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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Oh, Lord, our God, sometimes life's issues seem too much for us. Forgive us when we speak words of despair, forgetting Your promise that You will never leave or forsake us.

Lord, speak to the faith of our lawmakers, causing them also to remember Your promise that, in everything, You are working for the good of those who love You.

Give us all the wisdom to know that You are, indeed, our refuge and strength. Answer us, mighty God, at a time You choose. Answer our prayers because of Your great love. Send us forth to serve You by embracing justice, loving mercy, and walking with humility.

We pray in Your compassionate Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COVID–19 VACCINATIONS

Mr. LEAHY. Madam President, we had interesting news in Vermont this morning. Our Governor, Governor Scott, announced that we have reached 80 percent immunity—vaccinations—and so the State will, in effect, reopen.

Now, I mention this because, right from the beginning, I have worked closely with our Governor. We have tried to show no partisanship in this. I am a Democrat; he is a Republican. We are both, first and foremost, Vermonters.

And restrictions were put in place. Efforts were made to vaccinate. I know my wife Marcelle and I went to some of these vaccination centers. We had everybody from Vermont National Guard to veterans groups, to schools, to nurses who were volunteering all over those places.

And everybody would line up, and they would say: ''I am scheduled for 9:20. I will be there at 9:10,'' and they just went through, and people wanted to get the vaccination.

It meant some hardships while it was going on because a lot of our businesses could not open or had to open just in limited ways.

But—but they kept at it, and we all worked together to help with aid to the State during the COVID time, and I was proud of what I might be able to do, but I am mostly proud of the Vermonters. They set politics aside; they set partisanship aside; and they said: How would it make us a safer State?

So I just thought I would note that, all my trips back home, all the times I joined with the various people—Dr. Levine, our chief physician in Vermont, and the Governor and others, our Lieutenant Governor, Molly Gray—all of us worked together, and it has paid off.

And I must admit, when I go home this weekend, this coming weekend, I am going to walk off that plane with a bigger smile than I usually have.

I always have a smile coming home to the State where I was born, but this weekend it is going to be an especially big smile.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CORONAVIRUS

Mr. SCHUMER. Madam President, tonight, congressional leaders will mark what is hopefully the final somber milestone of the COVID pandemic: 600,000 American lives lost to the disease. It is particularly jarring at this moment—a moment of recovery, optimism, and hope—to remember the enormity of lives lost over the past 15 months. Not only that, we face the grim reality that the recent fatalities happened while Americans were on the verge of getting vaccinated. Some had their appointment just days away.

So as our fellow Americans are taking their masks off, going back to work, seeing families and friends, and returning, as they should, to life, let us remember those who cannot. Let us hold them in our hearts a little while longer.

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

I am reminded of the famous meditation by the English soldier and poet John Donne, who told us that ''no man is an island, entire of itself; every man is a piece of the continent, a part of the main. So if a clod be washed away by the sea, Europe is the less.''

''Any man's death diminishes me,'' he said, ''because I am involved in mankind. And therefore never send to know for whom the bell tolls; it tolls for thee.''

The bells have tolled for 600,000 Americans this past year, a staggering and incomprehensible sum. Remember them. Hold them in your hearts a little while longer.

SENATE LEGISLATIVE AGENDA

Mr. SCHUMER. Madam President, now on a different subject, after passing the bipartisan U.S. Innovation and Competition Act last week and confirming the first judges of the Biden era, we will continue with major elements of our legislative agenda.

Senate committees will continue working on a bipartisan infrastructure proposal to meet the demands of the 21st century. As I have said from the start, discussions about infrastructure investments are progressing on two tracks. One track is bipartisan. The second track pulls in other elements of President Biden's American Jobs Plan, which will be considered even if it does not have bipartisan support. Our Senate committees are working on both tracks at the same time.

As a reminder to the Senate—a reminder to the Senate—as I have said from the start, in order to move forward on infrastructure, we must include bold action on climate. At the moment, both tracks are moving forward and progressing very well.

In addition, before the end of the month, the Senate will vote on crucial voting rights legislation. Republican State legislatures across the country are passing the most draconian voting restrictions since the beginning of Jim Crow. Congress must take action to defend our democracy.

Meanwhile, we will move more swiftly to confirm even more of the President's appointments, including several to the Federal bench.

Last week was one for the record books. The Senate confirmed the first slate of President Biden's judicial nominees. Not only were they individuals of immense talent and high character, they reflected the great cultural, geographic, and experiential diversity of our country. Among them was the first Muslim American to ever be confirmed as an article III judge.

Let me read a headline from this morning's Washington Post: ''Biden has nominated as many minority women to be judges in four months as Trump had confirmed in four years.'' That is an amazing—an amazing—statistic.

Women, especially women of color, have long been underrepresented on the Federal bench. Along with President Biden, the Senate Democratic majority is working quickly to close the gap.

In fact, in just a few hours, we will confirm another outstanding, trailblazing nominee for the Federal bench, Judge Ketanji Brown Jackson, to the DC Circuit Court of Appeals. Judge Jackson will be the first of President Biden's circuit court nominees confirmed by the Senate, and we are starting right at the top.

After the Supreme Court, the DC Circuit Court of Appeals is the most important Federal court in the country, with jurisdiction over cases involving Congress and the executive branch Agencies, and Judge Jackson, nominated to the seat once occupied by the current Attorney General, is the perfect person for the job. She is a former Federal defender. She clerked for Justice Breyer, and, since 2013, has been a district court judge in DC. She has all the qualities of a model jurist. She is brilliant, thoughtful, collaborative, and dedicated to applying the law impartially. For these qualities, she has earned the respect of both sides.

Nominees to powerful circuit courts, especially the DC Circuit, are frequently controversial, but, last week, a bipartisan group of Senators in the Judiciary Committee voted in her favor. I greatly look forward to confirming this exceptional nominee in just a few hours and continuing to restore balance to a judiciary that has been thrown out of whack by former President Trump.

After Judge Brown Jackson's confirmation, we will turn to other nominees. We will hold a cloture vote this evening on Lina Khan's nomination to the Federal Trade Commission and confirm her tomorrow. Tomorrow, as well, we will vote on Kiran Ahuja to lead the Office of Personnel Management, and the Senate will have the opportunity to advance several of the nominees as the week goes on.

DEPARTMENT OF JUSTICE INVESTIGATION

Mr. SCHUMER. Madam President, on one final matter, despite the fact that we are now almost 6 months into a new administration, the sins of the previous administration are coming to life. Late last week, the New York Times reported that the Trump administration's Justice Department delivered secret subpoenas for the personal phone data of at least a dozen people tied to the House Intelligence Committee, including Members of Congress, aides, and even family members. One was a minor.

This is a gross abuse of power. It is an assault on the separation of powers. The notion that any President, via their political appointees, could manipulate our democratic system to tap into personal data has the fingerprints of a dictatorship—a dictatorship—all over it.

This appalling politicization of the Department of Justice by Donald Trump and his sycophants must be investigated by both the DOJ inspector general and by Congress. Former Attorneys General Barr and Sessions and other officials who were involved must testify before the Senate Judiciary Committee, under oath. If they refuse, they are subject to being subpoenaed and compelled to testify under oath.

The Justice Department must also provide information to the Judiciary Committee, which will vigorously investigate this abuse of power. The issue should not be partisan. Under the Constitution, Congress is a coequal branch of government and must be protected from an overreaching executive. We expect our Republican colleagues to join us in getting to the bottom of this very, very serious matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 148.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. 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. 148, Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard J. Durbin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Chris Van Hollen, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

LEGISLATIVE SESSION

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

The PRESIDING OFFICER. 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. 173.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. 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. 173, Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Benjamin L. Cardin, Chris Van Hollen, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, June 14, be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

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

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SCHUMER. I yield the floor.

RECOGNITION OF MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

BURMA

Mr. MCCONNELL. Madam President, the military junta that seized power from Burma's democratically elected leaders back in February has kept up its campaign of brutal and violent repression. More than 800 people are now dead, and more than 5,000 others have been detained on various charges of resistance.

Just today, the longtime leader of Burma's democracy, my good friend Aung San Suu Kyi, stood for the beginning of a show trial. Other members of the National League for Democracy are awaiting their own appearances before the sham court, and many more protesters, journalists, and activists are filling Burma's prisons right up to the rim.

Several foreigners have been among those detained, including Australian economist Sean Turnell and two American journalists, Nathan Maung and Danny Fenster. The State Department has reported that both U.S. citizens were denied consular access. Mr. Maung reportedly even endured torture during his detention.

The people of Burma are well acquainted with the brutality of the Tatmadaw's military rule, but the wider international community is receiving a sobering reminder of the challenges facing the country's pro-democracy movement and of the junta's willingness to flout even the most basic international norms and treaty obligations.

I appreciate the continued attention the Biden administration is giving to the crisis. Over the weekend, I was particularly encouraged by the G–7 leaders' joint condemnation of the junta and by the reiteration of a shared commitment to shutting off the flow of any assistance funds that might help the military further their repression.

Of course, for friends of democracy, including the United States, there is more to be done to translate words into action. It is time to expand the sanctions aimed at the military to include the infamous cronies who continue to make common cause with the Tatmadaw.

It is time for Burma's neighbors and key trading partners to join these sanctions efforts and commit to providing increased humanitarian access and assistance, particularly, I would say, from Thailand.

It is time for greater international scrutiny of the markets for jade and rare earth metals that give the military and other bad actors targets for exploitation.

It is time for international bodies like the U.N. Security Council to put Burma on the agenda and force the Tatmadaw's supporters to defend the brutal regime out in the light of day.

So our work isn't over, but there is reason for optimism. Burma's ethnic minorities, diverse and often divided, have united behind the representative National Unity Government in peaceful opposition to the military rule, and the NUG continues to broaden and deepen this coalition.

Earlier this month, the National Unity Government announced its policy on the status of the Rohingya Muslims in the western state of Rakhine, pledging accountability for those responsible for years—years—of violent persecution and committing to greater inclusion for all of Burma's ethnic minorities.

So, Madam President, I ask unanimous consent that the National Unity Government's important statement on this matter be printed in the RECORD at this point.

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

REPUBLIC OF THE UNION OF MYANMAR NATIONAL UNITY GOVERNMENT—POLICY POSITION ON THE ROHINGYA IN RAKHINE STATE

3 JUNE 2021

In honour of human rights and human dignity and also to eradicate the conflicts and root causes in the Union, the National Unity Government aims to build a prosperous and federal democratic union where all ethnic groups belonging to the Union can live together peacefully. This objective is clearly stated in the Federal Democratic Charter.

Sovereignty belongs to the member states and the people of the member states as proclaimed in the guiding principles for the establishment of a federal democratic union.

Everyone in the Union has full enjoyment of fundamental human rights. All ethnic groups who are native to the Union have full enjoyment of individual rights held by individual people and collective rights held by ethnic groups. All citizens who swear allegiance to the Union regardless of their ethnic origins are considered to have full enjoyment of citizens' rights. The National Unity Government will not tolerate any form of discrimination.

The National Unity Government regards the above-mentioned policies as a basis in addressing the matters related to the Rohingyas in Rakhine State. We are confident that extensive deliberations, which consider the positions of all stakeholders in Rakhine State, their historical backgrounds, and national and international laws, will enable all to find shared solutions in a way that respects the human rights of all persons.

At present, the elimination of the military dictatorship has become the common goal of the entire people because of the violence committed by the illegitimate military council. It is also the period of national resistance against the military dictatorship. The solidarity of the entire people is now at its best. We are confident that we can rebuild a Union that meets the needs of all those in the country who have a stake in its future.

After consultations with the many different stakeholders in Rakhine States, including Rohingya groups and refugee representatives from the IDP camps, the NUG here makes clear how it will seek to apply these principles for the good of all in the Rakhine State.

The National Unity Government well understands the violence and gross human rights violations inflicted upon Rohingyas by the thuggish military and the massive displacement, with hundreds of thousands fleeing their homes during the conflicts in Rakhine State over the last decades: We are deeply saddened by this. The entire people of Burma is sympathetic to the plight of the Rohingya as all now experience atrocities and violence perpetrated by the military.

Endeavouring to bring the perpetrators to account is not only for the realization of justice but also acts as a deterrent against future atrocities. Therefore, we regard this as a priority task. Reparation and Justice will

be ensured in the future Federal Democratic Union Constitution.

We will actively seek justice and accountability for all crimes committed by the military against the Rohingyas and all other people of Myanmar throughout our history. We intend if necessary to initiate processes to grant International Criminal Court jurisdiction over crimes committed within Myanmar against the Rohingyas and other communities.

We consider that the 88 recommendations set out in the final report of the Advisory Commission on Rakhine State chaired by Dr. Kofi Annan must play a crucial role in addressing the affairs in Rakhine State. These recommendations are based on solutions for the root causes of violence. However, over the past four years, much has changed to make the situation worse in Rakhine State for all ethnic groups there. Using these recommendations as well as other relevant recommendations as inputs, we earnestly believe that we can work together with all the people in Rakhine State to chart a new course towards a democratic inclusive and prosperous future.

