I call up my amendment, No. 6503, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN], for himself and for Mr. COTTON, proposes an amendment numbered 6503.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

**SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.**

Consistent with the purposes of the Railway Labor Act (45 U.S.C. 151 et seq.) to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, except as provided in section 2, with regard to the disputes subject to Presidential Emer-

gency Board Numbered 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations), and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160)—

(1) during the 60-day period beginning on the date of enactment of this joint resolution, no change shall be made, by the railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference or by the employees of such railroads represented by a labor organization that is party to such disputes, in the conditions out of which such disputes arose as such conditions existed on the date of enactment of this joint resolution; and

(2) the parties to such disputes shall negotiate during such period to resolve any such dispute that is unresolved.

**SEC. 2. MUTUAL AGREEMENT.**

Nothing in this joint resolution shall prevent any mutual, written agreement by the parties after the enactment of this joint resolution—

(1) to implement the terms and conditions established by this joint resolution; or

(2) to any terms and conditions different from those established by this joint resolution.

Mr. SULLIVAN. Mr. President, nobody wants a strike right now in our country. We have had challenges with supply chains. We have had challenges with finding enough workers with regard to our businesses. Nobody wants a strike.

My amendment would certainly focus on not having a strike but making sure that the sides in this disagreement, between management and labor, get back to work to resolve the problems at hand. It is a simple amendment. It says we need a cooling-off period for 60 more days.

Congress finds itself in another last-minute emergency being rushed to the floor of the Senate. We got the details of this about 24 hours ago on a very complicated subject.

Since 2019, negotiations have been going on between labor unions representing railway employees and the railway industry over employee pay, hours of service, benefits, sick leave—complicated negotiations.

Now that the negotiations have met an impasse, we have been asked to endorse a proposal that the Presidential Emergency Board has endorsed and that the union members have rejected. Complicated.

Barring additional action, as I mentioned, there could be a strike that would harm our economy and workers and families and other businesses. Again, we don't want that.

Here is the other issue: We also don't want Congress to become the de facto endgame for all future negotiations—private contract negotiations—enacting the agreements reached at the bargaining table or having Congress then dictate the terms of minutia in these contracts with regard to sick leave or other things.

Now, I know Senator SANDERS has a provision on this. It might be a great idea; it might not be a good idea. I don't know. But we got this 24 hours ago. No hearings, no discussion.

So all I am asking for is a 60-day cooling-off period so the sides can get back to the bargaining table, so the President of the United States and the Secretary of Labor, Secretary Walsh, can get involved and do their jobs. That is it: a cooling off period for 60 days, handing this negotiation back to the parties involved to resolve.

Now, some people say, well, that is just kicking the can down the road. Well, there is precedent for this course of action by Congress. The legislation covering these kind of labor agreements contemplate Congress asking for additional cooling-off periods. We have done this many times before, including in 1986, where it actually worked. A 60-day cooling off period. The sides went back to the bargaining table, and they resolved their issues on their own without the Congress of the United States having to come and dictate terms.

As I mentioned, less than 36 hours ago, we were asked to decide on issues that are complicated, that are important—without necessary deliberations, without congressional hearings to gain knowledge and expertise required to make informed decisions.

My amendment would certainly avoid a strike. We all agree on that. It will give negotiators more time to get to an agreement, and it will not make Congress the entity of last resort in these kind of negotiations where the knowledge of the issues that are very complicated have not been thoroughly studied and have not received the due diligence that I believe every American, every union Member wants us to have. It has worked before. Exactly this kind of amendment has worked before in this kind of situation. It can work again. I urge my colleagues to vote yes on my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that I have an additional 10 minutes.

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

Mr. SANDERS. Mr. President, we are soon to be voting on the situation with the rail industry, which is an enormously important issue, not only for the 125,000 rail workers involved but for the entire country, because rail plays an enormous role in transporting very, very basic and important goods that all of us depend upon. It becomes a health issue, et cetera, et cetera.

But I want to take a half a moment to put this rail issue into a broader context and then get back to the rail situation. And that is, what polls are telling us and what I think each and every Member of the Senate sees and hears from his or her constituents is, people in this country are increasingly disgusted with the kind of selfishness and corporate greed that we are seeing.

Now, we don't talk about it much, and the media doesn't talk about it much, but there is more income and wealth inequality in America today than we have seen in at least 100 years. And the gap between the very, very rich and the middle class and everybody else is growing wider and wider.

And today, in the midst of this inflationary period, when so many of our workers are struggling to put food on the table, when they are falling behind economically, the billionaire class has literally never had it so good. These guys don't know what to do with their money. You don't know how many mansions they can own, how many islands they can have. Some of them are building spaceships to take them to Mars. They don't know what to do with their many billions of dollars. And yet, as we speak, 85 million Americans can't afford health insurance; 60,000 a year die because they don't get to a doctor on time; 45 million people dealing with student debt; families can't afford childcare for their kids. We have 600,000 people who are homeless in America, including people a few blocks away from the U.S. Capitol.

The rich are getting much richer. The middle class continues to shrink. And if you want to talk about the excesses of corporate greed, then you have got to talk about the rail industry and what is going on here right now.

Now, everybody understands that businesses sometimes have trouble. They lose money. They are in trouble. They go to their workers and say: Hey, things are tough, we all have to cut back. We understand that.

That is not the case today with the rail industry. For the rail industry, business has never been better, record-breaking profits. This year alone, for the first three quarters, their profits are up by over \$21 billion. They have so much money that they are able to give over \$25 billion in stock buybacks and in dividends.

That is what is going on with the rail industry. One of the CEOs in the rail industry makes \$20 million a year. Another guy makes \$14 million a year. They are doing phenomenally well. But what is also going on in the rail industry is that over the last 6 years, they have cut back on their workforce by 30 percent, which means that workers in the rail industry are asked to do more with less support.

So for 3½ years, there have been negotiations between the industry and the 12 rail unions. And the end result of this is that the workers received a 24-percent increase in their wages. It sounds like a lot of money. That is for a 5-year period. They have not received a pay increase in the last 3 years. And if you average it out, that pay increase is less than inflation to date. It is not a great wage increase. It is not terrible, but it is not a great wage increase.

I have heard talk about healthcare. They wanted healthcare. They didn't

win on healthcare. What the industry, unbelievably, wanted to do, despite record-breaking profits, is ask workers to pay more for their health insurance. That was beaten back. So they remain at a status quo. Not a victory, but not a defeat.

But most egregiously, if you talk to the workers as I have—what is the issue? It is not wages. It is not benefits. Their issue is paid sick leave. They are one of the few industries in America today that have zero sick paid leave. Unbelievably, if a worker today on the rail industry gets sick, that worker gets a mark for missing work and can and—in some cases—will be fired.

Can you imagine that? Here in Congress, we all—conservatives, progressives—we have staff—all of us, and people get sick. Of course, they take time off. You don't fire them. You don't give them marks. You don't punish them because they got sick. This is America, 2022. You don't treat people—especially in the rail industry, who are doing dangerous, difficult work.

Now, I have to be honest. I know that the Secretary of Labor and the Secretary of Transportation have worked really hard on this issue. But I need to hear from them the willingness, which I think there will be, to demand that the industry do what has to be done, and that is to provide paid sick leave for their workers.

I will have an amendment. I assume that is coming up in a few moments. This is not a radical idea. It is a very conservative idea.

And it says, if you work in the rail industry, you will get 7 paid sick days. And I would hope that we would have strong support and the 60 votes that we need to pass this very, very important amendment that is wanted by every one of the rail unions and, I think, is overwhelmingly supported by the American people.

With that, I yield all time back.

#### VOTE ON AMENDMENT NO. 6503

I ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 25, nays 70, as follows:

[Rollcall Vote No. 370 Leg.]

#### YEAS—25

Blackburn	Hagerty	Scott (FL)
Braun	Hoeben	Scott (SC)
Capito	Inhofe	Shelby
Collins	Johnson	Sullivan
Cotton	Kennedy	Thune
Cruz	Lee	Toomey
Daines	Paul	Tuberville
Ernst	Rounds	
Graham	Rubio	

#### NAYS—70

Baldwin	Hassan	Peters
Barrasso	Hawley	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Kaine	Sanders
Boozman	Kelly	Sasse
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lankford	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Lummis	Stabenow
Coons	Manchin	Tester
Cornyn	Markey	Tillis
Cortez Masto	Marshall	Van Hollen
Cramer	McConnell	Warner
Crapo	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murray	Young
Gillibrand	Ossoff	
Grassley	Padilla	

#### NOT VOTING—5

Burr	Murphy	Warnock
Hyde-Smith	Risch	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 6503) was rejected.

#### PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.J. RES. 100

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H. Con. Res. 119, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 119) providing for a correction in the enrollment of H.J. Res. 100.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the American people are increasingly disgusted at the level of corporate greed that we see today. We have more income and wealth inequality in America now than we have had in 100 years—billionaires getting richer, working people falling further and further behind.

And there is no clearer example of corporate greed than what we see in the rail industry today.

In the last year, that industry earned \$21 billion in profits—recordbreaking—and provided \$25 billion in stock buybacks and dividends to their wealthy shareholders. And yet, today, in that industry, workers who do difficult and dangerous work have zero paid sick days. Zero. You get sick, you get a mark against you; couple of marks, you get fired. This cannot and must not happen in America in 2022.

This amendment simply says 7 paid sick days for workers in the rail industry, and I hope we can win it.

VOTE ON H. CON. RES. 119

I ask for the yeas and nays, and I yield back all remaining time on both sides.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Connecticut (Mr. MURPHY), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 371 Leg.]

## YEAS—52

Baldwin	Hawley	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rubio
Braun	Hirono	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	Kennedy	Shaheen
Carper	King	Sinema
Casey	Klobuchar	Smith
Coons	Leahy	Stabenow
Cortez Masto	Lujan	Tester
Cruz	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

## NAYS—43

Barrasso	Hagerty	Romney
Blackburn	Hoeben	Rounds
Blunt	Inhofe	Sasse
Boozman	Johnson	Scott (FL)
Capito	Lankford	Scott (SC)
Cassidy	Lee	Shelby
Collins	Lummis	Sullivan
Cornyn	Manchin	Thune
Cotton	Marshall	Tillis
Cramer	McConnell	Toomey
Crapo	Moran	Tuberville
Daines	Murkowski	Wicker
Ernst	Paul	Young
Fischer	Portman	
Grassley	Risch	

## NOT VOTING—5

Booker	Hyde-Smith	Warnock
Burr	Murphy	

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 52, the nays are 43.

Under the previous order requiring 60 votes for the adoption of this concurrent resolution, the concurrent resolution is not agreed to.

The concurrent resolution (H. Con. Res. 119) was rejected.

PROVIDING FOR A RESOLUTION WITH RESPECT TO THE UNRESOLVED DISPUTES BETWEEN CERTAIN RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE OF THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 100.

Under the previous order, the joint resolution is considered read a third time.

The joint resolution was ordered to a third reading and was read the third time.

