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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ELIZABETH WARREN, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, who rules over the waters, hear our cry for help. Lord, protect and defend this land we love. Guide our Nation through the night with Your light from above, using our lawmakers to do Your work on Earth. Lord, stand close to our Senators. Be their shepherd in these challenging times. Give them strength for life's marathon, as You bless them with Your peace.

Mighty God, we will not be defeated, because we place our hope in You.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH WARREN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

EXTENDING GOVERNMENT FUNDING AND EXTENDING EMERGENCY ASSISTANCE ACT

Mr. SCHUMER. Madam President, on the CR, the Senate could take action as early as today to address a concern that demands the immediate attention of this Chamber: funding the Federal Government beyond September 30.

To prevent a government shutdown, Senate Democrats will be introducing a continuing resolution that keeps the government open until early December, while also providing long-sought emergency funding to help Americans still reeling from natural disasters from this summer, as well as funding to help resettle Afghan refugees. We can approve this measure quickly and send it to the House so it can reach the President's desk before funding expires midnight tomorrow. With so many critical issues to address, the last thing the American people need right now is a government shutdown. This proposal will prevent one from happening.

I want to thank my colleagues who are working quickly to prepare this legislation.

DEBT LIMIT

Mr. SCHUMER. Madam President, now on debt limit, of course, once we

fund the government, we still need to address the urgent matter of extending the debt ceiling and preserving the full faith and credit of the United States.

To paraphrase the economist Austan Goolsbee, who just met with our caucus this morning, throughout history, there have certainly been governments that have defaulted on their debt, but never has there been a default caused by pure stupidity—in this case, Republican stupidity.

Well, Democrats are working to prevent such an outcome from happening now. Over the past week, our caucus has tried to find a workable solution to avoid default on our sovereign debt, but the Republicans have stymied us at every opportunity.

On Monday, we considered a continuing resolution which, among other things, would have extended the debt ceiling until the end of 2022, allowing us to pay for the debt incurred by the previous administration. Republicans unanimously voted in favor of default.

So, on Tuesday, we gave Republicans another chance. We offered to solve the debt ceiling impasse by doing exactly what Republicans claimed they wanted all along: Raise it with only Democratic votes. We gave them a chance to oppose it, like they said they would, and allow Democrats to solve this problem ourselves. Again, it was precisely what they asked for. And Leader MCCONNELL cited this precedent several times in the last few days as to how to get out of the debt crisis. But once again, Republicans blocked that proposal in favor of default, and, quite frankly, no Republican provided a good answer as to why. When Leader MCCONNELL came out to rebut, he didn't discuss the merits of our proposal. He said: We don't want Democrats going forward and doing other things.

Well, this is about debt that we have already incurred, debts from the past, spending from the past. It is not about the future.

If we never did debt ceiling—if we always let the debt ceiling lapse because

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



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one party or the other didn't like some future action that the other party would take, we would never do it. It is an absurd argument—an absurd argument—because they have no real arguments because we were doing exactly—exactly—what Republicans have asked for: Pass it with your own votes.

So Democrats have offered Republicans multiple, entirely reasonable ways to get out of the mess they created, but instead of stepping aside and letting the responsible party address the debt limit, Republicans have chosen to actively obstruct. Again, we are not asking for Republicans to support raising the debt ceiling. If they want to stop payments from going to veterans and Social Security recipients, be our guest. We are just asking for Republicans to get out of the way. Get out of the way, and let us do what they say they wanted us to do: Raise the debt ceiling without their votes.

Time is short. The danger is real. Yesterday, the Treasury Secretary wrote that if the debt ceiling is not addressed by October 18, the government could enter a catastrophic default—catastrophic—for the first time in history.

Secretary Yellen's warning was unmistakable. A default would be "disastrous for the American economy, global financial market and millions of families and workers whose financial security would be jeopardized by a delay in payments." Yet, every day, the outcome grows more and more likely because of Republican intransigence, because Republicans are deliberately preventing the government from being able to pay its bills.