We would also like to highlight the importance of legal matters in seeing to the Rakhine question. We will consider the opinions and views of the entire people in the country, including those in Rakhine State, in drafting a new constitution that can resolve the many problems caused by the 2008 constitution. The views and insights of all can contribute to this process. All the people in the country, including all stakeholders in Rakhine State, are invited to participate in the process of drafting the new constitution. Such dialogue is essential to creating a shared future for the country.

The process of repealing, amending, and promulgating laws, including the 1982 Citizenship Law, by the new constitution when the drafting is completed will be beneficial in resolving the conflict in Rakhine State. This new Citizenship Act must base citizenship on birth in Myanmar or birth anywhere as a child of Myanmar Citizens.

We further commit to abolishing the process of issuing National Verification Cards, a process that the military has used against Rohingyas and other ethnic groups coercively and with human rights violations. The Rohingyas are entitled to citizenship by laws that will accord with fundamental human rights norms and democratic federal principles.

The voluntary, safe, and dignified repatriation of Rohingyas who fled to neighbouring countries from Rakhine State due to Tatmadaw violence is a crucial matter. We reaffirm the agreements signed with neighbouring countries for the repatriation process. We are ready to cooperate with all stakeholders of good will in a special programme to implement the process. We are committed to the repatriation of Rohingyas as soon as repatriation can be accomplished voluntarily, safely, and with dignity.

The National Unity Government is a government whose primary duty is to fight the illegal military dictatorship. While we focus on this task, we are also planning for the future. We believe it will be beneficial in building the future democratic federal union to listen to all stakeholders in a spirit of collaboration.

Therefore, we invite Rohingyas to join hands with us and with others to participate in this Spring Revolution against the military dictatorship in all possible ways.

Mr. MCCONNELL. This statement represents months of work to build a cohesive, inclusive, and representative government and the best path toward national reconciliation and justice for victims of the Tatmadaw's violence. So the NUG's efforts deserve the full support of the world's oldest democracy. The pro-democracy movement must know that the United States continues to stand with them and that we are ready to support the hard work of national reconciliation that still lies ahead.

ATTORNEY GENERAL INVESTIGATIONS

Mr. MCCONNELL. Now, Madam President, on one final matter, late last week, the Democratic leader and the Democratic whip gave in to the urge to pick at the scab of politically motivated investigations that have become their party's favorite weapon against the previous administration. They indicated that they were prepared to compel two former Attorneys General to testify before the Judiciary Committee on efforts to trace leaks of sensitive national security information.

In case anyone had forgotten, our colleagues are among the same Democrats who spent years demanding repeated investigations of a Republican President while turning a blind eye to the clear abuses of power that infected the investigation of his campaign. So any outrage from Democrats that alleged criminal leaks within their own ranks rightly drew the attention of Federal investigators rings completely hollow.

It is particularly disappointing that our colleagues have taken to attacking former Attorney General Bill Barr over investigative decisions that predated—predated—his time at the Department of Justice. Let me say that again. It is particularly disappointing that our colleagues have taken to attacking former Attorney General Bill Barr over investigative decisions that occurred when he wasn't there yet. Attorney General Barr served our Nation with honor and with integrity. These latest attempts to tarnish his name bear the telltale signs of a witch hunt in the making.

Here are the facts: The Department of Justice is empowered to investigate criminal conduct by Members of Congress and their staff. Necessarily, this sort of investigation is subject to strict procedural protections, and the Department's inspector general is fully equipped to determine whether these procedures were followed in this case. So I am confident that the existing inquiry will uncover the truth. There is no need for a partisan circus here in the Congress.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

ATTORNEY GENERAL INVESTIGATIONS

Mr. DURBIN. Madam President, I just heard the Republican Senate leader warn us not to initiate partisan investigations. It has only been a few weeks since he personally vetoed a bipartisan investigation of the attack on the U.S. Capitol on January 6 of this year.

For those of us who lived through that incident, we find it hard to understand why a 9/11-style Commission, divided equally between both political parties, is in any way a partisan investigation and why the Republican leader, who has served for so long in the Senate, would not feel awkward, in a way, walking through the halls of this Capitol and seeing the men and women of the Capitol Police force who have sent us a letter begging for a Commission to get to the bottom of what happened on that day when 140 men and women in uniform were attacked by this insurrectionist mob inspired by President Trump.

So when it comes to investigations, we have offered the most sanitized version of an investigation that one could ever ask for.

So why are we renewing this request when it comes to the information which is now before us? Well, on Friday, the DOJ inspector general announced he would investigate DOJ's use of subpoenas to obtain communication data from Members of Congress and the media, including whether the Department of Justice complied with applicable internal policies and whether its decisions were motivated by improper considerations.

What happened was, the previous President, Donald Trump, apparently had some channel into the Department of Justice where he could call for investigations and information and data to be collected about Members of Congress. He highlighted two Democratic Members of Congress who were, coincidentally, members of an investigative committee of the House Intelligence Committee. And then it turns out, in the last 2 days, he called for an investigation of his own White House Counsel.

So it is very hard to follow who was in charge in the White House. The Attorneys General at the time denied having any connection whatsoever to these investigations, and certainly the White House Counsel wouldn't have called for an investigation of himself. So who was running the show? It is a legitimate question because it gets to not only the issue of leaks, which is important, of course, but it gets to the more fundamental question of separation of powers in this government.

If Members of Congress are subject to investigation by a President for something other than corruption, then certainly this can be translated into political pressure on those individuals.

So I find it hard to follow the logic of the Republican Senate leader, who denies an investigation of the January 6

mob violence on the Capitol—a bipartisan investigation—and then turns around and says that the President could investigate Members of Congress without accountability either. You wonder if there is going to be the proper constitutional authority witnessed and exhibited in this circumstance.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Madam President, on a separate issue, the Senate voted on a bipartisan basis to invoke cloture on Judge Ketanji Brown Jackson's nomination to the DC Circuit. Today, the Senate will confirm her to that post.

Judge Jackson is the first of many circuit court nominees whom we will confirm during this Congress. Given her credentials and record on the bench, she is a nominee who deserves the support of Senators on both sides of the aisle. I would like to take just a minute to highlight why she is such an outstanding choice for the DC Circuit.

The importance of the DC Circuit cannot be overstated. This is what another Illinoisan, President Barack Obama, said about the court: ''The D.C. Circuit is known as the second highest court in the country, and there's good reason for that. The judges on the D.C. Circuit routinely have the final say on a broad range of issues involving everything from national security to environmental policy; from questions of campaign finance to workers' rights. In other words, the court's decisions impact almost every aspect of our lives.''

Thankfully, in Judge Jackson, we have a nominee who will be ready from day one to serve justice as a member of the DC Circuit.

Judge Jackson was born here in Washington, DC, and raised in Miami, FL. Her parents, public school teachers at the time of her birth, gave her a lifelong appreciation of learning and the law. They also instilled in her a dignity and grace that was on full display, as the Presiding Officer knows, when the judge appeared before the Judiciary Committee in April.

A champion high school debater, Jackson later attended Harvard and Harvard Law School before embarking on what can only be described as a star-studded legal career.

She clerked on the Federal District Court, the First Circuit Court of Appeals, and for Justice Breyer on the U.S. Supreme Court—a strong resume in and of itself. She has also worked at several prominent law firms, handling both trial and appellate work.

But her true calling has always been public service. In the early 2000s, Judge Jackson worked as special counsel on the U.S. Sentencing Commission and later served as a Federal public defender in Washington, DC. This experience inspired President Obama to nominate her to serve as Commissioner and Vice Chair of the Sentencing Commission. In the Senate, her nomination received unanimous support.

A few years later, Judge Jackson came before the Senate again when President Obama chose her to fill a vacancy on the U.S. District Court for the District of Columbia—once again, she was confirmed with unanimous support.

Looking at the arc of Judge Jackson's career, I am struck by how much time she spent focusing on the issue of criminal sentencing—an issue deeply important to me and, I believe, many other colleagues.

From the Sentencing Commission to the Office of Federal Public Defender, to the district court, Judge Jackson has grappled with legal, intellectual, and moral challenges that come with sentencing policy and decisions. Once confirmed, she will bring that vital experience to the DC Circuit.

I also want to speak more broadly about her record on the bench. She represents the best of the judiciary. Humble, hard-working, she has written nearly 600 opinions, and each of them is guided by the same principles: fairness, impartiality, evenhandedness, and an unyielding fidelity to the law. It is no surprise, then, that she received the grade of unanimously ''well qualified'' from the American Bar Association, and it is no surprise that she has the support of legal experts and advocates from different ideological and professional stripes, including Judge Thomas Griffith, a George W. Bush appointee to the DC Circuit; the Alliance for Justice; the National Council of Jewish Women; the AFL–CIO; the NAACP Legal Defense and Education Fund; and dozens—literally dozens—of former prosecutors and other Justice Department officials appointed by Presidents of both political parties.

Let me close with a passage from a letter Judge Griffith wrote in support of Judge Jackson. I read this letter during her hearing, and it really stuck with me. Judge Griffith wrote: ''Although she and I have sometimes differed on the best outcome of a case, I have always respected her careful approach and agreeable manner, two indispensable traits for success in a collegial body.''

Madam President, we will all benefit from that careful approach and agreeable manner on the DC Circuit.

I will vote for Judge Jackson's nomination to the DC Circuit and urge my colleagues to do the same.

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

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

(The remarks of Mr. LEE pertaining to the introduction of S. 2039 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMATEUR ATHLETES PROTECTION AND COMPENSATION ACT

Mr. MORAN. Madam President, I am on the floor this afternoon to discuss the issue of student athletes having greater control over their name, image, and likeness.

Over the years, intercollegiate athletics have become a staple in American culture and higher education. No other country in the world has a sports college model that compares to ours, which affords thousands of young adults each year the opportunity to leverage their athletic ability into a quality education and continue playing the sport they love. But over the years, college athletics have grown into an increasingly profitable, billion-dollar industry, and the rules surrounding athlete compensation have not kept pace.

Now, individual States have created laws that will guarantee an amateur athlete the ability to profit off their name, image, and likeness without fear of being reprimanded. Again, I highlight that individual States have made those decisions and are creating laws. Nineteen States have now passed NIL legislation, and of those 19, 6 will go into effect in less a month—July 1, just, really, a few days away.

As more and more States continue to pass their own legislation, we are quickly headed for a system of inconsistent State laws that will be cumbersome and in some cases unworkable for athletes and the schools to navigate. Intercollegiate athletics are an inherently interstate matter. Our model makes certain the best teams and the best athletes compete against one another no matter their geographic location. This requires a single Federal standard that all schools and all athletes can operate under.

College sports and the opportunities they provide student athletes will be dramatically harmed if we are unable to pass a Federal standard. Each year, we will have States introducing or updating their NIL laws in order to gain just a bit more of an advantage in attracting athletes to their institutions.

We have already seen this begin to play out. Following California's passage of the first State NIL law in September 2019, there has been a rush of action by 18 other States to quickly follow suit, hoping to remain competitive as athletic departments recruit athletes to their States' schools. The floodgates will fully open on July 1—only 16 days away—when State NIL laws begin to take effect.

The time to act is now. There is a compromise to be found to both empowering amateur athletes to profit from their name, image, and likeness and guaranteeing greater protections, while at the same time maintaining the integrity of our one-of-a-kind collegiate model that has provided millions

of people the opportunity to get a quality education. We can accomplish both of these goals and provide college athletics with the certainty that it needs.

In February, I introduced the Amateur Athletes Protection and Compensation Act—my proposal to accomplish this necessary balance. My legislation would create a single set of guidelines that would enable amateur athletes to profit from their name, image, and likeness by prohibiting conferences, schools, and athletic associations, like the NCAA, from rendering an amateur intercollegiate athlete ineligible on the basis of receiving that NIL compensation. It would also codify serious athlete protections like extended healthcare coverage for athletic injuries or illness and scholarship guarantees.

I understand this legislation is not perfect in everyone's eyes. It is not perfect in its current form, but it offers not only the quickest but the best path towards enacting meaningful Federal legislation on issues of amateur athletic name, image, and likeness.

When I say it may not be perfect, there are certainly things that we can negotiate to improve, and it is not the extreme on either side of this issue, but it is something that a broad set of Senators, Members of the House, and a President could come behind and certainly is perhaps the only piece of legislation that has a chance of being enacted anytime soon. I recognize there are many ideas on what should and should not be included in an NIL bill, and I welcome those conversations with my colleagues.

I strongly encourage the U.S. Senate, the Commerce Committee, and my colleagues on that committee to act quickly on this urgent matter and join us in this legislation to make progress on this important issue. The time is short, but if we work together, we can accomplish a goal that is needed in this country and accomplish it by the time that it is needed to occur.

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

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

WATERS OF THE UNITED STATES

Mr. GRASSLEY. Madam President, for the past 41 years, I have toured our State to hear from Iowa workers, our community leaders, and our farmers at my annual 99 county meetings. So far this year, I have been in 71.