VOTE ON H.J. RES. 100

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

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 372 Leg.]

## YEAS—80

Baldwin	Graham	Padilla
Barrasso	Grassley	Peters
Bennet	Hassan	Portman
Blackburn	Heinrich	Reed
Blumenthal	Hirono	Risch
Blunt	Hoeben	Romney
Booker	Inhofe	Rosen
Boozman	Johnson	Rounds
Braun	Kaine	Sasse
Brown	Kelly	Schatz
Cantwell	Kennedy	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lee	Stabenow
Coons	Lujan	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Tillis
Cramer	Markey	Tuberville
Crapo	Marshall	Van Hollen
Daines	McConnell	Warner
Duckworth	Menendez	Whitehouse
Durbin	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murray	Young
Fischer	Ossoff	

## NAYS—15

Collins	Hawley	Scott (FL)
Cotton	Hickenlooper	Scott (SC)
Cruz	Merkley	Sullivan
Gillibrand	Rubio	Toomey
Hagerty	Sanders	Warren

ANSWERED "PRESENT"—1

Paul

NOT VOTING—4

Burr	Murphy
Hyde-Smith	Warnock

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 80, the nays are 15. One Senator responded present.

Under the previous order requiring 60 votes for the passage of this joint resolution, the joint resolution is passed.

The joint resolution (H.J. Res. 100) was passed.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

UNITED STATES V. TEXAS

Mr. CORNYN. Madam President, earlier this week, I did something I haven't done in a number of years, which is to attend a session of the U.S. Supreme Court, their oral arguments.

Of course, as you know, during the COVID pandemic, even the Supreme Court had to change the way it operated, but now the Court is back in the Supreme Court Building, meeting together, and listening to oral arguments and deciding some of the most important cases that are confounding the country and our legal system.

But the case that I listened to oral arguments in hit very close to home because the style of the case was *United States v. Texas*. It centers on a memo issued by the Department of Homeland Security Secretary, Alejandro Mayorkas, which he released last fall. In it, he provided specific confirmation—indeed, actually direction—to our Border Patrol agents that they would no longer have any hard and fast rules when it comes to removing illegal entry into the United States, particularly by those who commit serious crimes. So rather than a mandatory rule, Secretary Mayorkas said: Well, you have to weigh these various factors to see whether somebody who is guilty of a serious crime should be removed from the United States.

Under this memorandum, officers with Immigration and Customs Enforcement were discouraged from arresting or removing illegal immigrants unless they posed a threat to national security, public safety, or border security. That sounds reasonable, but it is a little more amorphous, a little more vague than specifically people who have committed aggravated felonies.

The memorandum, though, goes on to say that the Agency will prioritize anyone who poses a "current threat to public safety," but it is unclear exactly what that means. The guidelines state that this "is not to be determined according to bright lines or categories."

If you are a law enforcement officer, like the Border Patrol, what do you want? You want bright lines. You don't want categories. You don't want some woke statement about, well, on one hand, you have to consider these factors; on the other hand, you have to consider these factors. They need bright lines so they can make, perhaps, even life-and-death decisions.

But what Secretary Mayorkas has said in this memorandum is that there



is really no clear guidance, no clear definition for our Border Patrol in terms of the people they need to detain and remove from the United States because they are a public safety threat. I would hope that crimes like murder, rape, and aggravated assault would meet this balancing test by Secretary Mayorkas, but the memo does not offer any specifics. It is, on this hand, you have to consider these factors; on the other hand, you have to consider these without any real guidance.

We know it is unfair to our law enforcement officials to not provide them with better guidance because they have to make difficult decisions—sometimes split-second decisions, sometimes life-and-death decisions. And to have somebody come back and say, “Well, you didn’t properly balance the considerations,” as opposed to having a bright line rule or category, which is less discretionary and which provides much more clarity and certainty, I think it is a disservice to them, as well.

What about domestic violence, what about child pornography, what about driving under the influence of alcohol, money laundering, embezzlement? You can look in this memorandum and you won’t find any answers to those questions, just the old balancing test: On the one hand, think about these things; on the other hand, think about those.

The administration has offered such vague guidance with the term “current threat to public safety” that different ICE officers may well reach different conclusions.

Making matters worse, the memo outlines mitigating factors. So not only do you consider these factors and these factors and balance them, then you need to consider mitigating factors that an officer should consider whether to enforce the law or simply walk away. This includes the age of the migrant, as well as how long they have been living in the United States, as if a migrant entering the country illegally somehow would acquire some equity or vested interest because they have been here longer than somebody else. That makes no sense at all.

The memorandum also said that the law enforcement officer must also include a consideration of the physical or mental condition of the migrant. It even directs ICE officers to consider how the removal of somebody illegally in the United States would impact other people and their family.

Just to be clear, these are not mandates from Congress. This is the product of a made-up memorandum by the Secretary of Homeland Security. Congress has given the Department the authority to exercise some prosecutorial decision, but there is a difference between prioritizing certain offenses for removal and effectively exempting entire categories for enforcement.

I think one of the problems that Secretary Mayorkas has is that he thinks he has the authority to pick and choose which laws to enforce. He has no such authority. Now, he does have

authority in terms of prioritizing them.

But, basically, he said that somebody who was in the country illegally because they violated immigration laws is the lowest of priorities for detention and removal. That is what gets you several million people over the last couple years. That is what gets you a border crisis, which allows for the illegal importation of the drugs that killed 108,000 Americans last year—that sort of wokeness and lawlessness.

We have seen previous administrations prioritize the removal of terrorists, transnational criminals, or people who pose a threat to public safety or national security, and that is fine. I think we can all agree that law enforcement should use its limited resources to address the biggest threats but not in the process exempt other people who have violated the law from any potential consequences. It defies all common sense to instruct a law enforcement officer to turn a blind eye when they encounter individuals who came here illegally and committed other crimes just because those crimes aren’t, in the opinion of Secretary Mayorkas, serious enough or because of the age of the individual or how long they have actually resided here in the United States.

The lower court, the District Court for the Southern District of Texas, found that Secretary Mayorkas’s memorandum guidance doesn’t justify common sense. They found that it breaks the law. Congress has provided the requirement and said that the Secretary “shall take into custody” non-citizens who commit certain crimes—“shall.”

The question Chief Justice Roberts kept asking is, Does “shall” mean “shall” or does “shall” mean “may,”—because the law, which Congress has passed and was signed by the President of the United States, says that you “shall take into custody” illegal immigrants who commit certain crimes and you “shall remove” those individuals once they are released from criminal custody. So the word “shall” is mandatory. It is not discretionary. Congress’s law that we passed isn’t just a polite suggestion. It is an instruction, it is a direction. It is a requirement. It is a mandate.

The reality of this situation, however inconvenient it may be for some of our colleagues, is that by entering the United States illegally, these individuals have, by definition, broken the law. The Secretary of Homeland Security doesn’t have the authority to determine whether those individuals should face the legal consequences that Congress has mandated. That is our job, and the decision was made long before President Biden or Secretary Mayorkas took office.

The State of Texas is disproportionately affected because we have a 1,200-mile common border with Mexico, and we are seeing the bulk of this wave of humanity and the drugs coming across

the border, and it has imposed a significant burden on our border communities and on our State.

But I believe that the State provided a strong case that the Justices should vacate this dangerous and illegal memo once and for all. If you think about it a minute, by saying, “Well, you have to weigh these factors against these factors and, oh, by the way, if somebody is of a certain age or has been here a while then you exclude them entirely,” what this memorandum did and does is sent a clear message to the world that if you come to the United States illegally, you will be able to stay as long as you don’t get caught committing a murder or some other heinous crime. But if you commit other crimes, you still might be released by the Department of Homeland Security because there is no bright line rule requiring removal under those circumstances.

This turns on its head what the obligation of the Secretary of Homeland Security should be. He takes an oath similar to the one we take to uphold the law, the Constitution and laws of the United States. I believe it is a clear violation of his oath and his responsibility to try to provide this watered-down memorandum. It is completely impossible for an individual Customs and Border Protection officer to know how they should strike the balance. It is going to be second-guessed.

As I said earlier, two Border Patrol agents looking at the same individual may weigh these factors differently. Well, it is contributing to the Biden border crisis that we have seen raging for the past 2 years. The United States, as we like to say, is a nation of laws, not men and women. In other words, it doesn’t depend on who you are. It depends on what the law is, and we all have the same obligation to follow the law. The Secretary simply doesn’t have the authority to cherry-pick which laws he wants to enforce and which ones he doesn’t.

Congress writes the laws, and the executive branch is charged with enforcing those laws as written, not as how you wish they would be—nothing more and nothing less. But, unfortunately, we have seen, time and time again—not for days, not for weeks, but for months and even now years—that the Biden administration has simply failed to clear this very low bar—enforce the law.

It is discouraging ICE personnel—again, ICE is Immigration and Customs Enforcement—from enforcing our immigration laws.

You remember that, a couple of years ago, some of the more radical members of our colleagues’ political party said: You should abolish ICE. We shouldn’t enforce any of our laws.

But the consequences are pretty clear now. They failed to secure the border or provide frontline law enforcement and agents with the resources they need in order to do their job. These can sometimes be very dangerous jobs.

What is more, the administration has actually sanctioned villainizing Border Patrol and ICE personnel for doing the very job that we asked them to do—enforcing our immigration laws.

Frequently, if you talk to the Border Patrol agents, they will talk about the push factors that encourage people to leave their home country, like poverty and violence. And then they talk about the pull factors, or what they can expect to encounter at the border as to discourage them from coming or to encourage them.

There has been no attempt by the Biden administration to address the pull factor that encourages people to make the dangerous trek from their homes and come to the United States illegally.

That would be something called deterrence, discouraging somebody from illegally coming to the country in the first place. And the asylum program, which has now resulted in millions of cases on the backlog of immigration courts, there has been no effort made to try to fix the broken asylum process, no attempt to strengthen law enforcement and to actually remove people who have no legal right to be here in the United States.

If you go to the border now—as I have been many times—and you talk to the Border Patrol agents, they will tell you that they routinely detain people from as many as 150 different countries. This isn't just people coming from Mexico or Central America; these are literally people coming from around the world. You will find Ukrainians. You will find Russians. You will find people from the Middle East. You will find people from Iran, North Korea, China.

The fact of the matter is that if you have enough money, if you are willing to pay the price that these human smugglers require, you can make your way into the United States and through our southern border illegally.

So it is an abdication of duty and a complete embarrassment to our law-abiding society. I think many Americans watch what is happening at the border, and they wonder, is this the same country I grew up in, or did I miss something? Because they feel like something has gone terribly awry with this sort of lawlessness and chaos.

The Biden administration's *laissez faire* attitude toward our Nation's immigration laws is absolutely disgraceful, and there must be consequences. The American people deserve better than this, and I hope to see more accountability next Congress once Republicans take control of the House.