As a farmer myself, I enjoy speaking with those involved in agriculture all across the State who tell me that they are third-, fourth-, fifth-generation farmers. These folks use the same soil and barns as their grandfathers before them. Everyone I speak with intends to leave their land to their children and leave it better than they found it. That goes way back to it being entrusted to their care. We all have that responsibility.

Between the use of cover crops, buffer strips, no-till farming, and minimal-till farming, more conservation practices than ever before are being used on Iowa's 35 million acres of farmland. While Iowa farmers are continuing to feed our country and the world, they are also doing so with fewer inputs and better soil and water outcomes.

Iowa farmers should be congratulated; however, it seems like there is always a target on the backs of Iowa farmers and I could say for maybe all American farmers. I want to get to that target, and that has something to do with this map that I have here of the State of Iowa.

Last week, it was reported that the Biden administration is moving forward to add redtape to their operations by rewriting President Trump's navigable waters protection rule. In my first telephone conversation with then-EPA nominee Administrator Regan and now the confirmed Administrator—by the way, confirmed by a unanimous vote of this Senate—I warned Administrator Regan against moving back to the Obama-era waters of the U.S. rule, which we call WOTUS for short. That is a regulation they shouldn't move back to because of the burden it placed on rural areas, including Iowa farmers.

In fact, under the old waters rule, 97 percent of Iowa's land would have been subject to jurisdiction under the Clean Water Act. In other words, all of the blue part of Iowa—with the exceptions of these areas that are white that adds up to the blue area—97 percent of this land mass of Iowa would be subject to Federal jurisdiction. Adding more Federal redtape to a farmer's day-to-day decisions on the farm is government overreach, plain and simple.

But besides Iowa's 86,000 farmers, a change in the Trump navigable waters protection rule will also result in significant redtape and significant expense for, among others, homebuilders, golf course managers, and construction companies as they make very routine decisions about how best to use the land and run their businesses.

Now, imagine that, not only have new home prices risen due to inflation and soaring lumber prices—and, by the way, lumber prices have added $36,000 to the price of a house just in the last year. Now, instead of that happening because lumber prices have gone up, now home prices, because of this proposed change in the regulation, will increase due to additional permitting that wasn't previously needed.

To clear up common confusion, the Trump-era rule that is now the law of the land did not give polluters free rein to discharge pollutions with no regard to the health of our Nation's waterways. Regulating the discharge of pollution into waterways is important and is done through other parts of the Clean Water Act.

The Trump rule made sure that where routine land use decisions were being made with little or no environmental impact, then those decisions would not be regulated by the Federal Government. EPA's release about its intention to overturn the navigable waters protection rule, which is the Trump rule, mentions that 333 projects would have required permits by the Obama waters rule that did not need government paperwork under the navigable waters protection rule of the Trump administration, and, of course, that is exactly the point—exactly the point of what was wrong with the WOTUS rule.

If you are simply moving dirt to level off a low point in a field, should that need a Federal permit? If a golf course is fixing a bunker or flattening a green, should that need a Federal permit? The obvious commonsense answer to both of these questions and a lot of other questions that can be put out there for speculative purposes is, What good does this redtape do for anyone? I want to underline that point.

My Republican colleagues and I want clean water and healthy soil for our families and our communities. This is important. But what I don't want is a Federal Government power grab that adds so much redtape to routine land use decisions that it slows our economy to a halt.

If the Biden administration decides to go down this road of reverting to the old Obama-era WOTUS, they will be seriously misguided. Why should you put the farmers of Iowa, as well as the other people, with many even having to get a permit to do normal farming practices—it just doesn't make sense.

For an administration that is so focused on updating our Nation's infrastructure, why does it make sense to propose a rule that only adds costs and delays construction with no identifiable benefit?

I urge President Biden and EPA Administrator Regan to listen to the farmers and land owners across the country. Wave the WOTUS rule goodbye. Put away the redtape that is going to come around as a result of what you are planning to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

BORDER SECURITY

Mr. CORNYN. Madam President, last month, more than 180,000 migrants crossed our southern border. That is the highest monthly total since the Clinton administration.

Unaccompanied children continue to arrive at our border by the tens of thousands. In the first 5 months of this year, more than 65,000 migrant children crossed our southern border—nearly double the amount we saw in fiscal year 2020. As bad as things are, things can, and I predict will, get worse.

The administration is weighing whether this is an appropriate time to lift title 42, which is a public health order designed to protect from the spread of the COVID–19 virus, but they have yet to tell us what transition plans they may have, if any, in transitioning from the current exclusion of many adult migrants to welcoming those who are currently excluded or processing them through our immigration courts.

Depending on what the administration decides, the humanitarian crisis at the border will likely swell even larger this summer. Despite the clear need for action from Congress, most of our colleagues on the other side of the aisle have put on blinders. Instead of a bipartisan effort to eliminate or, I should say, alleviate or mitigate the humanitarian and security crisis at our border, we have one side pushing for action and the other side largely staying silent.

The Judiciary Committee of the Senate should be leading the charge to address this crisis in a fair and humane way. Back in April, Senator GRASSLEY, the ranking Republican, and I sent a letter to Chairman DURBIN and Subcommittee Chairman PADILLA requesting a hearing of either the full committee or the Immigration Subcommittee on this current crisis at the border.

Two months and hundreds of thousands of migrants later, they have simply refused to even hold a hearing.

Last month, the Subcommittee on Border Security and Immigration held its first hearing, but the topic wasn't on the border crisis. Instead, the topic was increased numbers of visas for undocumented immigrant workers. That is a topic we can and should discuss but certainly not with the looming crisis on the border.

Tomorrow morning, the Senate Judiciary Committee will continue to ignore this backlog of migrants and this blinking red light that should warn all of us that this crisis will get nothing but worse.

What is the topic of tomorrow's hearing in the Senate Judiciary Committee? We are set to hold a hearing on the unserious, House-passed immigration bill. This legislation stands zero chance of being passed by the Senate—zero. It combines some of the most radical proposals from the far left in one massive bill that fails to address the needs of our country. Rather than discuss the humanitarian crisis at the border, our Democratic colleagues have chosen to hold a hearing on a dead-on-arrival bill, and they know it. It is a remarkable show of priorities.

Tomorrow, I expect we will hear a lot about discussing the Deferred Action on Childhood Arrival recipients—one of the categories of undocumented immigrants that would receive a path to citizenship under this legislation.

I should say that Texas is home to about 100,000 DACA recipients who are vital parts of our communities. They have grown up with our kids, attended the same churches, shopped in the same grocery stores, and defended our freedoms in the U.S. military. They are also a huge driver of our economy. Ninety-six percent of DACA recipients are either working or in school, and, on the whole, these young people contribute more than $400 million a year in State and local taxes in Texas alone.

Despite all the ways these young men and women strengthen our country and our communities, they have been living in a constant state of uncertainty about their future. That is because when President Obama announced this program 9 years ago, he did so through a shortsighted Executive memorandum rather than engage Congress. That is right. Rather than rolling up his sleeves and working with Congress to pass long-lasting immigration policy, he chose a path of least resistance that didn't involve any input from Congress but merely created this with a stroke of a pen. To say the least, this made things easier for President Obama in the short run, but it caused a lot of fear—has caused a lot of fear and uncertainty for these young people in the long run, and that continues today. They were set unfairly on a yearslong, tumultuous journey, waiting nervously to see how the courts would weigh in on the various court challenges that we knew were going to occur. President Obama knew it as well. So these young DACA recipients have been left wondering whether they might be deported to a country they have no memory of and being forced to leave behind the families, the jobs, and the opportunities they have worked so hard to build here in the United States.

Many of these young people are in their twenties and thirties now with careers, families, and plans of their own. The possibility of being forced to leave the United States is no less terrifying for them than it would be for anyone who was born here. After years of being yanked around from court ruling to court ruling, these young men and women deserve certainty. They deserve to know whether they can apply to college, grow their families, live their lives, and do all the things other young Americans can do without this dark cloud hanging over their plans. After all, they haven't done anything wrong. They were brought here as children, as minors. And in America, we do not hold children responsible for the mistakes of adults—in other words, their parents.

That is why I believe we should take action that gives these DACA recipients the certainty they deserve, and the only way to do that is through more legislation, not further Executive actions. And I strongly support that legislative effort. However, massive partisan bills, like the legislation the House passed this year, is not the answer. I support DACA recipients because they were brought here at a young age through no fault of their own, but the American Dream and Promise Act has completely abandoned this justification in favor of rewarding recent illegal entries with green cards, even adults who violated our immigration laws.

If the goal is to provide legal certainty for our DACA recipients as opposed to making a grand political statement, we need to be realistic about how we get there. We need to learn from our mistakes of the past, where we have tried to build big, comprehensive immigration reform bills only to see them collapse of their own weight, which means we need to begin working on smaller packages that can gain broad support and hopefully build trust in the process. I am not suggesting we quit there, but that is the place we need to start if we have learned from the lessons of the last 20 years.

The American people overwhelmingly support allowing DACA recipients to remain in the United States, and I believe it is true of a majority of Members of the Senate. We have to set aside policies we cannot agree on so we can make progress on the ones we do agree on, and we need to keep our efforts focused on DACA recipients. If this is a priority for folks on both sides of the aisle, I hope we will finally be able to get a bill to the President's desk to help these young people.

More broadly, though, there is no denying our immigration system is sorely in need of reform. It is outdated; it is inefficient; and it simply does not meet the needs of our country today. But there is very little room for those types of conversations until we solve the current crisis at the border. Once that is under control and our bipartisan Border Solutions Act, which is the only bicameral, bipartisan bill that has been introduced—once we solve that problem, I hope we will have a bipartisan debate about the changes that should be made to our immigration system, and the DACA recipients are at the top of that list.

As I said, these young men and women deserve certainty, and Congress cannot pass legislation to provide that certainty if our Democratic colleagues and the White House insist on attaching controversial policies or ignoring the current crisis at the border, as the Biden administration is appearing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

BIDEN ADMINISTRATION

Mr. TUBERVILLE. Madam President, Ronald Reagan said:

We maintain peace through our strength; weakness only invites aggression.

The United States of America remains a beacon of strength and freedom. Generations of Americans purchased this strength through blood, treasure, and self-sacrifice. We do not want to be the first generation of Americans to abandon that tradition, but we will unless we give our men and women in uniform the tools they need to do the job.

The President's proposed budget does not deliver for our military. In fact, it tells our military to do less every day than what they have in the past. President Biden's budget proposal cuts money from the Department of Defense when accounting for inflation. I have said before that this budget is disappointing, dangerous, and a disservice to our men and women in uniform.

The President's advisers surely know the threat our country faces. Here is what the Office of National Intelligence said in its annual threat assessment: The Chinese Communist Party will continue to undercut the United States, drive wedges between Washington and its allies and partners, and foster international norms that favor the authoritarian Chinese system.

That is from the President's own Director of Intelligence. But talk is cheap, and cheap talk is what we are getting because this budget does not rise to meet that threat.

Question: Does the President not believe the dire warnings of his own advisers?

At the same time, President Biden and congressional Democrats' policies are giving us a weak economy when it should be roaring. The last two job reports fell way short of expectations. In April, economists expected 1 million jobs, but we only got one-fourth of that—25 percent.

Democrats' out-of-control spending is driving inflation to levels we haven't seen in over a decade. President Biden's own budget assumes policies will only lead to a weak 2-percent GDP growth—2 percent—when it should be double that amount.

Democrats aren't stopping at a weak military and a weak economy. They have put forth thinly veiled attempts to strip our country of what makes it so great. They want to undo our very system of federalism and local control by eliminating States' right-to-work laws through the PRO Act. They want a Washington takeover of every State's election laws through S. 1 or, as I like to call it, the corrupt politicians act. But worst of all, it is teaching our kids to hate our country. The Biden administration has embraced the divisive curriculum of critical race theory to rewrite history and paint the United States as a villain.

Question: How can we expect the Biden administration to defend America's ideals abroad if the President won't even defend them at home? This isn't Building Back Better.

Teddy Roosevelt, another successful Republican President, always said: ''Speak softly and carry a big stick.'' President Biden is certainly speaking softly all right, but he is whittling away our big stick down to a twig.

We are already seeing the results. Weakness invites aggression. President Biden and his aides seem to believe that a return to the appeasement policies of the Obama administration and a rejection of President Trump's policy of strength are the best way to ensure peace. That is going to be tough for them and for the American people. We are already seeing how these policies do not work.

Take Palestine, for example. Just 2 months ago, the President decided to send hundreds of millions of dollars in aid to the Palestinians. And I ask, For what reason? Why are we sending millions of dollars to Palestine at this time when we are having a tough point in our country with this pandemic?

They just took American dollars and turned around and rained terror on our No. 1 ally in the Middle East, with thousands of rockets aimed at Israeli civilians. It triggered the worst fighting between Israel and Hamas since 2014. The President's policy and millions of taxpayer dollars were wasted. They did nothing but arm Hamas. The President's policy did not work.

President Biden made no secret that he wanted to bring back the failed Iran nuclear deal that was the pride of President Obama's second term. Well, Iran responded by supplying Hamas with those rockets to kill Israeli civilians. Iran is also sending warships to help their socialist ally, Venezuela. Again, the President's policies did not work.

One of President Biden's first acts in office was to cancel the Keystone Pipeline with our northern border neighbor in Canada. Yet the President is allowing Russia to build the Nord Stream 2 gas pipeline to Germany, further isolating Ukraine from its Western friends. Russia has responded by amassing troops along the Ukraine border. Once again, the President's policies did not work.

The week after President Biden announced his skinny budget proposal with no increase to the Department of Defense, China sent a record number of fighter jets into the Taiwanese airspace. That is a clear pattern that the President's policies aren't working, and they are emboldening our enemies.

The fallout from the Biden administration's weaknesses isn't just limited to far-off countries across the sea, we are seeing the very real cost at our southern border. The Biden administration refuses to take this crisis seriously. The number of illegal immigrants crossing the border this fiscal year is already the most since 2006, and there are 4 months left to go.

In May of this year alone, Customs and Border Protection apprehended more than 180,000 illegal immigrants along the southern border. And it is not just folks coming from Central America. According to the CBP, there have been at least 59,000 illegal immigrants apprehended who were not from Mexico, Guatemala, El Salvador, or Honduras.

They are from as many as 90-plus countries, as far away as Bangladesh, Ghana, and Nepal.

And the problem is that it is not just people seeking a better life. Customs and Border Protection reports that they have arrested 95 convicted sex offenders attempting to enter the United States since the beginning of the fiscal year, and those are just the ones that are being caught.

Biden, 2 months ago, said: ''What's wrong with 2 million illegal immigrants?''

So what the Biden administration is doing is they are not stemming the tide. President Biden threw his hands up and put Vice President HARRIS in charge.

Has she visited the border since she has been put in charge? No.

She thinks her words, ''Don't come,'' are enough to stop the flood of illegal immigrants. Well, they are not. Her words are too late and too little.

I remember how then-Candidates Biden and HARRIS pushed back against President Trump for wanting to secure the border, for wanting to enforce our immigration laws as written, and folks across the globe were listening. They heard the rhetoric. They packed their bags, and they made the dangerous journey.

They took then-Candidates Biden and HARRIS at their word. It is why so many illegal immigrants wear T-shirts saying: ''Biden, let us in.''

Why would they listen to her saying ''Don't come'' now?

But here is what really got me. When asked why she hasn't gone to the border to see the crisis for herself, Vice President HARRIS laughed and said: ''I haven't been to Europe'' either. I couldn't believe what I was hearing. We need leadership, not a tourist.

Well, Madam Vice President, I have been to the border, and I have seen how dangerous it is for these people coming here. I have actually listened to our Border Patrol agents, who talk about how the cartels really run things and how they have total control of the U.S. southern border. I have seen how many drugs are pouring across the border because our law enforcement is too busy processing illegal immigrants instead of catching the bad guys.

But I sat beside a teenager leaving McAllen, TX, on the flight to Houston. She had her new 3- or 4-month-old baby. She was being sent on a plane by the Biden administration to Houston and then on the way to Denver, not knowing what she was to expect when she got there.

It is not easy to see. It certainly wasn't for me. But that is the price of being in a position of power, to be able to do something about the problems facing the people and our country. The Vice President needs to see the human cost of the policies she and the President are supporting.

Ladies and gentlemen, peace is only possible when the United States is strong. That means a strong military, a strong economy, a strong educational system, and a strong border.

Unless we reverse our course soon, it will be too late to stop the violence and aggression President Biden's weakness has invited across the globe and here at home.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Ketanji Brown Jackson, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. President, I rise today to offer a resolution expressing support for the Pledge of Allegiance as a historic and significant expression of patriotism.

By the way, I did the same thing last year.

In 2002, 19 years ago, Senator Tom Daschle raised a similar resolution with unanimous support from the Senate, and it passed on the floor uneventfully, without amendment.

In a few days, this body can choose to do the same, to reaffirm our support for the Pledge of Allegiance.

I rise today, too, to honor a Hoosier who understood the innate value of the Pledge of Allegiance to civic education.

In 1969, Red Skelton, the American comedian and entertainer who was well-known for his program on CBS, ''The Red Skelton Hour,'' wrote a speech on the importance of the Pledge. Reflecting on his time in Vincennes, a neighboring community to where I live, he spoke about the value instilled by one of his high school teachers in the words of the Pledge of Allegiance.

After the performance of the speech, CBS received several hundred thousand requests for copies. The speech would go on to be sold as a single by Columbia Records and performed at the White House for President Nixon.

I think it would be an honor to Mr. Skelton's memory and to the importance of the Pledge of Allegiance if it were recited today on the Senate floor in the words of Red Skelton.

When I was a small boy in Vincennes, [Indiana,] I heard, I think, one of the most outstanding speeches I ever heard in my life. I think it compares with the Sermon on the Mount, Lincoln's Gettysburg Address, and Socrates' Speech to the Students.

We had just finished reciting the Pledge of Allegiance, and he [Mr. Lasswell, the Principal of Vincennes High School] called us all together, and he says, ''Uh, boys and girls, I have been listening to you recite the Pledge of Allegiance all semester, and it seems that it has become monotonous to you. Or, could it be, you do not understand the meaning of each word? If I may, I would like to recite the pledge, and give you a definition of each word:

I—Me, an individual; a committee of one.

Pledge—Dedicate all of my worldly good to give without self-pity.

Allegiance—my love and my devotion.

To the Flag—Our standard. ''Old Glory''; a symbol of courage. And wherever she waves, there is respect, because your loyalty has given her a dignity that shouts ''Freedom is everybody's job.''

Of the United—That means we have all come together.

States—Individual communities that have united into 48 great states; 48 individual communities with pride and dignity and purpose; all divided by imaginary boundaries, yet united to a common cause, and that's love of country—

Of America.

And to the Republic—a Republic: a sovereign state in which power is invested into the representatives chosen by the people to govern; [us] and the government is the people; and it's from the people to the leaders, not from the leaders to the people.

For which it Stands

One Nation—Meaning ''so blessed by God.''

Indivisible—Incapable of being divided.

With Liberty—Which is freedom; the right of power for one to live his own life without fears, threats, or any sort of retaliation.

And Justice—The principle and qualities of dealing fairly with others.

For All—For All. That means, boys and girls, it's as much your country as it is mine.

Afterwards, Mr. Lasswell asked his students to recite the Pledge of Allegiance together, with newfound appreciation for the words.

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

Mr. Red Skelton concluded his speech by saying:

Since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance: [If you listened closely] ''Under God.'' Wouldn't it be a pity if someone said, ''That is a prayer''—and that be eliminated from our schools . . . ?

Just as those students that day, Mr. Skelton included, recommitted to the meaning of the words of the Pledge of Allegiance, I call upon the U.S. Senate to recommit to the meaning of these words.

There are times today that the words of the pledge are tossed around without too much care. Other times, they are altered to remove what today is deemed offensive or antiquated. But Americans should not misuse or abuse our Pledge of Allegiance. The Pledge of Allegiance is meant to remind Americans of our guiding principles and inspire adherence to those ideas which make our country great: equality under the law, recognized rights to life, liberty, and the pursuit of happiness. This is why today I am requesting that in a few days we pass this resolution with unanimous consent, and I am hopeful that occurs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

VOTE ON BROWN JACKSON NOMINATION

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the vote begin immediately on the nominee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mrs. SHAHEEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), and the Senator from Nebraska (Mr. SASSE).

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

Blunt	Rubio	Sasse

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSSOFF). Under the previous order, the

motion to reconsider is considered made and laid upon table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 119, Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

Charles E. Schumer, Patty Murray, Alex Padilla, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Debbie Stabenow, Benjamin L. Cardin, Patrick J. Leahy, Elizabeth Warren, Jacky Rosen, Richard Blumenthal, Tina Smith, John Hickenlooper, Michael F. Bennet, Tim Kaine, Brian Schatz.

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 Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), and the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—72

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

NAYS—25

Barrasso	Cruz	Kennedy
Blackburn	Daines	Lankford
Boozman	Ernst	Lee
Cotton	Hagerty	Lummis
Crapo	Inhofe	McConnell
Paul	Scott (SC)	Toomey
Risch	Shelby	Tuberville
Romney	Sullivan	
Scott (FL)	Tillis	

NOT VOTING—3

Blunt	Rubio	Sasse

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 25.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

The PRESIDING OFFICER (Ms. SMITH). The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Madam President, I rise for the eighth time to call for this entire body to have the opportunity to vote on and consider the Military Justice Improvement and Increasing Prevention Act.

This commonsense reform would ensure that people in the military who have been subjected to sexual assault and other serious crimes get the justice they deserve.

I ask for this vote because I want to ensure that this important reform, which is backed by a bipartisan filibuster-proof majority of the Senators, becomes law. If we leave this debate and this reform to the national defense authorization committee review, I have no doubts that that will not happen.

We all know how a bill becomes a law. It passes the Senate and the House, and is signed by the President. And we all know how this process can be subverted. We have seen popular provisions that have passed both the House and the Senate be minimized, watered down, or removed in conference altogether. And I have certainly seen good proposals killed behind closed doors of the NDAA markup.

In 2019, I introduced a much smaller reform called Safe to Report. That provision was designed to improve reporting rates by allowing survivors of sexual assault to report the assault without fear of retaliation in the form of misconduct charges for related minor offenses, things like underage drinking or breaking a curfew.

That commonsense reform, which could have allowed more survivors to come forward, passed in both the House and the Senate, but it was removed in conference. We had to reintroduce the very same bill the following year in order for it to be included and become law in the next year, the fiscal year 2021 NDAA.

If a program focused solely on helping to make it easier for survivors to report their assault was removed in conference, I have little reason to believe that this once-in-a-generation reform will survive.

Given the lack of progress we have made on sexual assault in the military and the entrenched problems with the military justice system, we cannot allow this widely supported reform to be left to the whims of those working behind closed doors in conference—a process with a rich history of subverting reforms on behalf of the Department of Defense. Let us have this vote in the Senate, and let us send it to the House to become law.

Every day we delay this vote is another day we deny justice to the survivors of sexual assault. We deny justice to servicemembers who have been affected by serious crimes. We deny justice to the men and women who do so much for this country. We owe it to them to not wait another minute longer.

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

The PRESIDING OFFICER. Is there objection?

Mr. REED. Madam President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, like the Senator from New York, I believe that we should transfer crimes regarding sexual misconduct to a special prosecutor, as the Senator of New York has outlined, and that is a decision that many of my colleagues have made over the last few months. In the past, they have been opposed, as I have opposed that approach.

The difficulty is the transfer of other crimes like burglary, arson, financial mismanagement, misappropriation of government funds or properties. Those issues have not been carefully studied, and they should be studied, and that is the purpose of the committee.

We will take this up. We will study it very closely. We will also look at something that I think has to be looked at seriously: How do we implement this reform, and how much time do we need? The last time that we made a major change to the Uniform Code of Military Justice, we allowed the Department of Defense 2 years, and they took all of it. The present legislation would allow 18 months. This is something we have to look at.

We also have to look at the resources that are needed. This involves a change in the structure of the military legal system, and the committee is a place where we will get the best views of people who have dedicated themselves in the Senate to thinking hard and thoroughly about issues of military justice, issues of military preparedness, and all of these things.

Looking forward to a debate, but looking also forward to, I think, what

is becoming increasingly secure—the transfer of responsibility for sexual assault and crimes of that nature to an independent prosecutorial approach—it is something I think that we can anticipate going forward.

And with that, I would object.

The PRESIDING OFFICER. Objection is heard.

Mrs. GILLIBRAND. Madam President, there are several reasons why I disagree strongly with the chairman.

First of all, this is not a complex reform. In fact, only one thing changes: After the military police conclude their investigation, instead of the case file being handed over to the commander's JAG, the case file is handed over to the prosecutor, who might eventually have gotten that case anyway. The prosecutor reviews the case file and decides whether or not to prosecute.

If he decides not to prosecute, he will send it back to the commander. Only 3 percent of commanders have this job; 97 percent of commanders' jobs will not be affected by this change. And then they will get to do what they typically do, which is to review the case; perhaps, ask for nonjudicial punishment for related crimes; perhaps, do a special court-martial. That sits with the commander.

The second reason why I disagree with the chairman is that if you remove only one crime from the commander, you will essentially create an entirely different system just for survivors of sexual assault, who are more often to be women who report those crimes. Even though males suffer more from sexual assault, they just don't report them, and that, therefore, will become a special court for women servicemembers. And experts have said that it will further marginalize them, it will further diminish them, it will further alienate them. It will be a special court for women, or a ''pink court.''

Third, this reform has already taken place in the countries of our allies. The UK did it over 10 years ago for defendants' rights. Israel did it over 40 years ago. Canada, Netherlands, Australia, Germany—all have taken serious crimes out of the chain of command.

And in each of those instances, they have said it has not reduced good order discipline, and it has not had any impact on command and control.

And so the truth is that this is a change whose impact will be to give survivors of sexual assault and any survivor of a serious crime the confidence that the military justice system is unbiased and highly trained.