That means that we will have new chairmen of the various committees, and they will call people like Secretary Mayorkas before those committees and hold them accountable. But until that happens, I don't expect things to get much better, because if the Biden administration hasn't been motivated to get off the dime and actually do something about this chaos and lawlessness

at the border, I don't know what it will take to change their minds.

But sometimes when public officials don't do what they are supposed to do and you can't change their minds, sometimes you need to change who those public officials are. Unfortunately, we may have to wait until the next election to do that.

Immigration enforcement is a bigger job today than it was a few years ago, and I am afraid it is getting ready to become even more challenging. Just last month, the DC district court judge vacated the Center For Disease Control's title 42 order, and the judge granted a 5-week stay which will expire here in less than 3 weeks.

Title 42—just to remind everybody—is a pandemic-related order designed to protect public health. It is not really an immigration order, but it is a public health order. So when people are coming across the border untested and unvaccinated, we recognize that is a potential to spread even more of the coronavirus.

And so Border Patrol has told me as long ago as about a year ago that they have been able to expel some people, particularly adult males, from coming across the border using the title 42 authority. But that is getting ready to go away in 5 weeks—or less than 3 weeks now.

And we have not heard any plan out of the Biden administration for how they are going to do the job without that authority, because they simply refuse to use any other authorities, like expedited removal, in order to discourage people from illegally entering the country.

Back when I sat down with some of the leaders of the Customs and Border Protection and Border Patrol, about a year ago now, they told me that once title 42 goes away, unless there is another alternative plan for controlling people's access to the border, they will lose control completely.

At this point, title 42 is one of the few remaining tools we have to prevent even more chaos at the border. Of the more than 230,000 encounters at the southern border in October, 230,000 migrants came to the border, more than 78,000 were removed under title 42.

You might ask what happened to the rest of them. Well, they were ushered into the country, perhaps never to be heard from again, based on weak asylum claims or other refusals by the Biden administration simply to enforce our immigration laws.

But 78,000 is not inconsequential. That is 78,000 people the Border Patrol didn't have to process, feed or house, or take care of. But once title 42 is gone, that will all change. And the consequences will be dire. It has been 2 weeks since the Federal judge struck down title 42, and I have yet to hear a peep out of the Biden administration about what they will do to address these consequences.

A few weeks ago, President Biden held a post-election press conference

and was asked what he intends to do differently over the next 2 years, given the fact that 75 percent of the voters say the country is headed in the wrong direction. He said: Nothing. He intends to do nothing differently.

Three out of four Americans believe the country is heading in the wrong direction, and the President of the United States of America says: I am not going to change the direction.

The Senate majority leader shared the same sentiment, calling the election results a vindication for Democrats. Given their recent comments, President Biden and Senator SCHUMER don't seem to recognize there is a problem at all. In fact, they seem happy with the way things are going, and they have assured us that Democrats are just going to keep moving in the same direction.

So if you think this is bad—and two-thirds of the voters believe we are headed in the wrong direction—just get ready, because it is about to get worse. I yield the floor.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that all postcloture time on the Blackwell and Pryor nominations be considered expired; that the vote on confirmation of the Blackwell nomination occur at a time to be determined by the majority leader, following consultation with the Republican leader; and that the vote on the confirmation of the Pryor nomination occur at 5:30 p.m. on Monday, December 5.

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

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. I move to proceed to executive session to consider Calendar No. 1149.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Frances Kay Behm, of Michigan, to be United States District Judge for the Eastern District of Michigan.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1149, Frances Kay Behm, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Michael F. Bennet, Christopher A. Coons, Margaret Wood Hassan, Catherine Cortez Masto, Tim Kaine, Ben Ray Lujan, Tammy Duckworth, Kirsten E. Gillibrand, Angus S. King, Jr., Patty Murray, Robert P. Casey, Jr., Martin Heinrich, Jack Reed.

## LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 1184.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior executive legislative clerk read the nomination of Kelley Brisbon Hodge, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1184, Kelley Brisbon Hodge, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Chris Van Hollen, Richard Blumenthal, Tim Kaine, Michael F. Bennet, Gary C. Peters, Benjamin L. Cardin, Margaret Wood Hassan, Jack Reed, Alex Padilla, Robert P. Casey, Jr., Christopher A. Coons, Debbie Stabenow, Tammy Baldwin, Elizabeth Warren, Cory A. Booker, Mark R. Warner.

## LEGISLATIVE SESSION

Mr. SCHUMER. I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 1186.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Mia Roberts Perez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1186, Mia Roberts Perez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Chris Van Hollen, Richard Blumenthal, Tim Kaine, Michael F. Bennet, Gary C. Peters, Benjamin L. Cardin, Margaret Wood Hassan, Jack Reed, Alex Padilla, Robert P. Casey, Jr., Christopher A. Coons, Debbie Stabenow, Tammy Baldwin, Elizabeth Warren, Cory A. Booker, Mark R. Warner.

## LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1187.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kai N. Scott, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1187, Kai N. Scott, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Michael F. Bennet, Christopher A. Coons, Margaret Wood Hassan, Catherine Cortez Masto, Tim Kaine, Ben Ray Lujan, Tammy Duckworth, Kirsten E. Gillibrand, Angus S. King, Jr., Patty Murray, Robert P. Casey, Jr., Martin Heinrich, Jack Reed.

## LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 1185.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Frank Murphy, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

## CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1185, John Frank Murphy, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Michael F. Bennet, Christopher A. Coons, Margaret Wood Hassan, Catherine Cortez Masto, Tim Kaine, Ben Ray Lujan, Tammy Duckworth, Kirsten E. Gillibrand, Angus S. King, Jr., Patty Murray, Robert P. Casey, Jr., Martin Heinrich, Jack Reed.

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December 1, be waived.

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

Mr. SCHUMER. I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. KING. Madam 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

Mr. DURBIN. Madam President, I ask unanimous consent to print the following letter in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC.

To the Secretary of the Senate:

PN2435, the nomination of Julie Rikelman, of Massachusetts, to be United States Circuit Judge for the First Circuit, having been referred to the Committee on the Judiciary, 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, 11 ayes to 11 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 has not reported the nomination because of a tie vote, and ask that this notice be printed in the RECORD pursuant to the resolution.

RICHARD J. DURBIN.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-64, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Finland for defense articles and services estimated to cost \$323.3 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. AARON HARDING  
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 22-64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Finland.

(ii) Total Estimated Value:

Major Defense Equipment\* \$164.1 million.

Other \$159.2 million.

Total \$323.3 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Forty (40) AIM 9X Block II Tactical Missiles.

Four (4) AIM 9X Block II Tactical Guidance Units.

Forty-eight (48) AGM-154 Joint Stand Off Weapons (JSOW).

Non-MDE: Also included are Dummy Air Training Missiles (DATM); Captive Air Training Missile (CATM); Captive Flight Vehicles (CFVs); Free Flight Vehicles (FFVs); containers; mission planning; integration

support and testing; munitions storage security and training; weapon operational flight program software development; transportation; tools and test equipment; support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering and logistics support services; books and other publications; training; training aids and devices; space parts; support equipment; weapon system software support; U.S. Government and contractor engineering; technical and logistics support services; studies and surveys; missile technical assistance; other technical assistance; and other related elements of program and logistics support.

(iv) Military Department: Navy (FI-P-AAT, FI-P-AAU).

(v) Prior Related Cases, if any: FI-P-AAS, FI-P-AAI, FI-P-GAT, FI-P-LDB, FI-P-LBM.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 28, 2022.

\*As defined in Section 47 (6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Finland—AIM 9X Block II Tactical Missiles and AGM-154 Joint Standoff Weapons

The Government of Finland has requested to buy forty (40) AIM 9X Block II tactical missiles; four (4) AIM 9X Block II tactical guidance units; and forty-eight (48) AGM-154 Joint Stand Off Weapons (JSOW). Also included are Dummy Air Training Missiles (DATM); Captive Air Training Missile (CATM); Captive Flight Vehicles (CFVs); Free Flight Vehicles (FFVs); containers; mission planning; integration support and testing; munitions storage security and training; weapon operational flight program software development; transportation; tools and test equipment; support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering and logistics support services; books and other publications; training; training aids and devices; space parts; support equipment; weapon system software support; U.S. Government and contractor engineering; technical and logistics support services; studies and surveys; missile technical assistance; other technical assistance; and other related elements of program and logistics support. The total estimated cost is \$323.3 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a trusted partner, which is an important force for political stability and economic progress in Europe. It is vital to the U.S. national interest to assist Finland in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Finland's air-to-air and air-to-surface weapons capabilities and will positively impact U.S. relations with countries in the Nordic region. Finland intends to use these defense articles and services for its fighter aircraft fleet. Finland will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Missiles and Defense, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of the proposed sale will require U.S. Government and contractor representatives to visit Finland on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22-64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM 9X Block II Tactical Missile is a datalink-enabled, launch and leave, air combat munition that uses passive Infrared (IR) energy to acquire and track enemy air targets. The AIM-9X Block II Sidewinder continues the evolution of the AIM-9 series of missiles.

2. The AGM-154 JSOW is a precision strike weapon with a 500-pound blast/fragmentation/penetrator warhead effective against fixed-point targets. It includes GPS/INS guidance, and an uncooled, long-wave imaging infrared seeker with autonomous target acquisition algorithms for precise targeting.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Finland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Finland.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ, Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-67, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Finland for defense articles and services estimated to cost \$380 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,  
Director.

Enclosures.

TRANSMITTAL NO. 22-67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Finland.

(ii) Total Estimated Value:

Major Defense Equipment \* \$310 million.

Other \$70 million.

Total \$380 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MOE):

Three hundred fifty (350) FIM-92K Stinger Man Portable Missiles.

Five (5) Production Verification Flight Test (PVFT) FIM-92K Stinger Man Portable Missiles.

Non-MOE:

Also included is support equipment; production support, engineering and technical services; transportation services; and other related elements of program and logistics support.

(iv) Military Department: Army (FI-B-VBF).

(v) Prior Related Cases, if any: FI-B-VAJ, FI-B-VBA.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: December 1, 2022.

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Finland—Stinger Man Portable Ground-to-Air Missiles

The Government of Finland has requested to buy three hundred fifty (350) FIM-92K Stinger Man Portable missiles; and five (5) Production Verification Flight Test (PVFT) FIM-92K Stinger Man Portable missiles. Also included is support equipment; production support, engineering and technical services; transportation services; and other related elements of program and logistics support. The total estimated cost is \$380 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a trusted partner which is an important force for political stability and economic progress in Europe. It is vital to the U.S. national interest to assist Finland in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Finland's defense and deterrence capabilities. Finland intends to use these defense articles and services to increase its national stock. This critical platform will bolster the land and

air defense capabilities in Europe's northern flank, supporting the U.S. European Command's top priorities. Finland will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Missiles and Defense, Tucson, AZ and Lockheed Martin Corporation, Syracuse, NY. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Finland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22-67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Stinger missile is a lightweight, self-contained air defense system that can be rapidly deployed by ground troops. Its seeker and guidance systems enables the weapon to acquire, track and engage a target with one shot.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Finland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Finland.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ, Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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



DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-36, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost \$1.0 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCHE,  
Director.

Enclosures.

TRANSMITTAL NO. 22-36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Qatar.

(ii) Total Estimated Value:

Major Defense Equipment \* \$0.75 billion.

Other \$0.25 billion.

Total \$1.00 billion.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Qatar has requested to buy ten (10) Fixed Site-Low, Slow, Small Unmanned Aircraft System Integrated Defeat System (PS-LIDS) System of Systems, to include:

Major Defense Equipment (MDE):

Two hundred (200) Coyote Block 2 Interceptors.

Non-MDE: Also included is the Counter Unmanned Electronic Warfare System (CUAEWS); Coyote launchers; Ku Band Multi-function Radio Frequency System (KuMRFS) radars; Forward Area Air Defense Command and Control (FAAD C2); Counter Unmanned Electronic Warfare Systems (CUAEWS); EO/IR cameras; support and test equipment; integration and test support; spare and repair parts; communications equipment; software delivery and support; facilities and construction support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering; technical and logistics support services; studies and surveys; maintenance services; and other related elements of logistical and program support.

(iv) Military Department: Army (QA-B-UAV).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 29, 2022.

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

Qatar—Fixed Site-Low, Slow, Small Unmanned Aircraft System Integrated Defeat System (FS-LIDS)

The Government of Qatar has requested to buy ten (10) Fixed Site-Low, Slow, Small Unmanned Aircraft System Integrated Defeat System (FS-LIDS) System of Systems, to include: two hundred (200) Coyote Block 2 interceptors. Also included is the Counter Unmanned Electronic Warfare System (CUAEWS); Coyote launchers; Ku Band Multi-function Radio Frequency System

(KuMRFS) radars; Forward Area Air Defense Command and Control (FAAD C2); Counter Unmanned Electronic Warfare Systems (CUAEWS); EO/IR cameras; support and test equipment; integration and test support; spare and repair parts; communications equipment; software delivery and support; facilities and construction support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering; technical and logistics support services; studies and surveys; maintenance services; and other related elements of logistical and program support. The total estimated program cost is \$1 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Qatar's capability to meet current and future threats by providing electronic and kinetic defeat capabilities against Unmanned Aircraft Systems. Qatar will have no difficulty absorbing these articles and/or services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon, Huntsville AL; SRC, Huntsville, AL; and Northrop Grumman, Huntsville, AL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of five (5) additional U.S. Government and fifteen (15) U.S. contractor representatives to Qatar for a duration of five (5) years to support fielding, training, and sustainment activities.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22-36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Fixed Site-Low, Slow, Small Unmanned Aircraft System Integrated Defeat System (FS-LIDS) is a Counter Unmanned Aircraft System of Systems. It provides defeat capabilities against Unmanned Aircraft vehicles.

2. The Counter Unmanned Electronic Warfare System (CUAEWS) is a Counter Unmanned Aircraft defeat system. It provides signal disruption and jamming of position, timing, navigation, command link and video downlink signals to/from the ground command station.

3. The Coyote Launcher is a high speed, highly maneuverable, semi-active guided airframe with a proximity blast fragmentation warhead. It provides a kinetic defeat capability against Counter Unmanned Aircraft threats.

4. The Coyote Interceptor is a Counter Unmanned Aircraft kinetic missile that provides kinetic defeat capabilities against Unmanned Aircraft vehicles.

5. The Ku Band Multi-function Radio Frequency System (KuMRFS) is a multi-function radar. It provides three dimensional target location to provide situational awareness for command and control systems and guidance used by the Coyote Block-2 Interceptor.

6. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

7. If a technologically advanced adversary were to obtain knowledge of the specific

hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

8. A determination has been made that Qatar can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

9. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Qatar.

#### WORLD AIDS DAY 2022

Mr. CARDIN. Madam President, on December 1, we mark the 34th anniversary of World AIDS Day. World AIDS Day calls on us to remember those lost to AIDS and support those who live with HIV/AIDS-related illnesses. On this day, we also raise awareness for the global health crisis and redouble our efforts in the fight against HIV/AIDS.

Established in 1998, World AIDS Day marked the first international day for global health. Since then, World AIDS Day has adopted targeted themes to raise awareness and encourage international cooperation. This year's theme, "Equalize," focuses on addressing persisting inequalities in the fight against AIDS. Vulnerable groups such as young women, gay men, transgender people, people of color, and sex workers struggle to access contraception, testing, treatment, and new technologies. Criminalization, discrimination, and social stigmas continue to target these vulnerable populations across the globe. The 2022 "Equalize" campaign reminds us that our fight cannot be won until such inequalities are eliminated.

Since the first U.S. cases of AIDS were reported in June 1981, over 700,000 people in the U.S. have died from HIV-related illnesses. As of 2019, nearly 1.2 million people were living with HIV. In 2020, 30,635 people received an HIV diagnosis in the U.S. and dependent areas. My home State of Maryland is not immune to this issue. As of 2021, over 32,000 Marylanders over 13 years old are living with HIV, with 773 new diagnoses that same year. Furthermore, recent data shows that minority populations remain disproportionately affected by HIV/AIDS. In 2020, Black Americans accounted for 42 percent of HIV diagnoses, while Hispanic/Latino Americans accounted for 27 percent of HIV diagnoses. This is evidence of the persistent health challenge HIV/AIDS presents Maryland and the U.S.

Fortunately, scientists have made significant strides in developing antiretroviral therapies—ART—against HIV infections over recent decades. Thanks to breakthroughs in the private and public sectors, the U.S. Food and Drug Administration—FDA—has now approved more than 30 medicines



to treat HIV infection. These treatment regimens help extend and stabilize the lives of those living with HIV while reducing further risk of HIV transmission.

I particularly applaud Maryland's scientific community and academic partners—including the National Institutes of Health—NIH—the Walter Reed Army Institute of Infectious Disease Research, the Institute of Human Virology at the University of Maryland, and Johns Hopkins University—for their groundbreaking research initiatives. For example, NIH-funded research, including clinical trials, to develop pre-exposure prophylaxis—PrEP—medication designed to prevent high-risk individuals from contracting HIV.

Thanks to cutting-edge advancements in treatment, Maryland has reached significant milestones in reducing HIV case numbers. For the first time in over three decades, Maryland reported fewer than 1,000 new cases in 2018 and continues to remain below the 1,000 new case benchmark as of 2021. State-supported efforts such as safe-sex education programs, condom distribution, and the expansion of prophylactic medications have all mitigated HIV transmission. The Maryland Department of Health's antiretroviral therapy campaign has also contributed to viral suppression for 60 percent of the State's HIV patients. Additionally, city and county needle exchange programs have broadened efforts to reduce the circulation of unclean syringes, provide testing for infectious diseases such as HIV, and extend resources for substance abuse.

Thanks to the Affordable Care Act—ACA—Americans diagnosed with HIV or at risk of transmission have more meaningful access to healthcare coverage and health insurance. Today, Americans cannot be dropped or denied coverage because of pre-existing health conditions such as HIV. The ACA also gives States the option to expand Medicaid, the largest payer for those who need HIV treatment in the country. The ACA's investments in community health centers' Ending the HIV Epidemic Initiative is an integral part of the National HIV/AIDS Strategy.

The ACA has also established new health plan standards or essential health benefits that must be covered under certain health plans. Benefits such as prescription drug services, hospital inpatient care, lab tests, HIV screening, PrEP, and other preventive services aim to preserve the health of those with HIV while mitigating further transmission. Under the ACA, most health insurance plans must provide preventative services, including HIV testing for those aged 15 to 65. PrEP to inhibit HIV is also provided for HIV-negative adults at high risk for contracting HIV. I am proud to cosponsor the PrEP Access and Coverage Act of 2021, which would expand access to PrEP and work to reduce disparities among those recommended and pre-

scribed the medication through multiple initiatives, including eliminating out-of-pocket costs for the medication.

These investments in an infrastructure to test and treat HIV have helped reduce the spread of HIV/AIDS, but have also been essential in curbing the spread of mpox. It has provided natural points of care for testing, access to treatment, and education to populations also vulnerable to contracting mpox.

However, HIV/AIDS is not an issue the U.S. faces in isolation. Outside the U.S., the global HIV/AIDS epidemic remains a grave public health challenge. In 2021, approximately 38.4 million people lived with HIV across the globe, including 1.7 million children between 0 and 14 years of age. Last year, roughly 1.5 million people contracted HIV. Nevertheless, the international community has made significant progress in HIV testing and treatment over recent decades. By the end of 2021, 28.7 million people with HIV, about 75 percent, were receiving ART, while approximately 68 percent of all people with HIV reached viral suppression. In 2021, an estimated 650,000 people died from AIDS-related illnesses worldwide, down from 2 million people in 2004 and 1.4 million in 2010.

Since its inception in 2003, the U.S. President's Emergency Plan for AIDS Relief—PEPFAR—represents an extraordinary commitment to global health, aiming to prevent, diagnose, and treat HIV infections. Over nearly 20 years, the U.S. has invested more than \$100 billion in the global response to HIV/AIDS. Because of this, we have made significant inroads in access to testing and ART.

In 2021, PEPFAR provided HIV testing services for more than 50 million people and supported ART for nearly 19 million people. As of today, U.S. leadership through PEPFAR has saved an estimated 20 million lives and prevented millions of HIV infections. PEPFAR now operates in over 50 countries, training hundreds of thousands of healthcare workers and providing critical support to healthcare systems. PEPFAR is a powerful example of sincere, effective, and transparent U.S. global health leadership and cooperation.

The COVID-19 pandemic produced a stark reminder that we must swiftly respond to global health crises. It demonstrates that diseases cannot be easily confined to national borders and regional spheres. Additionally, the COVID-19 pandemic has disrupted HIV treatments and prevention services, separating patients from healthcare providers. Vulnerable populations have also been disconnected from educational and counseling services while economic downturns exasperated social and economic inequalities. Marginalized populations and now more susceptible to HIV infection and less likely to access necessary services than before the pandemic's onset. Our interconnected world demands Amer-

ican vigilance, conscientiousness, and our strong investment in global health systems.

Our battle against HIV is far from over. The U.S. must continue to define global health leadership and facilitate cooperation with our foreign partners and allies. I commend President Biden for his enduring support for PEPFAR. I also recognize international partnerships, including the Global Fund along with faith-based organizations and civil society for their long-held commitment to eradicating HIV/AIDS. Most importantly, I want to recognize those living with HIV/AIDS across the globe. Your dignity, fortitude, and endurance testify to the extraordinary power of the human spirit. And in accordance with that drive and spirit, we will prevail in this fight.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARK GHILARDUCCI

• Mrs. FEINSTEIN. Madam President, I rise today to honor Mark Ghilarducci, director of the California Office of Emergency Services—CalOES—as he retires following years of committed and extraordinarily capable public service.