The other reason why this change is so necessary to be a bright line at all serious crimes is defendants' rights. And I can tell you that we now have data developed in 2017 from Protect Our Defenders, a report that says that it is up to 2.5 times more likely for Black and Brown servicemembers to be punished than White servicemembers. That is a shocking statistic—a shocking statistic.

So I believe that if you create a bright line at serious crimes, you will not only improve the system for survivors of sexual assault but for all litigants—plaintiffs and defendants—and you will protect the civil liberties and civil rights of Black and Brown servicemembers from a defendant's rights perspective.

The committee has had 8 years to debate, discuss, have hearings, and pass legislation. We have passed nearly 250 bills on this topic. They have lost their sole jurisdiction over this issue. They have failed to improve sexual assaults in the military, and it is now time for an up-or-down vote, which has 66 cosponsors in this body. It is now time for an up-or-down vote on our bill. It should no longer be the purview of the NDAA and the Armed Services Committee because they have been unwilling to have a vote on this for over 5 years and unwilling to take a serious look at how to fix these injustices within our military.

Our military servicemembers deserve a military justice system worthy of the sacrifices they make every day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

UNEQUIVOCALLY CONDEMNING THE RECENT RISE IN ANTISEMITIC VIOLENCE AND HARASSMENT TARGETING JEWISH AMERICANS, AND STANDING IN SOLIDARITY WITH THOSE AFFECTED BY ANTISEMITISM

Ms. ROSEN. Madam President, I rise today as cochair of the Senate Bipartisan Task Force for Combating Anti-Semitism, which just relaunched this week with over half the Senate as Members. I am speaking out because Jewish-Americans and Jews across the globe are in danger.

They are in danger because we are experiencing a worldwide surge in anti-Semitic hate crimes and violence. In communities across America, Jews have been threatened, they have been verbally accosted, and brutally assaulted.

Anti-Semitism has long been the canary in the coal mine of hatred. History teaches us that when anti-Semitism takes hold, democracy itself is imperiled. This issue has reared its ugly head in recent years, particularly in the past month.

According to the ADL, anti-Semitic incidents in May were double what they were during the same period last year. Over the past few weeks, we have seen horrendous attacks on Jewish communities. In New York, fireworks were hurled at a crowd of Jewish-Americans. In Los Angeles, Jewish diners were attacked.

One response I saw to a recent desecration of a synagogue in Arizona has stuck with me. The response said ''the amount of Jewish hate isn't shocking. The silence is.''

Those who committed these egregious acts wanted to send a message. They wanted to say that Jews have no place here. And it is critical that we send a clear and forceful message back. We must ensure that our elected leaders, Democrats and Republicans, are resolute in affirming that there is zero tolerance for anti-Semitism.

We must honor the words of George Washington, who wrote to the Jewish community of Rhode Island in 1790, that America ''gives to bigotry no sanction, to persecution no assistance,'' which is why I urge the Senate to immediately take up my bipartisan resolution condemning the recent anti-Semitic incidents, unconditionally and unequivocally.

I am calling on leaders to take specific steps—specific steps—to address and prevent them, including having the President nominate and the Senate confirm a qualified Ambassador to monitor and combat anti-Semitism, fully implementing my bipartisan Never Again Education Act to advance Holocaust education, having agencies improve their collection of anti-Semitic hate crime data, and sufficiently funding the Nonprofit Security Grant program to protect houses of worship and community centers from violence.

I want to thank Senator LANKFORD and his staff for their work in helping to pass this resolution, which currently has 74 cosponsors.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 252.

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

The legislative clerk read as follows:

A resolution (S. Res. 252) unequivocally condemning the recent rise in antisemitic violence and harassment targeting Jewish Americans, and standing in solidarity with those affected by antisemitism, and for other purposes.

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

Ms. ROSEN. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Mr. SCHUMER. Yes, there is, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Thank you, Madam President. First, let me thank Senator ROSEN. She has been a valiant, strong and unrelenting fighter against anti-Semitism—not just today with this wonderful resolution, but every day, and we thank her for her leadership, her tremendous and needed leadership on this issue.

I want to thank Senator LANKFORD as well in joining Senator ROSEN in crafting this bipartisan resolution because, as we all know, anti-Semitism is not a partisan issue. So I very much appreciate the way that they have worked together across the aisle to bring this resolution forward.

It is essential that we come together at this moment. Over the past few years, America has once again seen the pernicious, poisonous, and dangerous rise of hate crimes. In recent weeks in particular, anti-Semitism—the oldest hatred—has dramatically spiked. It, too, just like every other hate crime, is pernicious, poisonous, and dangerous. We are all horrified by the anti-Semitic attacks in New York, around the country, and around the globe.

So I join my colleagues tonight to say unequivocally that this hatred must be called out, confronted, and stopped. And the Senator from Nevada has an excellent series of proposals to help make that happen.

Anti-Semitism must be combated wherever and whenever it rears its ugly head. It is vile, it is reprehensible, and it is counter to everything America stands for: freedom of religion, equality, and respect for the dignity of every person.

For too long—too long—we have seen it. And yet in the past, America has always been a refuge for the oppressed; a land of promise, opportunity, and tolerance for people from all corners of the world who came here in search of a better life. It was true for my family and for many others, and hopefully, it will continue to be.

But that noble purpose has too often been marred by periods of isolationism, xenophobia, and racial intolerance. We live in a time where we must actively work to rekindle the light of tolerance that has kept anti-Semitism at bay here in the United States and around the globe.

As majority leader, the first Jewish-American to hold that honor, I will work with any and all of my colleagues to face down anti-Semitism and every other form of racial or religious discrimination.

I strongly urge the Senate to stand united against anti-Semitism, and I am very grateful to pass this resolution unanimously.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 252) was agreed to.

Ms. ROSEN. Madam President, I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The preamble was agreed to.

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

Ms. ROSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 147.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Michal Ilana Freedhoff, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

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

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate, and if confirmed, the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination, that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. 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 PRESIDING OFFICER. Without objection, it is so ordered.

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,
Arlington, VA.

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. 21–42, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $3.5 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,

HEIDI H. GRANT,
Director.

Enclosures.

TRANSMITTAL NO. 21–42

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 Australia.

(ii) Total Estimated Value:

Major Defense Equipment* $2.5 billion.

Other $1.0 billion.

Total $3.5 billion.

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

Major Defense Equipment (MDE):

Twenty-nine (29) AH–64E Apache Attack Helicopters.

Sixty-four (64) T700–GE 701D Engines (58 installed, 6 spares).

Twenty-nine (29) AN/ASQ–170 Modernized Target Acquisition and Designation Sight/AN/AAR–11 Modernized Pilot Night Vision Sensors (M–TADS/PNVS).

Sixteen (16) AN/APG–78 Fire Control Radars (FCR) with Radar Electronic Units.

Twenty-nine (29) AN/APR–48B Modernized Radar Frequency Interferometers (MRFI).

Seventy (70) Embedded Global Positioning Systems with Inertial Navigation Systems plus Multi-Mode Receiver (EGI+MMR) (58 installed, 12 spares).

Thirty-five (35) AAR–57 Common Missile Warning Systems (CMWS) (29 installed, 6 spares).

Seventy (70) AN/ARC–231A Very High Frequency/Ultra High Frequency (VHF/UHF) Radios (58 installed, 12 spares).

Eighty-five (85) AGM–114R Hellfire Missiles.

Twenty-nine (29) M36E8 Hellfire Captive Air Training Missiles (CATM).

Two thousand (2,000) Advanced Precision Kill Weapon System Guidance Sections (APKWS-GS).

Non-MDE: Also included are AN/APR–39 Radar Signal Detecting Sets; AN/AVR–2B Laser Detecting Sets; AN/APX–123A Identification Friend or Foe (IFF) transponders; IDM–401 Improved Data Modems; Link–16 Small Tactical Terminal KOR–24–A; Improved Countermeasure Dispensing System (ICMD); AN/ARN–149 (V)3 Automatic Direction Finders; Doppler ASN–157 Doppler

Radar Velocity Sensors; AN/APN–209 Radar Altimeters Common Core (RACC); AN/ARN–153 Tactical Air Navigation Set (TACAN); AN/PYQ–lO(C) Simple Key Loader; M230El + M 139 A WS Automatic Gun; M261 Rocket Launchers; M299 missile launchers; 2.75 inch rockets; 30mm rounds; High Explosive Warhead for airborne 2.75 rockets, inert; MK66–4 2.75 inch rocket High Explosive warhead M 151 fuze M423 motor; MK66–4 2.75 inch rocket warhead M274 motor; MK66–4 2.75 inch rocket motor; M151HE 2.75 inch warhead; Manned-Unmanned Teaming–2 (MUMT–X) video receivers; Manned-Unmanned Teaming–2 (MUMT–X) Air-AirGround kits; training devices; communication systems; helmets; simulators; generators; transportation and organization equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor technical assistance; technical and logistics support services; and other related elements of program and logistical support.

(iv) Military Department: Army (AU–B–ULV).

(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: June 3, 2021.

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

POLICY JUSTIFICATION

Australia—AH–64E Apache Helicopters

The Government of Australia has requested to buy twenty-nine (29) AH–64E Apache attack helicopters; sixty-four (64) T700–GE 701D engines (58 installed, 6 spares); twenty-nine (29) AN/ASQ–170 Modernized Target Acquisition and Designation Sight/AN/AAR–11 Modernized Pilot Night Vision Sensors (M–TADS/PNVS); sixteen (16) AN/APG–78 Fire Control Radars (FCR) with Radar Electronic Units; twenty-nine (29) AN/APR–48B Modernized Radar Frequency Interferometers (MRFI); seventy (70) Embedded Global Positioning Systems with Inertial Navigation Systems plus Multi-Mode Receiver (EGI+MMR) (58 installed, 12 spares); thirty-five (35) AAR–57 Common Missile Warning Systems (CMWS) (29 installed, 6 spares); seventy (70) AN/ARC–231A Very High Frequency/Ultra High Frequency (VHF/UHF) radios (58 installed, 12 spares); eighty-five (85) AGM–114R Hellfire missiles; twenty-nine (29) M36E8 Hellfire Captive Air Training Missiles (CATM); and two thousand (2,000) Advanced Precision Kill Weapon System Guidance Sections (APKWS–GS). Also included are AN/APR–39 Radar Signal Detecting Sets; AN/AVR–2B Laser Detecting Sets; AN/APX–123A Identification Friend or Foe (IFF) transponders; IDM–401 Improved Data Modems; Link–16 Small Tactical Terminal KOR–24–A; Improved Countermeasure Dispensing System (ICMD); AN/ARN–149 (V)3 Automatic Direction Finders; Doppler ASN–157 Doppler Radar Velocity Sensors; AN/APN–209 Radar Altimeters Common Core (RACC); AN/ ARN–153 Tactical Air Navigation Set (TACAN); AN/PYQ–1O (C) Simple Key Loader; M230El + M139 AWS Automatic Gun; M261 Rocket Launchers; M299 missile launchers; 2.75 inch rockets; 30mm rounds; High Explosive Warhead for airborne 2.75 rockets, inert; MK66–4 2.75 inch rocket High Explosive warhead M151 fuze M423 motor; MK66–4 2.75 inch rocket warhead M274 motor; MK66–4 2.75 inch rocket motor; M151HE 2.75 inch warhead; Manned-Unmanned Teaming–2 (MUMT–X) video receivers; Manned-Unmanned Teaming–2 (MUMT–X) Air-Air-Ground kits; training devices; communication systems; helmets; simulators; generators; transportation and organization equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor technical assistance; technical and logistics support services; and other related elements of program and logistical support. The total estimated value is $3.5 billion.

The proposed sale will improve Australia's capability to meet current and future threats, and will enhance interoperability with U.S. forces and other allied forces. Australia will use the enhanced capability to strengthen its homeland defense and provide greater security for its critical infrastructure. Australia will have no difficulty absorbing these Apache aircraft into its armed forces.

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

The prime contractors involved in this program will be Boeing, Mesa, AZ; and Lockheed Martin, Orlando, FL. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will require the assignment of eight (8) contractor representatives to Australia.