Director Ghilarducci's laudable career spans 30 years of service in public safety and government management at the local, State, and Federal levels, as well as more than 12 years in the private sector, working in security and crisis management globally. I, myself, have had the pleasure of working with Mr. Ghilarducci and have witnessed firsthand his dedication to the safety of all Californians.

Early in his career, Director Ghilarducci served as the deputy State fire chief at CalOES. In this role, he oversaw special operations such as the State Urban Search and Rescue Response System. Director Ghilarducci helped develop this search and rescue system in the wake of the 1989 Loma Prieta Earthquake, and this system has since served as the model for the Nation. In fact, Ghilarducci relied on this system as he led the Federal search and rescue operations in the wake of the 1995 terrorist bombings in Oklahoma City, demonstrating the system's effectiveness, as well as his own courage in the face of disaster. Twenty years later, he served as an adviser to the State of Louisiana and Governor Kathleen Blanco in the wake of Hurricane Katrina and provided on the ground assistance.

In 2000, he was appointed deputy director of CalOES, where he oversaw statewide emergency operations, planning, and training. Drawing from his experience in State and national emergency response, Director Ghilarducci utilized his position to advocate for preventative disaster management and clearer communication between local, State, and Federal agencies with disaster-relief organizations. During his

tenure, CalOES expanded its mission to encompass more than natural disasters, adding programs that focused on terrorism prevention and cybersecurity attacks and developed faster and broader disaster response to public health emergencies like COVID-19.

In February 2012, Governor Jerry Brown appointed Ghilarducci to secretary of the California Emergency Management Agency, a great fit for someone so well-qualified. The following year, the Governor appointed him to director of CalOES and he has held this position ever since. While in this role, Ghilarducci briefed President Obama in 2014 on California's historic drought, as well as President Trump and President Biden during their respective visits to California after natural disaster events, including the Camp and Caldor fires. Under his direction, CalOES improved and modernized the State's emergency management. Earlier this year, CalOES announced a first in the Nation grant program focused on building community resilience to prevent long-term disaster impacts.

As one of California's Senators, I extend my deepest gratitude to Director Ghilarducci for his tireless commitment to the safety of Californians and Americans nationwide. Please join me in wishing him a safe, prosperous, and well-earned retirement.●

#### TRIBUTE TO CHRISTINA GRETTLER

● Mr. THUNE. Madam President, today I recognize Christina Grettler, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Christina is a graduate of Roncalli High School in Aberdeen, SD. Currently, she is attending Northern State University in Aberdeen, SD, where she is majoring in history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Christina for all of the fine work she has done and wish her continued success in the years to come.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 12:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 3369. An act to designate the medical center of the Department of Veterans Affairs in metropolitan Atlanta, Georgia, as the "Joseph Maxwell Cleland Atlanta Department of Veterans Affairs Medical Center".

S. 4359. An act to designate the regional office of the Department of Veterans Affairs in metropolitan Atlanta as the "Senator Johnny Isakson Department of Veterans Affairs Atlanta Regional Office", and for other purposes.

H.R. 521. An act to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled.

H.R. 7132. An act to preserve safe access to communications services for survivors of domestic violence and other crimes, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 1, 2022, she had presented to the President of the United States the following enrolled bill:

S. 4524. An act to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURBIN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2773. A bill to amend the Leahy-Smith America Invents Act to address satellite offices of the United States Patent and Trademark Office, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MANCHIN for the Committee on Energy and Natural Resources.

\*Jeffrey Matthew Marootian, of the District of Columbia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

\*David Crane, of New Jersey, to be Under Secretary of Energy.

\*Gene Rodrigues, of California, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

By Mr. DURBIN for the Committee on the Judiciary.

Maria Araujo Kahn, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Jeffrey Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

Lindsay C. Jenkins, of Illinois, to be United States District Judge for the Northern District of Illinois.

Jamar K. Walker, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Margaret R. Guzman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Araceli Martinez-Olguin, of California, to be United States District Judge for the Northern District of California.

Jamal N. Whitehead, of Washington, to be United States District Judge for the Western District of Washington.

Daniel J. Calabretta, of California, to be United States District Judge for the Eastern District of California.

Matthew L. Garcia, of New Mexico, to be United States District Judge for the District of New Mexico.

Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon.

Jaime E. Esparza, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

Roger B. Handberg, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Alamdar S. Hamdani, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Markenzy Lapointe, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

Terry J. Burgin, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

Glenn M. McNeill, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

\*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MERKLEY:

S. 5157. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Finance.

By Mr. CASEY (for himself, Ms. HIRONO, Mr. BOOKER, Mr. WHITEHOUSE, and Ms. BALDWIN):

S. 5158. A bill to strengthen civil rights protections against harassment based on sex, race, color, national origin, disability, or age; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself, Mr. RISCH, Ms. ROSEN, and Mr. RUBIO):

S. 5159. A bill to amend the Trafficking Victims Protection Act of 2000 to direct the Secretary of Transportation to seek to provide for the posting of contact information of the national human trafficking hotline in the restrooms of each aircraft, airport, over-the-road bus, bus station, passenger train, and passenger railroad station operating within the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 5160. A bill to designate a laboratory as the National Biodefense Analysis and Countermeasures Center, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 5161. A bill to provide for the liquidation or reliquidation of certain entries of products of European Union member states, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. BOOKER, Mr. BENNET, and Mr. BROWN):

S. 5162. A bill to provide for a study by the National Academies of Sciences, Engineering, and Medicine on the potential benefits on population health outcomes of incorporating into the Federal legislative process tools that measure the impacts of proposed legislation (including in areas outside of health care) on health and health disparities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Mr. MERKLEY, and Mr. VAN HOLLEN):

S. 5163. A bill to require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes; to the Committee on Environment and Public Works.

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

S. 5164. A bill to designate the Russian-based PMC Wagner Group as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. TOOMEY:

S. 5165. A bill to facilitate pipeline construction and limit regulatory and litigation delays under the Federal Water Pollution Control Act, the National Environmental Policy Act of 1969, and the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HICKENLOOPER:

S. 5166. A bill to establish a Commission on the Federal Regulation of Cannabis to study a prompt and plausible pathway to the Federal regulation of cannabis, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOKER:

S. 5167. A bill to extend the temporary order for fentanyl-related substances; to the Committee on the Judiciary.

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

S. 5168. A bill to amend the Immigration and Nationality Act to include aliens passing in transit through the United States to board a vessel on which the alien will perform ship-to-ship liquid cargo transfer operations within a class of nonimmigrant aliens, and for other purposes; to the Committee on the Judiciary.

By Ms. LUMMIS (for herself and Mr. KELLY):

S. 5169. A bill to amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. CRUZ, and Mr. LANKFORD):

S. 5170. A bill to amend the National Trails System Act to designate the Route 66 National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE (for himself, Mr. RUBIO, and Mr. HAGERTY):

S. 5171. A bill to amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from placing any vaccine for COVID-19 on the child and adolescent immunization schedule unless the Secretary has posted on the public website of the Centers for Disease Control and Prevention all clinical data in the possession of the

Department of Health and Human Services relating to the safety and efficacy of such vaccine, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 5172. A bill to designate the Department of Energy Integrated Engineering Research Center Federal Building located at the Fermi National Accelerator Laboratory in Batavia, Illinois, as the "Helen Edwards Engineering Research Center"; to the Committee on Environment and Public Works.

By Ms. WARREN:

S. 5173. A bill to amend title 31 and title 10, United States Code, to address claims of the United States Government relating to certain treatment received by civilians at military medical treatment facilities, and for other purposes; to the Committee on Armed Services.

By Ms. CORTEZ MASTO (for herself, Mrs. MURRAY, Ms. ROSEN, Ms. SMITH, Mr. BENNET, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. PADILLA, and Ms. KLOBUCHAR):

S. 5174. A bill to establish a grant program to fund women's health patient navigators for patients seeking abortion care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. BOOKER, Mr. COONS, Ms. HIRONO, Mr. MARKEY, Ms. ROSEN, and Mrs. SHAHEEN):

S. 5175. A bill to amend the Small Business Act to require an annual report on entrepreneurial development programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

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

S. 5176. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received from State-based catastrophe loss mitigation programs; to the Committee on Finance.

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

S. 5177. A bill to require the Comptroller General of the United States to conduct an audit of religious accommodations relating to the coronavirus disease 2019 for the Armed Forces to ensure all applicable laws, guidance, and policies were followed with respect to such accommodations, and for other purposes; to the Committee on Armed Services.

By Mr. HAWLEY:

S. 5178. A bill to impose restrictions on the investment in Chinese companies by tax-exempt entities; to the Committee on Finance.

By Mr. MARSHALL:

S. 5179. A bill to amend the Endangered Species Act of 1973 to require congressional approval of certain actions, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself and Mr. PORTMAN):

S. 5180. A bill to establish the Great Lakes Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COTTON:

S.J. Res. 65. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights"; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 855. A resolution recognizing the 50th anniversary of the Consumer Product Safety Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself and Mr. SULLIVAN):

S. Res. 856. A resolution commemorating and supporting the goals of World AIDS Day; to the Committee on Foreign Relations.

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

S. Res. 857. A resolution congratulating the Los Angeles Football Club for winning the 2022 Major League Soccer Cup; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 1300

At the request of Mr. CARDIN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1402

At the request of Mr. SCHATZ, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1402, a bill to amend the Native American Languages Act to ensure the survival and continuing vitality of Native American languages, and for other purposes.

S. 1408

At the request of Mr. MARKEY, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 1408, a bill to posthumously award the Congressional Gold Medal, collectively, to Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith, in recognition of their contributions to the Nation.

S. 1704

At the request of Mr. DAINES, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1704, a bill to amend the Internal Revenue Code of 1986 to permanently extend the exemption for telehealth services from certain high deductible health plan rules.

S. 2037

At the request of Ms. CORTEZ MASTO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2037, a bill to amend title XVIII to strengthen ambulance services furnished under part B of the Medicare program.

S. 2790

At the request of Mr. HAGERTY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2790, a bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

S. 3546

At the request of Mr. HAGERTY, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3546, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made to reporting of third party network transactions by the American Rescue Plan Act of 2021.

S. 3625

At the request of Ms. HASSAN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 3625, a bill to amend the Internal Revenue Code of 1986 to temporarily reinstate the employee retention credit for employers subject to closure due to COVID-19.

S. 3795

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3795, a bill to recognize the refugee and immigrant communities from Cambodia, Laos and Vietnam including the Hmong, Cham, Cambodian, Lu-Mien, Khmu, Lao, Montagnard, and Vietnamese Americans who supported and defended the Armed Forces during the conflict in Southeast Asia, authorize assistance to support activities relating to clearance of unexploded ordnance and other explosive remnants of war, and for other purposes.

S. 3909

At the request of Mr. KAINE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3909, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3917

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 3917, a bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

S. 4120

At the request of Mr. REED, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 4120, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 4260

At the request of Ms. BALDWIN, the names of the Senator from Arizona (Mr. KELLY) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 4260, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, social work schools, and other programs, including physician assistant education programs, to promote education and research in palliative care and hospice,

and to support the development of faculty careers in academic palliative medicine.

S. 4580

At the request of Ms. ROSEN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 4580, a bill to amend title 38, United States Code, to require a lactation space in each medical center of the Department of Veterans Affairs.

S. 4613

At the request of Mr. BRAUN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 4613, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the fiduciary duty of plan administrators to select and maintain investments based solely on pecuniary factors, and for other purposes.

S. 4700

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 4700, a bill to amend title 38, United States Code, to provide for limitations on copayments for contraception furnished by the Department of Veterans Affairs, and for other purposes.

S. 4851

At the request of Mrs. CAPITO, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 4851, a bill to direct the Secretary of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes.

S.J. RES. 40

At the request of Ms. HIRONO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 40, a joint resolution formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands.

S. RES. 709

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 709, a resolution expressing the commitment of the Senate to building on the 20 years of success of the George McGovern-Robert Dole Food for Education and Child Nutrition Program.

S. RES. 713

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 713, a resolution recognizing Russian actions in Ukraine as a genocide.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 5168. A bill to amend the Immigration and Nationality Act to include aliens passing in transit through the United States to board a vessel on which the alien will perform ship-to-ship liquid cargo transfer operations within a class of nonimmigrant aliens, and for other purposes; to the Committee on the Judiciary.

Mr. PADILLA. Mr. President, I rise to introduce the Energy Security and Lightering Independence Act of 2022. This bipartisan bill would allow foreign crewmembers of lightering ships to obtain a visa for a time period consistent with the duties of their work in the United States.

This bill would amend the C and D visa categories in the Immigration and Nationality Act to allow foreign crewmembers who are involved in ship-to-ship liquid transfer to be granted nonimmigrant visas for up to 180 days. This affects those crewmembers who are involved in moving oil from one ship to another and then transporting it into the interior of the United States.

The bill also clarifies that these crewmembers are engaged in foreign trade and are not considered to be performing labor within the United States.

Many vessels carrying crude oil or liquid natural gas are too large to enter U.S. ports, so lightering crews transfer these imports onto smaller vessels capable of entering U.S. ports. Crews may also transfer oil and liquefied natural gas from smaller vessels to larger ships to consolidate exports bound for foreign ports. Approximately 74 percent of all U.S. exports and 44 percent of all U.S. imports of crude oil or natural gas are conducted by lightering.

Currently, crewmember visas are granted for 29 days, which is an insufficient time for lightering crews to get their work done. Customs and Border Protection must parole crewmembers into the United States on a case-by-case basis, which is administratively burdensome on the Agency. In fact, it is estimated that this bill could save CBP \$250,000 and 6,000 man-hours per year.

I want to thank Senator CORNYN for joining me in this effort, and I urge my colleagues to join us in passing this technical fix as quickly as possible.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 855—RECOGNIZING THE 50TH ANNIVERSARY OF THE CONSUMER PRODUCT SAFETY COMMISSION

Mr. BLUMENTHAL (for himself and Mrs. BLACKBURN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 855

Whereas, on October 27, 1972, Congress passed, and President Richard Milhous Nixon

signed into law, the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), which established the Consumer Product Safety Commission (referred to in this preamble as the “Commission”) to protect consumers from unsafe products;

Whereas, for 50 years, the Commission has acted to fulfill the purposes of the Consumer Product Safety Act, which include—

- (1) protecting the public against unreasonable risks of injury associated with consumer products, substantial product hazards, imminently hazardous consumer products, and products in violation of consumer product safety rules;
- (2) assisting consumers in evaluating the comparative safety of consumer products;
- (3) developing uniform safety standards for consumer products and minimizing conflicting State and local regulations; and
- (4) promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries;

Whereas, in addition to the responsibilities of the Commission under the Consumer Product Safety Act, the Commission enforces numerous other statutes, including—

- (1) the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);
- (2) the Flammable Fabrics Act (15 U.S.C. 1191 et seq.);
- (3) the Refrigerator Safety Act (15 U.S.C. 1211–1214);
- (4) the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); and
- (5) the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8001 et seq.);

Whereas millions of serious and fatal injuries have been prevented, saving the lives of consumers, thanks to the work of the Commission—

- (1) developing safety standards;
- (2) working with voluntary standards organizations to bring industry groups, manufacturers, and consumer groups together to establish voluntary standards;
- (3) removing unreasonably dangerous products from the marketplace; and
- (4) holding companies accountable when they fail to meet consumer product protection standards and laws;

Whereas the many successes of the Commission in protecting consumers of the United States include—

- (1) with respect to refrigerators, that—
  - (A) 96 children died due to being trapped and suffocating in refrigerators between 1973 and 1984; and
  - (B) only 2 children reportedly died under similar circumstances in the 25 years preceding the date of adoption of this resolution;
- (2) with respect to garage doors, that—
  - (A) after the deaths of 46 children involving garage doors during the period of 1982 to 1990, in 1992 the Commission introduced a safety standard; and
  - (B) there have been only 2 child deaths involving garage doors in the decade preceding the date of adoption of this resolution;
- (3) with respect to fires, that between 1980 and 2018 there was a 43 percent decrease in residential fires, a 47 percent decrease in fire deaths, and a 41 percent decrease in fire injuries;
- (4) with respect to child poisonings, that between 1972 and 2020 there was an 80 percent decline in pediatric poisonings for children under the age of 5;
- (5) with respect to bicycles, that—
  - (A) the bicycle safety standards developed by the Commission became effective in 1975; and
  - (B) between 1973 and 2020, bicycle injuries in the United States declined 35 percent; and
- (6) with respect to pools, that between 1975 and 2019, injuries associated with in-ground swimming pools and equipment declined 55 percent; and

Whereas the Commission works to meet the ongoing challenges of consumer product safety: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 50th anniversary of the adoption of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), which created the Consumer Product Safety Commission (referred to in this resolution as the “Commission”);

(2) expresses appreciation for the actions of the Commission taken to protect the people of the United States from dangerous consumer products;

(3) acknowledges that while the Commission has made great strides in consumer product safety, the risk of injury or death from consumer products, both new and old, remains; and

(4) commits to working with the Commission in furtherance of making consumer products as safe as possible.

#### SENATE RESOLUTION 856—COMMEMORATING AND SUPPORTING THE GOALS OF WORLD AIDS DAY

Mr. BOOKER (for himself and Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 856

Whereas, as of the end of 2021, an estimated 38,400,000 people were living with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), including 1,700,000 children;

Whereas, in the United States, more than 770,000 people with AIDS have died since the beginning of the HIV epidemic, including over 18,000 deaths among people with diagnosed HIV in 2020, with the disease disproportionately affecting communities of color;

Whereas, in 2020, over 30,000 people became newly diagnosed with HIV in the United States;

Whereas communities of color are disproportionately affected by HIV in the United States;

Whereas, in order to address the HIV epidemic in the United States, on August 18, 1990, Congress enacted the Ryan White Comprehensive AIDS Resources Emergency Act (Public Law 101-381; commonly referred to as the “Ryan White CARE Act”) to provide primary medical care and essential support services for people living with HIV who are uninsured or underinsured;

Whereas the Ryan White HIV/AIDS Program provides services and support for over half of all people diagnosed with HIV in the United States;

Whereas, to further focus attention on the HIV/AIDS epidemic among minority communities in the United States, in 1998 the Minority AIDS Initiative was established to provide funds to State and local institutions and organizations to best serve the health care costs and support the needs of racial and ethnic minorities living with HIV;

Whereas the United Nations Sustainable Development Goals established a global target to end AIDS as a public health threat by 2030;

Whereas, in order to further address the global HIV/AIDS epidemic, in 2003, Congress and the White House created the President’s Emergency Plan for AIDS Relief (referred to in this preamble as “PEPFAR”);

Whereas the United States PEPFAR program remains the largest commitment in history by any country to combat a single disease;

Whereas, as of September 30, 2022, PEPFAR has supported treatment for more than

20,000,000 people, and has enabled 5,500,000 infants of mothers living with HIV to be born HIV-free;

Whereas, in fiscal year 2021, PEPFAR directly supported HIV testing and counseling for 64,700,000 people;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria was launched in 2002, and, as of 2021, has helped provide antiretroviral therapy to approximately 23,300,000 people living with HIV/AIDS and to 670,000 pregnant women to prevent the transmission of HIV/AIDS to their children, saving an estimated 50,000,000 lives;

Whereas the United States is the largest donor to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and every \$1 contributed by the United States leverages an additional \$2 from other donors, as required by law;

Whereas, with United States leadership, global partners pledged record amounts to combat infectious diseases at the seventh replenishment of the Global Fund to Fight AIDS in September 2022;

Whereas considerable progress has been made in the fight against HIV/AIDS, including a nearly 30-percent reduction in new HIV infections, an over 50-percent reduction in new HIV infections among children, and an over 45-percent reduction in the number of AIDS-related deaths between 2010 and 2020;

Whereas approximately 28,700,000 people had access to antiretroviral therapy in 2021, compared to only 7,800,000 people who had access to such therapy in 2010;

Whereas research funded by the National Institutes of Health found that HIV treatment not only saves the lives of people living with HIV, but people living with HIV on effective antiretroviral therapy and who are durably virally suppressed cannot sexually transmit HIV—proving that HIV treatment is prevention;

Whereas it is estimated that, without treatment, half of all infants living with HIV will die before their second birthday;

Whereas, despite the remarkable progress in combating HIV, significant challenges remain;

Whereas there were approximately 1,500,000 new HIV infections in 2021 globally, structural barriers continue to make testing and treatment programs inaccessible to highly vulnerable populations, and an estimated 5,900,000 people living with HIV globally still do not know their HIV status;

Whereas the Centers for Disease Control and Prevention reports that nearly 31,000 people were diagnosed with HIV in the United States in 2020 and 13 percent of the 1,200,000 people in the United States living with HIV are not aware of their HIV status;

Whereas men who have sex with men (referred to in this preamble as “MSM”), particularly young MSM of color, are the population most affected by HIV in the United States;

Whereas southern States bear the greatest burden of HIV in the United States, accounting for 51 percent of new infections in 2018;

Whereas people living with HIV are frequently susceptible to other infections, such as hepatitis B and C and tuberculosis;

Whereas the opioid and heroin epidemics have led to increased numbers of new HIV infections among people who inject drugs, and the crisis has disproportionately affected nonurban areas, where HIV prevalence rates have been low historically and have limited services for HIV prevention and treatment and substance use disorder treatment;

Whereas the COVID-19 pandemic has placed a significant burden on the public health systems across the United States and the globe;

Whereas 2023 marks the 20th anniversary of the PEPFAR program, an initiative



launched by President George W. Bush with bi-partisan support that has become the primary policy instrument of the United States to address HIV/AIDS in the developing world;

Whereas December 1 of each year is internationally recognized as “World AIDS Day”; and

Whereas, in 2022, commemorations for World AIDS Day recognize that the inequalities which perpetuate the AIDS pandemic are not inevitable and that the world can tackle them: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World AIDS Day, including the goal to achieve zero new HIV infections, zero discrimination, and zero AIDS-related deaths;