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

TRANSMITTAL NO. 21–42

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 AH–64E Apache Attack Helicopter is the Army's advanced attack helicopter equipped for performing close air support, anti-armor, and armed reconnaissance missions. The aircraft contains the following sensitive communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors:

a. The AN/ARC–231 Ultra High Frequency (UHF) radio is a software defined radio for military aircraft that provides two-way multi-mode voice and data communications. It provides joint service standard line of sight (LOS), HAVE QUICK, SATURN, and SINCGARS electronic counter-counter measures (ECCM), along with integrated waveform satellite communications (SATCOM).

b. The AN/APX–123A Identify Friend-or-Foe (IFF) digital transponder set provides pertinent platform information in response to an IFF interrogator. The digital transponder provides cooperative Mark XII IFF capability using full diversity selection, as well as Mode Select (Mode S) capability. In addition, transponder operation provides interface capability with the aircraft's Traffic Collision and Avoidance System (TCAS). The transponder receives pulsed radio frequency interrogation signals in any of six modes (1, 2, 3/A, S, and 5), decodes the signals, and transmits a pulse-coded reply. The Mark XII lFF operation includes Selective Identification Feature (SIF) Modes 1, 2, 3/A and C, as well as secure cryptographic Mode 5 operational capability.

c. Link 16 Datalink is a military tactical data link network. Link 16 provides aircrews with enhanced situational awareness and the ability to exchange target information to Command and Control (C2) assets via Tactical Digital Information Link-Joint (TADIL–J). Link 16 can provide a range of combat information in near-real time to U.S. and allies' combat aircraft and C2 centers. The AH–64E uses the Harris Small Tactical Terminal (SIT) KOR–24A to provide Airborne and Maritime/Fixed Station (AMF) Small Airborne Link 16 Terminal (SALT) capability. The SIT is the latest generation of small, two-channel, Link 16 and VHF /UHF radio terminals. While in flight, the SIT provides simultaneous communication, voice or data, on two key waveforms.

d. The AN/APR–39 Radar Warning Receiver Signal Detecting Set is a system that provides warning of a radar directed air defense threat and allows appropriate countermeasures. This is the 1553 databus compatible configuration.

e. The AN/AVR–2B Laser Warning Set is a passive laser warning system that receives, processes and displays threat information resulting from aircraft illumination by lasers on the aircraft's multi-functional display.

f. The AAR–57 Common Missile Warning System (CMWS) detects energy emitted by threat missile in-flight, evaluates potential false alarm emitters in the environment, declares validity of threat and selects appropriate counter-measures for defeat. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD).

g. The AH–64E uses two EAGLE+MMR embedded GPS/Inertial navigation systems with Multi-Mode Receiver. The EAGLE+MMR is a self-contained, all-attitude navigation system with embedded GPS receiver, controlled via MIL–STD–1553B controller, providing output navigation and GPS timing data to support ADS–B out and other platform systems. The EAGLE's EGI unit houses a 24 channel GPS receiver which is capable of operating in either Standard Positioning Service (SPS) C/A-code (non-encrypted) or Precise Positioning Service (PPS) Y–code (encrypted). The Eagle+ MMR is pending aircraft testing and air worthiness rating (AWR) approval, with flight tests anticipated to start in April 2021. AWR approval is expected prior to the proposed sale to Australia.

h. The AN/ASQ–170 Modernized Target Acquisition and Designation Sight/AN/AAQ–11 Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations.

i. The AN/APR–48B Modernized Radar Frequency Interferometer (M–RFI) is an updated version of the passive radar detection and direction finding system. It utilizes a detachable UDM on the M–RFI processor, which contains the Radar Frequency (RF) threat library.

j. The AN/APG–78 Longbow Fire Control Radar (FCR) with Radar Electronics Unit (REU) is an active, low-probability of intercept, millimeter wave radar. The active radar is combined with a passive Radar Frequency Interferometer (RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters, and fixed wing aircraft in normal flight. If desired, the radar data can be used to refer targets to the regular electro-optical Modernized Target Acquisition and Designation Sight (MTADS).

k. The Manned-Unmanned Teaming X (MUM–Tx) data link system provides cross-

platform communication and teaming between Apache, unmanned aerial systems (UAS), and other interoperable aircraft and ground platforms. It provides the ability to display real-time UAS sensor information and MTADs full motion video feeds across MUM–T equipped platforms and ground stations.

l. The M299 Missile Launcher, commonly known as the Longbow Hellfire Launcher (LBHL), is a four rail launcher designed to carry the complete family of AGM–114 Hellfire missiles.

m. The AGM–114R Hellfire is a semi-active laser guided missile with a multi-purpose warhead that can engage and defeat both high and heavily armored targets, personnel, bunkers, caves and urban structures.

n. The Hellfire M36E9 Captive Air Training Missile (CATM) is a flight-training missile that consists of a functional guidance section coupled to an inert missile bus. It functions like a tactical missile during captive carry on the aircraft, absent launch capability, making it suitable for training the aircrew in simulated Hellfire missile target acquisition and lock.

o. The M261 2.75 Inch Rocket Launcher is a nineteen tube, three zone rocket launcher utilized on heavy attack aircraft. It is used to fire the Hydra 70 2.75 inch rocket, an unguided, fin-stabilized air-to-ground rocket that utilizes a variety of warhead and fuze combinations to achieve a range of effects.

p. The AGR–20A Advanced Precision Kill Weapons System (APKWS) is a conversion of the 2.75 inch Hydra 70 rocket which adds a laser guidance kit to enable precision targeting.

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 the Government of Australia 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 are authorized for release and export to the Government of Australia.

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,
Arlington, VA.

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)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0M–21. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15–21 of May 4, 2015.

Sincerely,

HEIDI H. GRANT,
Director.

Enclosures.

TRANSMITTAL NO. 0M–21

Report Of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec 36(B)(5)(A), AECA)

(i) Prospective Purchaser: Government of Singapore.

(ii) Sec 36(b)(1) AECA Transmittal No: 15–21; Date: May 4, 2015.

Funding Source: National Funds.

(iii) Description: On May 4, 2015, Congress was notified by Congressional certification transmittal number 15–21, of the possible sale under Section 36(b)(1) of the Arms Export Control Act of the upgrade of 60 F–16C/D/D+ aircraft. Also included were fifty (50) Joint Helmet-Mounted Cueing Systems; ninety (90) AN/APX–126 Advanced Identification Friend or Foe Interrogator/Transponders; one hundred fifty (150) LAU–129 Missile Launchers; eight (8) KMU–572/B 500lbs Joint Direct Attack Munition (JDAM) Tail Kits; nine (9) KMU–556/B 2000lbs JDAM Tail Kits; two (2) FMU–152 Munition Fuze Units; ten (10) MK–82 500lbs Inert Bombs; three (3) MK–84 2000lbs Inert Bombs; twelve (12) LN–260 Embedded Global Positioning System/Inertial Navigation Systems (GPS/INS); twenty (20) GBU–39/B Small Diameter Bombs (SDB); ninety-two (92) Link-16 Multifunctional Information Distribution System/Low Volume Terminals (MIDS/LVT); two (2) SDB Guided Test Vehicles; Computer Control Group and Tail Assembly for GBU–49; DSU–38/40 Proximity Sensor for JDAM; GBU–39 Tactical Training Round; ADU–890/E and 891 Adaptor Group for Common Munitions Built-In-Test/Reprogramming Equipment; Encryption/Decryption device; MIDS/LVT Ground Support Station; spare and repair parts; repair and return; support equipment; publications and technical documentation; personnel training and training equipment; tool and test equipment; U.S. Government and contractor engineering, technical and logistics support services; and othe related elements of program and logistics support. The estimated total cost was $130 million. Major Defense Equipment (MDE) constitued $85 million of this total.

This transmittal reports the addition of up to sixty (60) Link–16 Multifunctional Information Distribution System (MIDS) Low Volume Terminal–6 (LVT) Block Upgrade–2 (BU–2). Additionally, this transmittal reports the inclusion of MIDS LVT–6 BU–2 hardware sets; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The total MDE value will increase to $92.4 million. The total case value will increase to $133.4 million.

(iv) Significance: This notification is provided since the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents and increase in capability over what was previously notified. The proposed articles and services will support Singapore's modernization and interoperability with U.S. and allied forces.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a strategic partner that is an important force for political stability and economic progress in Asia. These articles will contribute to the modernization of the Republic of Singapore Air Forces (RSAF) fighter aircraft, improve the RSAF's capability to conduct self-defense and regional security missions, and enhance its inteoperability with the United States.

(v) Sensitivity of Technology: The MIDS LVT–6 BU–2 is a secure, jam-resistant communication and positioning software defined radio system. MIDS LVT–6 BU–2 provides Link 16 capability, associated secure voice, and Tactical Air Navigation (TACAN) capabilities to allow for interoperable tactical messages across platforms. This variant ensures the MIDS-LVT terminals remain interoperable with U.S. allied forces and serves as an upgrade to the previous MIDS terminal version.

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

(vii) Date Report Delivered to Congress: June 3, 2021.

UNITED STATES INNOVATION AND COMPETITION ACT OF 2021

Mr. WICKER. Madam President, on Tuesday, June 8, 2021, the U.S. Senate passed the U.S. Innovation and Competition Act of 2021. This comprehensive legislation includes the Endless Frontier Act as Division B. The Endless Frontier Act will establish a new Directorate of Technology and Innovation at the National Science Foundation, NSF, focused on research and development in 10 key technology focus areas, which include ''biotechnology, medical technology, genomics, and synthetic biology.''

Although the NSF funds minimal research involving human embryos, it is absolutely critical for the proposed new Directorate of Technology and Innovation and the NSF as an institution to protect human life and to prohibit research that would create or destroy human embryos. First enacted in 1996, the Dickey-Wicker amendment incorporated into annual appropriations bills ensures that such protections apply to research funded by the National Institutes of Health, NIH.

The NSF reports that it applies all NIH guidelines, including the Dickey-Wicker amendment, to its research. The Chief of Government Affairs at NSF, Mr. Robert Moller, confirmed this in an email to my staff dated May 16, 2021:

NSF supports very little human embryonic stem cell research. NSF incorporates the NIH Guidelines for Human Stem Cell Research through our award Terms and Conditions, which govern, among other things, the allowable uses for NSF funds. Those NIH guidelines clearly address the Dickey Wicker

amendment in Section V. As NSF incorporates this guidance, it also incorporates the Dickey-Wicker amendment and its restrictions.

It is clear from NSF's response and a review of the research terms and conditions that are binding on awardees that NIH guidelines, including Dickey-Wickery protections, apply to NSF-funded research. Since nothing in the Endless Frontier Act or the U.S. Innovation and Competition Act modifies these legal protections, it is therefore the clear intent of the Senate that the protections for human life afforded by the Dickey-Wicker amendment continue to apply to the NSF.

ADDITIONAL STATEMENTS

100TH STATE ANNUAL SINGING CONVENTION

● Mr. TILLIS. Madam President. I rise today in recognition of the 100th anniversary of the State Annual Singing Convention in Benson, North Carolina.

The Sing will be celebrating its centennial June 25 to 27, 2021 in the Benson Singing Grove with some of the biggest names in southern gospel music. Local choirs, gospel groups, and recording artists from near and far will be sharing their talents and memories of the Sing throughout the years.

Prior to 1921, choirs would assemble on fifth Sundays in early summer to sing in Benson. Whether in an open field or under a brush arbor, large crowds would come to hear these glorious choirs. Mr. Simon Honeycutt, a regular attendee, conceived of the idea for a singing convention and reached out to four other men—Mr. T.C. Miller, Mr. J.B. Raynor, Mr. J.V. Barefoot, and Mr. J.H. Rose—to help organize the event. The first State Annual Singing Convention was held in a tobacco warehouse in 1921. A silver cup was awarded to the best all-around group, along with prizes for the best quartette and duet. Impartial judges had to be found from a great distance away, and picnic baskets filled a table 110 feet in length as 200 people came to enjoy the wonderful singing.

After a fire destroyed the tobacco warehouse in 1922, a new location for the Sing was found in an oak-shaded grove at the center of town. This land was donated by Miss Catherine Benson, a member of the family for which the town is named. In its early years, a temporary stage was constructed and lumber stacked on pine blocks served as seating, These materials were borrowed from a local sawmill and returned at the conclusion of the Sing. permanent stage in the center of the grove was dedicated in 1950, thanks to town merchants and patrons of the Singing Convention. Folding chairs have now replaced the early lumber-on-block seating. The Singing Grove would fill to capacity long before the singing started as people reunited with old friends and relatives, caught up on the latest news, and forgot about their worries as their souls were lifted through song. For those not able to attend in person, local radio stations allowed listeners to tune in and for a time, the State Annual Singing Convention was broadcast to a national audience.

As the joy-filled weekend wound to an end, singers and spectators alike anxiously awaited judges tallying scores and winners being announced in several different categories. The people have changed, but the Sing remains because of a steadfast commitment to what it represents. As an early leader once wrote, ''The multitude of voices blend in 'God be with you till we meet again' to reassure the world that there will always be a song of love in the hearts of God's people everywhere. That is the faith of the State Annual Singing Convention.''

It is my honor to commemorate this notable centennial. The State Annual Singing onvention has nurtured countless souls through song and is a testament to the faith of those who carry on its legacy. I extend my congratulations and best wishes for the next 100 years.●

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–17. A joint resolution adopted by the legislature of the State of Colorado rescinding all resolutions, memorials, or other enactments previously passed by the Colorado General Assembly or either house thereof petitioning United States Congress for a convention under Article V of the United States Constitution; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 21–1006

Whereas, The Colorado General Assembly has made applications to the United States Congress to call one or more conventions to propose amendments concerning specific subjects to the United States Constitution, pursuant to Article V thereof; and

Whereas, There has not been an Article V joint application made by the Colorado General Assembly in over 25 years, and since that time Colorado has nearly doubled in population and our laws and resolutions should keep pace with progress in our state; now, therefore, be it

Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado, the Senate concurring herein:

That all resolutions, memorials, or other enactments previously passed by the Colorado General Assembly or either house thereof petitioning Congress for a convention under Article V of the United States Constitution shall be rescinded, cancelled, voided, nullified, and superseded upon passage of this resolution. Be it further

Resolved, That copies of this Joint Resolution be sent, within 30 days of passage, to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the Colorado Congressional delegation; and be it further

Resolved, That the members of the Colorado General Assembly request that this Joint Resolution be published in the Congressional Record and listed in the official tally of state legislative applications relating to calling for the United States Congress to call a convention to propose amendments to the United States Constitution.