(2) commends the efforts and achievements in combating HIV/AIDS through the Ryan White HIV/AIDS Treatment Extension Act, the Minority HIV/AIDS Initiative, the Centers for Disease Control and Prevention, the National Institutes of Health, the Substance Abuse and Mental Health Services Administration, the Office of Minority Health, and the Office of the Secretary of Health and Human Services;

(3) commends the efforts and achievements in combating HIV/AIDS made by the President’s Emergency Plan for AIDS Relief, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Joint United Nations Programme on HIV/AIDS;

(4) supports efforts to end the HIV epidemic in the United States and around the world by 2030;

(5) supports continued funding for prevention, care, and treatment services, and research programs for communities impacted by HIV and people living with HIV in the United States and globally;

(6) urges, in order to ensure that an AIDS-free generation is achievable, rapid action by all countries toward further expansion and scale-up of antiretroviral treatment programs, including efforts to reduce disparities and improve access for children to life saving medications;

(7) encourages the scaling up of comprehensive prevention services, including biomedical and structural interventions, to ensure inclusive access to programs and appropriate protections for all people at risk of contracting HIV, especially in communities disproportionately impacted;

(8) calls for greater focus on the HIV-related vulnerabilities of women and girls, including women and girls at risk for or who have survived violence or faced discrimination as a result of the disease;

(9) supports continued leadership by the United States in domestic, bilateral, multilateral, and private sector efforts to fight HIV;

(10) encourages input from civil society in the development and implementation of domestic and global HIV policies and programs that guide the response;

(11) encourages and supports greater degrees of ownership and shared responsibility by developing countries in order to ensure the sustainability of the domestic responses to HIV/AIDS by those countries; and

(12) urges other members of the international community to sustain and scale up their support for and financial contributions to efforts around the world to combat HIV.

olution; which was considered and agreed to:

S. RES. 857

Whereas, on Saturday, November 5, 2022, the Los Angeles Football Club (referred to in this preamble as “LAFC”) won the 2022 Major League Soccer (referred to in this preamble as “MLS”) Cup by defeating the Eastern Conference Champions, the Philadelphia Union;

Whereas the MLS Cup victory is the first in the 5 seasons of LAFC;

Whereas, in what is considered to be one of the best MLS Cup matches ever played, LAFC won in front of the LAFC Independent Supporters’ Union (commonly known and referred to in this preamble as “The 3252”) and a sold-out crowd at Banc of California Stadium;

Whereas the equalizer by Gareth Bale in the 128th minute of the MLS Cup match was the latest goal scored in MLS history and it tied the game at 3-3 and forced a penalty shootout;

Whereas substitute goalkeeper John McCarthy was named the Most Valuable Player of the MLS Cup after making 2 saves in the penalty shootout, helping LAFC win 3-0 on penalty kicks;

Whereas, during the 2022 MLS Cup Playoffs, LAFC defeated the Los Angeles Galaxy and the Austin Football Club to win the Western Conference title;

Whereas the Supporters’ Shield is an award given to the MLS team with the best regular season record and, during the 2022 MLS season, LAFC led the league with 21 wins, 9 losses, and 4 draws, earning LAFC the second Supporters’ Shield in the history of the team;

Whereas LAFC became the eighth team in history, and the first team since 2017, to win the MLS Cup and the Supporters’ Shield in the same year;

Whereas The 3252 is a renowned group of supporters that has demonstrated the utmost passion and moral support to LAFC during the 2022 MLS season and each season since the inaugural season of LAFC in 2018;

Whereas the entire LAFC organization, including co-president and general manager John Thorington and head coach Steve Cherundolo, deserve immense praise for building a championship-caliber team with highly skilled soccer players and staff;

Whereas the entire ownership team for LAFC, including co-managing owners Larry Berg, Brandon Beck, and Bennett Rosenthal, deserve congratulations for the excellence of the franchise;

Whereas, since its founding in 2014, LAFC has been dedicated to using soccer as a vehicle for change by supporting community efforts to promote education, health and wellness, environmental protection, civic engagement, and more;

Whereas the entire LAFC roster contributed to the 2022 MLS Cup victory and Supporters’ Shield award, including captain Carlos Vela, Kellyn Acosta, Cristian “Chicho” Arango, Gareth Bale, Latif Blessing, Denis Bouanga, Giorgio Chiellini, José Cifuentes, Maxime Crépeau, Erik Dueñas, Franco Escobar, Mamadou Fall, Julian Gaines, Francisco Ginella, Ryan Hollingshead, Sebastien Ibeagha, Cal Jennings, Tony Leone, John McCarthy, Jesús Murillo, Jhegson Méndez, Kwadwo “Mahala” Opoku, Nathan Ordaz, Diego “Chiqui” Palacios, Tomás Romero, Eddie Segura, Ilie Sánchez, Cristian Tello, Christian Torres, Mohamed Traore, and Danny Trejo; and

Whereas, since 2014, Los Angeles professional sports teams have won titles in MLS, the National Football League, Major League Baseball, the National Basketball Association, the National Hockey League, and the

Women’s National Basketball Association: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Los Angeles Football Club and fans of the Los Angeles Football Club on winning the 2022 Major League Soccer Cup;

(2) recognizes the achievements of all the players, coaches, and staff who contributed to the 2022 Major League Soccer Cup victory; and

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

(A) the co-managing owners of the Los Angeles Football Club, Larry Berg, Bennett Rosenthal, and Brandon Beck and executive chairman Peter Guber;

(B) the co-president and chief business officer of the Los Angeles Football Club, Larry Freedman; and

(C) the co-president and general manager of the Los Angeles Football Club, John Thorington.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 6503. Mr. SULLIVAN (for himself, Mr. COTTON, Mr. CRUZ, and Mr. SCOTT of Florida) proposed an amendment to the joint resolution H.J. Res. 100, to provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and certain of their employees.

SA 6504. Mr. KING (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 1193, to direct the Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, to establish a program under which the Director of the National Institutes of Health shall support or conduct research on valvular heart disease, and for other purposes.

## TEXT OF AMENDMENTS

**SA 6503.** Mr. SULLIVAN (for himself, Mr. COTTON, Mr. CRUZ, and Mr. SCOTT of Florida) proposed an amendment to the joint resolution H.J. Res. 100, to provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and certain of their employees; as follows:

Strike all after the resolving clause and insert the following:

### SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.

Consistent with the purposes of the Railway Labor Act (45 U.S.C. 151 et seq.) to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, except as provided in section 2, with regard to the disputes subject to Presidential Emergency Board Numbered 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations), and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160)—

## SENATE RESOLUTION 857—CONGRATULATING THE LOS ANGELES FOOTBALL CLUB FOR WINNING THE 2022 MAJOR LEAGUE SOCCER CUP

Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted the following res-



(1) during the 60-day period beginning on the date of enactment of this joint resolution, no change shall be made, by the railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference or by the employees of such railroads represented by a labor organization that is party to such disputes, in the conditions out of which such disputes arose as such conditions existed on the date of enactment of this joint resolution; and

(2) the parties to such disputes shall negotiate during such period to resolve any such dispute that is unresolved.

#### SEC. 2. MUTUAL AGREEMENT.

Nothing in this joint resolution shall prevent any mutual, written agreement by the parties after the enactment of this joint resolution—

(1) to implement the terms and conditions established by this joint resolution; or

(2) to any terms and conditions different from those established by this joint resolution.

**SA 6504.** Mr. KING (for Mr. McCONNELL) proposed an amendment to the bill H.R. 1193, to direct the Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, to establish a program under which the Director of the National Institutes of Health shall support or conduct research on valvular heart disease, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Cardiovascular Advances in Research and Opportunities Legacy Act".

#### SEC. 2. HHS VALVULAR HEART DISEASE ACTIVITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, as appropriate, continue activities related to research, education, and awareness of valvular heart diseases.

(b) NIH RESEARCH RELATED TO VALVULAR HEART DISEASES.—

(1) IN GENERAL.—The Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, may support or conduct research regarding valvular heart diseases.

(2) SUPPORT FURTHER RESEARCH.—In order to improve information on, and understanding of, causation and risk factors for valvular heart diseases, research conducted or supported under this subsection for such diseases may include the following:

(A) Use of advanced technological imaging and other relevant methods to generate data related to valvular heart diseases.

(B) Assessing potential risk factors for sudden cardiac arrest or sudden cardiac death from valvular heart diseases.

(C) Other activities, as appropriate, in order to improve the availability of information on, and advance research related to, valvular heart diseases.

(3) MITRAL VALVE PROLAPSE WORKSHOP.—Not later than 2 years after the date of enactment of this Act, the Director of the National Heart, Lung, and Blood Institute shall, as appropriate, convene a workshop composed of subject matter experts and stakeholders to identify research needs and opportunities to develop recommendations for the identification and treatment of individuals with mitral valve prolapse, including such individuals who may be at risk for sudden cardiac arrest or sudden cardiac death.

(c) PREVENTION ACTIVITIES TO IMPROVE AWARENESS OF SUDDEN CARDIAC DEATH AS A RESULT OF VALVULAR HEART DISEASES.—

(1) IN GENERAL.—The Secretary may carry out activities to increase education and awareness of valvular heart diseases in order to reduce the incidence of sudden cardiac death caused by such diseases. The Secretary may—

(A) award grants or contracts to public or nonprofit private entities to carry out activities under this subsection; and

(B) directly, or through grants or contracts, provide technical assistance with respect to such activities.

(2) CERTAIN ACTIVITIES.—Upon availability of applicable data, projects carried out under paragraph (1) may include—

(A) continuing activities at the Centers for Disease Control and Prevention related to valvular heart diseases;

(B) improving the awareness of the public concerning any risk factors for, the symptoms of, and the public health impact of, valvular heart diseases; and

(C) enhancing public health data collection and improving the quality of such data, as appropriate, regarding cardiac arrests, including cardiac arrests that occur outside of the hospital.

(3) GRANT PRIORITIZATION.—The Secretary may, in awarding grants or entering into contracts pursuant to paragraph (1), give priority to entities seeking to carry out projects for populations most impacted by valvular heart diseases.

(4) COORDINATION OF ACTIVITIES.—The Secretary shall, as appropriate, ensure that activities under this section are coordinated with other agencies and offices of the Department of Health and Human Services that carry out activities regarding valvular heart diseases.

(5) BEST PRACTICES.—The Secretary shall, as applicable and appropriate, identify and disseminate best practices for relevant health care providers related to valvular heart diseases.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated \$28,000,000 for each of fiscal years 2023 through 2027.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. KING. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, December 1, 2022, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, December 1, 2022, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet

during the session of the Senate on Thursday, December 1, 2022, at 10 a.m., to conduct a business meeting.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, December 1, 2022, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 1, 2022, at 9 a.m., to conduct a business meeting.

#### SUBCOMMITTEE ON SPACE AND SCIENCE

The Subcommittee on Space and Science of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, December 1, 2022, at 10:30 a.m., to conduct a hearing.

#### APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 110-315, announces the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity: Dr. Zakiya Smith Ellis of Georgia; Debbie Cochrane of California; and Dr. Jose Luis Cruz Rivera of Arizona.

#### PREVENTING PFAS RUNOFF AT AIRPORTS ACT

Mr. KING. Madam President, I ask that the Chair lay before the Senate the message to accompany S. 3662.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the message from the House:

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3662) entitled "An Act to temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.", do pass with an amendment.

#### MOTION TO CONCUR

Mr. KING. I move to concur in the House amendment and ask unanimous consent that the motion be agreed to 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.

#### RECOGNIZING THE HISTORY OF WOMEN'S PROFESSIONAL BASEBALL IN INDIANA

Mr. KING. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and the Senate now proceed to S. Res. 786.

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. 786) recognizing the history of women's professional baseball in Indiana.

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

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

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

The resolution (S. Res. 786) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 20, 2022, under "Submitted Resolutions.")

#### CONGRATULATING THE LOS ANGELES FOOTBALL CLUB FOR WINNING THE 2022 MAJOR LEAGUE SOCCER CUP

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 857, 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. 857) congratulating the Los Angeles Football Club for winning the 2022 Major League Soccer Cup.

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

Mr. KING. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 857) was agreed to.

The preamble was agreed to.

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

#### EARLY HEARING DETECTION AND INTERVENTION ACT OF 2022

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, S. 4052.

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

The senior assistant legislative clerk read as follows:

A bill (S. 4052) to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Early Hearing Detection and Intervention Act of 2022".*

##### SEC. 2. REAUTHORIZATION OF PROGRAM FOR EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING DEAF AND HARD-OF-HEARING NEWBORNS, INFANTS, AND YOUNG CHILDREN.

*Section 399M of the Public Health Service Act (42 U.S.C. 280g-1) is amended—*

*(1) in subsection (e), by inserting "(3)" before "The term 'medical evaluation'"; and*

*(2) in subsection (f)—*

*(A) in paragraph (1), by striking "\$17,818,000 for fiscal year 2018, \$18,173,800 for fiscal year 2019, \$18,628,145 for fiscal year 2020, \$19,056,592 for fiscal year 2021, and \$19,522,758 for fiscal year 2022" and inserting "\$17,818,000 for each of fiscal years 2023 through 2027"; and*

*(B) in paragraph (2), by striking "\$10,800,000 for fiscal year 2018, \$11,026,800 for fiscal year 2019, \$11,302,470 for fiscal year 2020, \$11,562,427 for fiscal year 2021, and \$11,851,488 for fiscal year 2022" and inserting "\$10,760,000 for each of fiscal years 2023 through 2027".*

##### SEC. 3. GAO STUDY ON STATE EARLY HEARING DETECTION AND INTERVENTION PROGRAMS.

*(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study reviewing State early hearing detection and intervention (in this section referred to as "EHDI") programs. Such study shall—*

*(1) analyze how information collected through such programs informs what is known about EHDI activities to ensure that newborns, infants, and young children have access to timely hearing screenings and early interventions, including information on any disparities in such access;*

*(2) analyze what is known about how parents use State EHDI websites to seek health and programmatic guidance related to their child's hearing loss diagnosis; and*

*(3) identify efforts and any promising practices of the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institute on Deafness and Other Communication Disorders, and State EHDI programs—*

*(A) to address disparities in outreach for, or access to, timely hearing screenings and early interventions; and*

*(B) to ensure that EHDI follow-up services are communicated and made available to medically underserved populations, including racial and ethnic minorities.*

*(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall—*

*(1) complete the study under subsection (a) and submit a report on the results of the study to—*

*(A) the Committee on Energy and Commerce of the House of Representatives; and*

*(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and*

*(2) make such report publicly available.*

Mr. KING. Madam President, I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was agreed to.

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

Mr. KING. I know of no further debate on the bill, as amended.

The ACTING PRESIDENT pro tempore. Is there further debate on the bill, as amended?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4052), as amended, was passed.

Mr. KING. 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.

#### CARDIOVASCULAR ADVANCES IN RESEARCH AND OPPORTUNITIES LEGACY ACT

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 443, H.R. 1193.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 1193) to amend title IV of the Public Health Service Act to direct the Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, to establish a program under which the Director of the National Institutes of Health shall support or conduct research on valvular heart disease, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Cardiovascular Advances in Research and Opportunities Legacy Act".*

##### SEC. 2. HHS VALVULAR HEART DISEASE ACTIVITIES.

*(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, as appropriate, continue activities related to research, education, and awareness of valvular heart diseases.*

*(b) NIH RESEARCH RELATED TO VALVULAR HEART DISEASES.—*

*(1) IN GENERAL.—The Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, may support or conduct research regarding valvular heart diseases.*

*(2) SUPPORT FURTHER RESEARCH.—In order to improve information on, and understanding of, causation and risk factors for valvular heart diseases, research conducted or supported under this subsection for such diseases may include the following:*

*(A) Use of advanced technological imaging and other relevant methods to generate data related to valvular heart diseases.*

*(B) Assessing potential risk factors for sudden cardiac arrest or sudden cardiac death from valvular heart diseases.*

*(C) Other activities, as appropriate, in order to improve the availability of information on, and advance research related to, valvular heart diseases.*

(3) **MITRAL VALVE PROLAPSE WORKSHOP.**—Not later than one year after the date of enactment of this Act, the Director of the National Heart, Lung, and Blood Institute shall, as appropriate, convene a workshop composed of subject matter experts and stakeholders to identify research needs and opportunities to develop recommendations for the identification and treatment of individuals with mitral valve prolapse, including such individuals who may be at risk for sudden cardiac arrest or sudden cardiac death.

(c) **PREVENTION ACTIVITIES TO IMPROVE AWARENESS OF SUDDEN CARDIAC DEATH AS A RESULT OF VALVULAR HEART DISEASES.**—

(1) **IN GENERAL.**—The Secretary may carry out activities to increase education and awareness of valvular heart diseases in order to reduce the incidence of sudden cardiac death caused by such diseases. The Secretary may—

(A) award grants or contracts to public or nonprofit private entities to carry out activities under this subsection; and

(B) may directly, or through grants or contracts, provide technical assistance with respect to such activities.

(2) **CERTAIN ACTIVITIES.**—Upon availability of applicable data, projects carried out under paragraph (1) may include—

(A) continuing activities at the Centers for Disease Control and Prevention related to valvular heart diseases;

(B) improving the awareness of the public concerning any risk factors for, the symptoms of, and the public health impact of, valvular heart diseases; and

(C) improving the availability of public health data and information, as appropriate, regarding cardiac arrests related to valvular heart diseases.

(3) **GRANT PRIORITIZATION.**—The Secretary may, in awarding grants or entering into contracts pursuant to paragraph (1), give priority to entities seeking to carry out projects for populations most impacted by valvular heart diseases.

(4) **COORDINATION OF ACTIVITIES.**—The Secretary shall, as appropriate, ensure that activities under this section are coordinated with other agencies and offices of the Department of Health and Human Services that carry out activities regarding valvular heart diseases.

(5) **BEST PRACTICES.**—The Secretary shall, as applicable and appropriate, identify and disseminate best practices for relevant health care providers related to valvular heart diseases.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2023 through 2027.

Mr. KING. Madam President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the McConnell substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 6504) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Cardiovascular Advances in Research and Opportunities Legacy Act”.

#### SEC. 2. HHS VALVULAR HEART DISEASE ACTIVITIES.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall, as appropriate, continue activities related to research, education, and awareness of valvular heart diseases.

(b) **NIH RESEARCH RELATED TO VALVULAR HEART DISEASES.**—

(1) **IN GENERAL.**—The Director of the National Institutes of Health, in consultation with the Director of the National Heart, Lung, and Blood Institute, may support or conduct research regarding valvular heart diseases.

(2) **SUPPORT FURTHER RESEARCH.**—In order to improve information on, and understanding of, causation and risk factors for valvular heart diseases, research conducted or supported under this subsection for such diseases may include the following:

(A) Use of advanced technological imaging and other relevant methods to generate data related to valvular heart diseases.

(B) Assessing potential risk factors for sudden cardiac arrest or sudden cardiac death from valvular heart diseases.

(C) Other activities, as appropriate, in order to improve the availability of information on, and advance research related to, valvular heart diseases.

(3) **MITRAL VALVE PROLAPSE WORKSHOP.**—Not later than 2 years after the date of enactment of this Act, the Director of the National Heart, Lung, and Blood Institute shall, as appropriate, convene a workshop composed of subject matter experts and stakeholders to identify research needs and opportunities to develop recommendations for the identification and treatment of individuals with mitral valve prolapse, including such individuals who may be at risk for sudden cardiac arrest or sudden cardiac death.

(c) **PREVENTION ACTIVITIES TO IMPROVE AWARENESS OF SUDDEN CARDIAC DEATH AS A RESULT OF VALVULAR HEART DISEASES.**—

(1) **IN GENERAL.**—The Secretary may carry out activities to increase education and awareness of valvular heart diseases in order to reduce the incidence of sudden cardiac death caused by such diseases. The Secretary may—

(A) award grants or contracts to public or nonprofit private entities to carry out activities under this subsection; and

(B) directly, or through grants or contracts, provide technical assistance with respect to such activities.

(2) **CERTAIN ACTIVITIES.**—Upon availability of applicable data, projects carried out under paragraph (1) may include—

(A) continuing activities at the Centers for Disease Control and Prevention related to valvular heart diseases;

(B) improving the awareness of the public concerning any risk factors for, the symptoms of, and the public health impact of, valvular heart diseases; and

(C) enhancing public health data collection and improving the quality of such data, as appropriate, regarding cardiac arrests, including cardiac arrests that occur outside of the hospital.

(3) **GRANT PRIORITIZATION.**—The Secretary may, in awarding grants or entering into contracts pursuant to paragraph (1), give priority to entities seeking to carry out projects for populations most impacted by valvular heart diseases.

(4) **COORDINATION OF ACTIVITIES.**—The Secretary shall, as appropriate, ensure that activities under this section are coordinated with other agencies and offices of the Department of Health and Human Services that carry out activities regarding valvular heart diseases.

(5) **BEST PRACTICES.**—The Secretary shall, as applicable and appropriate, identify and disseminate best practices for relevant health care providers related to valvular heart diseases.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out this section, there are authorized to be appropriated \$28,000,000 for each of fiscal years 2023 through 2027.

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

The bill was read the third time.

The bill (H.R. 1193), as amended, was passed.

#### ORDERS FOR MONDAY, DECEMBER 5, 2022

Mr. KING. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, December 5, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Behm nomination; further, that if any nominations are confirmed during Monday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ADJOURNMENT UNTIL MONDAY, DECEMBER 5, 2022, AT 3 P.M.

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

There being no objection, the Senate, at 5:11 p.m., adjourned until Monday, December 5, 2022, at 3 p.m.