POM–18. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the United States Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject. but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; and, be it further

Resolved, That the Clerk of the House is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

POM–19. A petition from a citizen of the State of Texas relative to American Rescue Plan Act relief funds; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 658. A bill to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes (Rept. No. 117–24).

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1251. A bill to authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes.

By Mrs. MURRAY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1301. A bill to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

S. 1662. A bill to increase funding for the Reagan-Udall Foundation for the Food and Drug Administration and for the Foundation for the National Institutes of Health.

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. LEE (for himself and Mr. GRASSLEY):

S. 2039. A bill to improve the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 2040. A bill to prohibit consumer reporting agencies from furnishing a consumer report containing any adverse item of information about a consumer if the consumer is a victim of trafficking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MANCHIN (for himself, Mr. MORAN, Mr. BOOZMAN, Ms. COLLINS, and Mr. CASSIDY):

S. 2041. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to enforce the licensure requirement for medical providers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. DUCKWORTH (for herself, Mr. SCOTT of South Carolina, Mr. CARDIN, and Ms. COLLINS):

S. 2042. A bill to reauthorize the Interagency Committee on Women's Business Enterprise, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. CARPER, Mr. BROWN, Ms. HIRONO, Mr. WYDEN, Mrs. MURRAY, Mr. BOOKER, Mr. REED, Mr. BLUMENTHAL, and Mr. KAINE):

S. 2043. A bill to amend title 38, United States Code, to prohibit smoking on the premises of any facility of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mr. BROWN, and Mr. REED):

S. 2044. A bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2045. A bill to designate the area between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, as ''Oswaldo Paya Way''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VAN HOLLEN (for himself, Mr. MERKLEY, Ms. BALDWIN, and Mr. BROWN):

S. 2046. A bill to provide for a Community-Based Emergency and Non-Emergency Response Grant Program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Ms. HASSAN, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. KING):

S. 2047. A bill to ban the use of intentionally added perfluoroalkyl or polyfluoroalkyl substances in cosmetics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAINES (for himself, Mrs. BLACKBURN, Mr. CRAPO, Mrs. CAPITO, Mr. CRAMER, and Mr. TOOMEY):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MARSHALL (for himself, Mrs. GILLIBRAND, Mr. CORNYN, Ms. HASSAN, Mr. CRAPO, Mrs. SHAHEEN, Mr. SCOTT of South Carolina, Ms. BALDWIN, Mr. RISCH, Mr. KING, Mr. GRASSLEY, Ms. SMITH, Mr. BRAUN, Mr. LUJÁN, Ms. COLLINS, and Ms. KLOBUCHAR):

S. Res. 268. A resolution expressing support for the designation of June 2021 as ''National Dairy Month'' to recognize the important role dairy plays in a healthy diet and the exceptional work of dairy producers in being stewards of the land and livestock; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 189

At the request of Mr. THUNE, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 189, a bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

S. 247

At the request of Mr. LEE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 247, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 601

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 601, a bill to amend section 3661 of title 18, United States Code, to prohibit the consideration of acquitted conduct at sentencing.

S. 792

At the request of Mrs. FISCHER, the names of the Senator from Florida (Mr. SCOTT) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 792, a bill to amend the Motor Carrier Safety Improvement Act of 1999 to modify certain agricultural exemptions for hours of service requirements, and for other purposes.

S. 799

At the request of Mr. COONS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 799, a bill to require the Secretary of Energy to establish programs for carbon dioxide capture, transport, utilization, and storage, and for other purposes.

S. 821

At the request of Mr. BURR, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 821, a bill to amend the Higher Education Act of 1965 to establish a simplified income-driven repayment plan, and for other purposes.

S. 838

At the request of Mr. VAN HOLLEN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 838, a bill to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

S. 1014

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. BOOKER) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 1014, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 1057

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1057, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to establish a Civilian Climate Corps, and for other purposes.

S. 1251

At the request of Mr. BRAUN, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 1251, a bill to authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes.

S. 1288

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1288, a bill to amend the Higher Education Act of 1965 to ensure College for All.

S. 1315

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1315, a bill to amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program.

S. 1536

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1536, a bill to amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

S. 1695

At the request of Mrs. CAPITO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1695, a bill to amend the Public Works and Economic Development Act of 1965 to provide for a high-speed broadband deployment initiative.

S. 1720

At the request of Mr. PETERS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1720, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

S. 1737

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1737, a bill to establish a global zoonotic disease task force, and for other purposes.

S. 1853

At the request of Mr. PETERS, the names of the Senator from Maine (Mr. KING) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of S. 1853, a bill to amend title 49, United States Code, to establish a Motorcyclist Advisory Council.

S. 1857

At the request of Mr. KING, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1857, a bill to provide appropriations for the Internal Revenue Service to overhaul technology and strengthen enforcement, and for other purposes.

S. 1964

At the request of Mr. BENNET, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1964, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

S. 2014

At the request of Ms. WARREN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2014, a bill to permit legally married same-sex couples to amend their filing status for tax returns outside the statute of limitations.

S. 2029

At the request of Mr. MURPHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2029, a bill to prohibit the use of corporal punishment in schools, and for other purposes.

S. 2030

At the request of Mr. JOHNSON, the names of the Senator from Iowa (Ms. ERNST), the Senator from South Carolina (Mr. SCOTT), the Senator from Montana (Mr. DAINES) and the Senator from Tennessee (Mr. HAGERTY) were added as cosponsors of S. 2030, a bill to declare that any agreement reached by the President relating to the nuclear program of Iran is deemed a treaty that is subject to the advice and consent of the Senate, and for other purposes.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. Res. 241, a resolution widening threats to freedom of the press and free expression around the world, and reaffirming the vital role that a free and independent press plays in informing local and international audiences about public health crises, countering misinformation and disinformation, and furthering discourse and debate to advance healthy democracies in commemoration of World Press Freedom Day on May 3, 2021.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEE (for himself and Mr. GRASSLEY):

S. 2039. A bill to improve the antitrust laws, and for other purposes; to the Committee on the Judiciary.

Mr. LEE. Mr. President, I rise today to introduce a piece of legislation called the Tougher Enforcement Against Monopolists Act, or the TEAM Act. I am grateful that my good friend and ranking member of the Judiciary Committee, the senior Senator from Iowa, CHUCK GRASSLEY, has joined me as a cosponsor of the bill.

Now, I am aware that our House colleagues just recently introduced several bills intended to fight anti-competitive conduct by Big Tech. Those bills, in my view, don't go far enough. America is facing a panoply of competition concerns not just in Big Tech but across the entire economy. We need a holistic approach that benefits all consumers, in every industry. We need to deal with all the monopolists hurting competition.

Even worse, the House bills not only have too small of a target, but they use too big of a sledgehammer to hit it. They create a truly massive expansion of Federal regulatory power and are the first steps toward a command-and-control economy.

Responding to Big Tech with Big Government is adding insult to injury, not to mention something I doubt any conservative will be able to support. We don't need a bigger government. We need to make the one we have work better.

The TEAM Act avoids each of these mistakes. Instead of a narrow focus and Big Government approach, this bill will improve Federal antitrust enforcement for the entire economy without making government bigger.

The TEAM Act improves antitrust law in two ways. The first is putting all of our antitrust enforcers on one team. The TEAM Act unites our two Federal antitrust enforcement Agencies into one. For over a century, American antitrust enforcement has been something of a two-headed creature sometimes at odds with itself. The results have been delays to enforcement and consumer redress, uncertainty for businesses, and even conflicting antitrust enforcement policy.

Just recently, the two Agencies actually argued against each other on opposite sides of an appeal before the U.S. Court of Appeals for the Ninth Circuit. This arrangement isn't working for anyone—anyone, that is, perhaps, except corporations looking for an opportunity to game the system.

I hope that the bill can also put our two parties on the same team when it comes to antitrust reform. Our present reform movement is filled with bipartisan fervor to improve the lives of our constituents by improving competition in the markets that serve them and protecting them from the monopolists that exercise so much unearned power over huge swaths of our economy. Now, we don't agree on everything, but we do agree on this. It is my sincere belief that this bill represents the best and, hopefully, most bipartisan path forward.

That brings me to the second focus of the bill: preventing antitrust harm by monopolists. I use the term ''antitrust harm'' here very deliberately. In certain corners of the antitrust policy world, it has become fashionable to talk of being pro-monopoly or anti-monopoly, which is often tied to being pro- or anti-democracy. That is also deliberate terminology, and I think it is dangerous. It is a sleight of hand meant to move the conversation away from specific conduct and whether that conduct harms competition, to do so regardless and to instead imply that all that matters in this context, in this inquiry, is size and whether you support or defend a business based on its size. That position is both unserious and economically indefensible. Even the briefest, most passing moment of reflection on this will demonstrate its absurdity.

If you are anti-monopoly, are you also anti-patent? Patents are, after all, government-granted monopolies. The entire purpose of the patent is to allow

its holder to exclude competition for a limited period of time and charge the highest price that the market will bear. But we allow this because the prospect of collecting monopoly profits acts as an incentive to innovate and invest in new ideas.

The same principle is at work in market monopolies. The prospect of obtaining a monopoly through competition on the merits incentivizes competitors to offer consumers better products and services at lower prices. This free market system built on competition and innovation is responsible for many of the great achievements of mankind and the economic flourishing of the greatest civilization the world has ever known.

But even more important is the foundational principle of our Republic that the law deals with conduct, not status. We punish people for what they do, not who they are. ''Big is bad'' abandons that fundamental American principle of law. Instead, the facile insistence on being simply ''anti-monopoly'' belies the proponents' true priorities. It means being anti-business even when it hurts consumers. It is the economic version of cutting off your nose to spite your face.

The ''big is bad'' philosophy is also part of a broader effort to overturn the consumer welfare standard. This critical component of U.S. antitrust law has been widely misunderstood, often as a result of willful misrepresentation. The consumer welfare standard does not protect monopolists. It does not mean the government loses, and it is decidedly not limited to a narrow focus on prices.

Rather, the consumer welfare standard is a statement about the overarching goals of antitrust law; namely, that the purpose of antitrust is to advance the economic welfare of consumers as opposed to protecting the competitors themselves or advancing unrelated social policies.

As I note in my introduction to the new edition of ''The Antitrust Paradox,'' Judge Robert Bork himself explicitly described the consumer welfare standard as being broader than an inquiry into price, and it is one that certainly includes an inquiry into quality, innovation, and consumer choice. In other words, whatever consumers value, that is what is captured by ''consumer welfare.''

But it is much easier to argue against the consumer welfare standard by pretending that it only cares about lower prices and, therefore, is incapable of addressing consumer harm in markets with free products, such as many online services. This misrepresentation says a lot about the true goals of the so-called anti-monopoly crowd. If they really cared about the nonprice facets of competition, they wouldn't need to abandon the consumer welfare standard to promote it. But that isn't their true goal.

The real problem they have with the consumer welfare standard is the way that it constrains judges from advancing unrelated policy goals. It turns out the push to abandon the consumer welfare standard is not about stopping monopolies or helping consumers. It is simply a Trojan horse for woke social policy.

Now, a proper application of the antitrust laws does have political benefits—what Utah's State constitution refers to as ''the dispersion of economic and political power''—but those are secondary benefits. Antitrust is not primarily a political tool.

If a company acquires market power as a result of competing on the merits, then any influence that flows from that will, at least, be a result of consumer choices. Just as citizens vote at the ballot box, consumers vote at the checkout aisle. But if that market power is obtained or grown through nefarious or anti-competitive means, the resulting market power is illegitimate and a threat to the Republic, which leads to the point that, of course, many monopolies are bad. They are genuinely bad.

These are those monopolies obtained or prolonged not through competition on the merits but through anti-competitive and exclusionary conduct. This conduct obstructs rather than facilitates the natural operation of the free market, using raw market power to prevent consumers from making optimal choices and then starving them of lower prices, higher quality, and new offerings.

Competitive conduct benefits both businesses and consumers. Anti-competitive conduct only helps the monopolist.

Unfortunately, there have been attempts to defend some anti-competitive conduct. This is most often done through the use of speculative and convoluted economic models that claim to predict the future, almost always predicting that a merger or specific conduct won't actually harm competition.

We have, sadly, seen an overcorrection from the days lamented by Judge Bork when courts and enforcers ignored basic economic analysis. Now ''the age of sophists, economists, and calculators has succeeded,'' and our antitrust enforcement efforts are frequently hampered by what Judge Bork called an ''economic extravaganza.'' The result has been that some conduct and mergers that should have been condemned have instead escaped much needed scrutiny.

All of this is why the TEAM Act categorically rejects the Manichean belief that big is always bad, while still acknowledging that concentrated economic power can be just as dangerous as concentrated political power, and, in fact, one often leads to the other. In this way, it embraces antitrust laws as sort of federalism for the economy, and it does so by focusing not on mere size but on antitrust harm; that is, whether something actually harms consumers by harming competition.

The bill strengthens our ability to prevent and correct antitrust harm in three ways.

The TEAM Act strengthens the antitrust laws. It includes a market share-based merger presumption, improves the HSR Act, codifies the consumer welfare standard, and makes it harder for monopolists to justify or excuse anti-competitive comment.

The TEAM Act strengthens antitrust enforcers. In addition to consolidating Federal antitrust enforcement at the Department of Justice, the bill also includes a version of the Merger Filing Fee Modernization Act, introduced by Senators KLOBUCHAR and GRASSLEY. Most significantly, the bill roughly doubles the amount of money appropriated to Federal antitrust enforcement, ensuring that our antitrust enforcers have all the resources they need to protect American consumers.

The TEAM Act strengthens antitrust remedies. The bill repeals Illinois Brick and Hanover Shoe to ensure that consumers are able to recover damages from anticompetitive conduct. Even more significantly, the bill allows the Justice Department to recover trebled damages on behalf of consumers and imposes civil fines for knowingly violating the antitrust laws.

Now, I believe these reforms reflect the best way to strike the balance of protecting competition and consumer welfare, while limiting government intervention in the free market. In an era in which would-be monopolists want to move fast and break things, it is essential that our antitrust enforcers are empowered to move fast and break them up.

This is the prudent and the conservative approach. Better antitrust enforcement means less regulation and thus smaller government.

This is also a wiser approach than attempting to statutorily prohibit certain categories of conduct. That approach abandons one of the greatest strengths of American antitrust law: the fact-specific nature of every inquiry. Case-by-case adjudication is what allows us to maximize enforcement while minimizing false positives. The TEAM Act avoids the black-and-white pronouncements of other legislative proposals and instead updates the mechanics of how the antitrust laws are applied to address the enforcement gaps of recent decades.

As I have said before, we find ourselves at a critical moment. The threat to competition and free markets is real. Doing nothing is not an option. At the same time, we simply cannot allow the need to ''do something'' to push us into embracing bad policy that will have unintended consequences and push America closer to a government-regulated economy.

I look forward to working closely with my colleagues and with friends on both sides of the aisle and at both ends of the Capitol in order to advance the TEAM Act and help protect American consumers.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. CARPER, Mr. BROWN, Ms. HIRONO, Mr. WYDEN, Mrs. MURRAY, Mr. BOOKER, Mr. REED, Mr. BLUMENTHAL, and Mr. KAINE):

S. 2043. A bill to amend title 38, United States Code, to prohibit smoking on the premises of any facility of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

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

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

S. 2043

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

SECTION 1. PROHIBITION ON SMOKING IN FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) PROHIBITION.—

(1) IN GENERAL.—Section 1715 of title 38, United States Code, is amended to read as follows:

"§ 1715. Prohibition on smoking in facilities of the Veterans Health Administration

''(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

''(b) DEFINITIONS.—In this section:

''(1) The term 'facility of the Veterans Health Administration' means any land or building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

''(A) under the jurisdiction of the Department of Veterans Affairs;

''(B) under the control of the Veterans Health Administration; and

''(C) not under the control of the General Services Administration.

''(2) The term 'smoke' includes—

''(A) the use of cigarettes, cigars, pipes, and any other combustion or heating of tobacco; and

''(B) the use of any electronic nicotine delivery system, including electronic or e-cigarettes, vape pens, and e-cigars.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

''1715. Prohibition on smoking in facilities of the Veterans Health Administration.''.

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is repealed.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mr. BROWN, and Mr. REED):

S. 2044. A bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 2044

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''Children Don't Belong on Tobacco Farms Act''.

SEC. 2. TOBACCO-RELATED AGRICULTURE EMPLOYMENT OF CHILDREN.

Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended—

(1) in the first sentence—

(A) by striking ''in any occupation, or (2)'' and inserting ''in any occupation, (2)''; and

(B) by inserting before the semicolon the following: '', or (3) any employee under the age of eighteen years has direct contact with tobacco plants or dried tobacco leaves''; and

(2) in the second sentence, by striking ''other than manufacturing and mining'' and inserting '', other than manufacturing, mining, and tobacco-related agriculture as described in paragraph (3) of the first sentence of this subsection,''.

By Ms. COLLINS (for herself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Ms. HASSAN, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. KING):

S. 2047. A bill to ban the use of intentionally added perfluoroalkyl or polyfluoroalkyl substances in cosmetics; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No PFAS in Cosmetics Act. I am pleased to be partnering with Senator BLUMENTHAL on this important legislation. Our bipartisan bill seeks to ban the inclusion of Per- and polyfluoroalkyl substances (PFAS) in cosmetics products, such as make-up, moisturizer, and perfume.

PFAS are a class of man-made chemicals, which includes PFOA, PFOS, and GenX. These chemicals can bioaccumulate in our bodies over time and have been linked to cancer, thyroid disease, liver damage, decreased fertility, and hormone disruption. First developed in the 1940s, PFAS are traditionally found in food packaging, nonstick pans, clothing, furniture, and firefighting foam.

Unfortunately, Maine has experienced considerable PFAS contamination, which has not only threatened our water supply, but adversely affected the livelihoods of farmers. Several dairy farms in Maine recently discovered serious levels of PFAS in their operations, with milk containing as high as 1,420 parts per trillion. This is more than twenty times EPA's established health advisory level for drinking water.

In addition to these agricultural and water supply contaminations, we now also know that PFAS appear in products across the spectrum—including cosmetics. A new peer-reviewed study led by the University of Notre Dame published in Environmental Science and Technology Letters found high fluorine levels—indicating the probable presence of PFAS—in just over half of 231 makeup products tested, including waterproof mascara, liquid lipsticks, and foundations.

A subset of 29 samples was studied further to identify specific PFAS chemicals. Between four and 13 specific PFAS were identified in each of the 29 samples, some at high concentrations. Remarkably, only one of these 29 products listed any fluorochemical ingredients on the product's label. While some of these PFAS may be present in trace quantities as impurities in the manufacturing process, those found at high concentrations are likely being used intentionally to impart performance characteristics to the product. Since fluorinated chemicals are not disclosed on the labels, this study suggests that consumers unknowingly are being exposed to PFAS in their cosmetics.

The findings of this study are particularly alarming, as many of these products are subject to direct human exposure. For example, lipstick is often inadvertently ingested, and mascara is sometimes absorbed through tear ducts. In addition, during the cosmetic product manufacturing process, workers are exposed to the chemicals that are used, and discarded products with PFAS can cause the potential for additional human exposure if drinking water sources are contaminated.

PFAS pose an unnecessary and avoidable risk to human health and do not belong in our cosmetic products. The Federal Food, Drug, and Cosmetic Act defines cosmetics as ''articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body . . . for cleansing, beautifying, promoting attractiveness, or altering the appearance.'' This definition includes skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations, cleansing shampoos, permanent waves, hair colors, and deodorant, as well as other similar products. Our legislation would direct the FDA to issue a proposed rule banning the intentional addition of PFAS in cosmetics, as defined by the FDA, within 270 days of enactment, and require a final rule to be issued 90 days thereafter.

The FDA should act now to ban the addition of PFAS to cosmetics products to help protect people from further contamination. I urge all of my colleagues to join me in supporting the No PFAS in Cosmetics Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—EXPRESSING SUPPORT FOR THE DESIGNATION OF JUNE 2021 AS ''NATIONAL DAIRY MONTH'' TO RECOGNIZE THE IMPORTANT ROLE DAIRY PLAYS IN A HEALTHY DIET AND THE EXCEPTIONAL WORK OF DAIRY PRODUCERS IN BEING STEWARDS OF THE LAND AND LIVESTOCK

Mr. MARSHALL (for himself, Mrs. GILLIBRAND, Mr. CORNYN, Ms. HASSAN,

Mr. CRAPO, Mrs. SHAHEEN, Mr. SCOTT of South Carolina, Ms. BALDWIN, Mr. RISCH, Mr. KING, Mr. GRASSLEY, Ms. SMITH, Mr. BRAUN, Mr. LUJÁN, Ms. COLLINS, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 268

Whereas the United States dairy industry serves as a key driver in the national food system and supports the people of the United States both nutritionally and economically;

Whereas the 2020–2025 United States Dietary Guidelines for Americans finds that healthy dietary patterns feature dairy products, as such products provide essential nutrients which keep the people of the United States healthy and serve as a leading source of—

(1) calcium, which helps maintain strong bones and aids in heart function; and

(2) vitamin D, which aids in calcium absorption;

Whereas the 2020–2025 United States Dietary Guidelines for Americans finds that some products sold as ''milks'' made from plants may be consumed as a source of calcium, but most plant products are not nutritionally similar to milk from dairy cows;

Whereas the 2020–2025 United States Dietary Guidelines for Americans provides daily recommendations for key age groups, including—

(1) 3 cup-equivalents of dairy products for pre-teens, teenagers, and adults;

(2) 2½ cups for children 4 to 8 years of age; and

(3) 2 cups for children 2 to 4 years of age;

Whereas studies have shown that following these daily recommendations leads to improved bone health and reduced risk of—

(1) osteoporosis, which is a condition where bones become more fragile over time and more prone to fractures; and

(2) cardiovascular diseases, which are a group of disorders of the heart and blood vessels that lead to heart attacks and strokes and are among the leading causes of death in the United States;

Whereas individuals who are lactose intolerant can choose low-lactose and lactose-free dairy products;

Whereas 42 percent of individuals in the United States are below their estimated average requirement for calcium intake, and 94 percent are below such requirement for vitamin D intake;

Whereas a global study of more than 136,000 adults from 21 countries found that consuming at least 2 servings of dairy products per day is associated with lower risk for heart disease, stroke, and death;

Whereas the annual all-inclusive expense of providing care for osteoporotic fractures among Medicare beneficiaries was an estimated $57,000,000,000 in 2018, and is expected to increase to over $95,000,000,000 by 2040;

Whereas, when broken down by individual, in the year following a fracture, all-cause health care costs exceeded $30,000, of which an average of $3,000 was paid by the patient;

Whereas Congress authorized dairy products as eligible foods under the special supplemental nutrition program for women, infants, and children program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), which safeguards the health of low-income women, infants, and children up to age 5 who are at nutrition risk by providing nutritious foods to supplement diets;

Whereas Congress authorized the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), which helps low-income working families, low-income seniors, and people with disabilities access nutritious foods, including dairy products;

Whereas the United States–Mexico–Canada Agreement provided new opportunities and continued supporting the access of high-quality United States products to 2 valuable export markets;

Whereas dairy production efficiently and affordably provides essential nutrients, while only contributing to 1.3 percent of the greenhouse gas emissions of the United States;

Whereas, between 1944 and 2007, the United States dairy industry produced 59 percent more milk and reduced its carbon footprint by 63 percent with 79 percent fewer cows;

Whereas, in 2020, the average dairy cow in the United States produced 23,777 pounds (or 44,463 cups) of milk per year, an increase of 11.5 percent from 2011;

Whereas milk is produced in all 50 States on 31,657 licensed dairy farms, with California, Wisconsin, Idaho, New York, and Texas serving as the top 5 producers, producing 53 percent of the United States' dairy; and

Whereas the United States dairy industry directly and indirectly provides $753,000,000,000 in total economic impact to the United States and supports 3,300,000 jobs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of June 2021 as ''National Dairy Month'' to recognize—

(A) the important role dairy plays in a healthy diet;

(B) the exceptional work of dairy producers in being stewards of the land and livestock; and

(C) the economic impact of the United States dairy industry; and

(2) encourages the people of the United States to visit with dairy producers to learn more about agriculture and the vital role dairy producers play in our global food system.

PRIVILEGES OF THE FLOOR

Mr. LEE. Mr. President, I ask unanimous consent to allow Mark Meador, a member of my staff, floor privileges for the duration of this Congress.

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

ORDERS FOR TUESDAY, JUNE 15, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that upon conclusion of morning business, the Senate proceed to executive session to resume consideration of the Khan nomination; that all postcloture time expire at 11:30 a.m.; and further, that the Senate recess following the cloture vote on the Ahuja nomination until 2:15 p.m. to allow for the weekly caucus meetings; that if cloture is invoked on the Ahuja nomination, that all postcloture time expire at 2:30 p.m.; finally, that if any of the nominations are confirmed, that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:28 p.m., adjourned until Tuesday, June 15, 2021, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 14, 2021:

THE JUDICIARY

KETANJI BROWN JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

ENVIRONMENTAL PROTECTION AGENCY

MICHAL ILANA FREEDHOFF, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.