Now, in solving this crisis, this body cannot and will not go through a drawn-out, unpredictable process sought by the minority leader. It risks the full faith and credit of the United States. To do this through reconciliation requires ping-ponging separate bills back from the Senate and the House. It is uncharted waters. Individual Senators could move to delay and delay and delay. It is very risky and could well lead us to default, even if only one Senator wanted that to happen. That is very possible. So you can't do it this route. Everyone who has studied it knows it is risky, and it is simply a political gambit by Leader McConnell, who has changed his tune several different times. He said over and over again: Just you Democrats vote for it. We give them that chance. Now, he has backed off that and moved into this untenable excuse. It is not a real answer.

If the Republicans really want to prevent a default like they claim they do, they should step aside and let Democrats do the responsible thing. As default gets closer and closer to becoming a reality, our Republican colleagues will be forced to ask themselves how long they are going to keep playing political games while the economic stability of our country is at risk. At stake is the well-being of mil-

lions of Americans who did not ask for any of this and would suffer immensely because of Republican obstruction. If Republicans choose to keep making this harder, if Republicans choose to drag out this process, they will own the consequences of their default.

MEASURES PLACED ON THE CALENDAR EN BLOC—S. 2868, H.R. 3755 AND H.R. 5323

Mr. SCHUMER. Mr. President, I understand there are three bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER (Mr. Lujan). The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2868) to temporarily extend the public debt limit until December 16, 2022.

A bill (H.R. 3755) to protect a person's ability to determine whether to continue or end a pregnancy, and to protect a healthcare provider's ability to provide abortion services.

A bill (H.R. 5323) making supplemental appropriations for the fiscal year ending September 30, 2022, and for other purposes.

Mr. SCHUMER. In order to place the bills on the calendar under the provisions of rule XIV, I will object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Mr. President, the American people continue to hear about a steady stream of really bad ideas that Washington Democrats are packing into their next reckless taxing-and-spending spree.

There is one clear thread that sort of ties it all together—pain for American families and profit for our adversaries, hurting families and helping China. It is a perfect policy storm that would stick working Americans with higher prices, higher taxes, fewer jobs, and less freedom, while also putting America at a global disadvantage.

That is true about the radical environmental policies, as I explained yesterday. It is true about the Big Government healthcare provisions that would leave us with fewer new drugs and fewer cures. It was true about the Democrats' efforts to stuff a big amnesty for illegal immigrants into the

bill. And it is especially true about the tidal wave of huge tax hikes and IRS snooping that Democrats are putting together behind closed doors: taxes on small businesses, taxes on family farms, double taxes on the ones who pass the reins to the next generation, new taxes that would make America one of the least hospitable places in the world to invest, grow a business, or create jobs.

Nonpartisan analysis has confirmed there would be new taxes for big chunks—big chunks—of the 98 percent of Americans who make less than \$400,000 a year, shattering President Biden's pledge to leave their wallets alone.

And then there is the bizarre, unpopular new plan to give the IRS big new power to snoop into all of America's personal financial transactions in excess of a few hundred dollars.

Currently, the government has special authorities to demand information on citizens' transactions in excess of \$10,000. In theory, this is a targeted tool for sniffing out things like money laundering, terrorism, or massive tax fraud.

Now, the Democrats want to create a new reporting requirement, not for \$10,000 transactions but for anything over a few hundred bucks. If American families are sending or receiving \$600 from their checking accounts, Democrats want the IRS to snoop through it—a massive new dragnet that would sweep up all kinds of ordinary transactions that normal, law-abiding Americans make all the time. In effect, Democrats want to let the IRS systematically snoop through normal families' checking accounts as though they were all potential financial criminals until proven otherwise.

And then there was the latest fascinating statement from the authors of this awful plan. President Biden recently tried to suggest that, because they want to pair their reckless spending with their biggest tax hike in half a century, that somehow makes the entire package free. The President says it is free? Democrats want to jack up Americans' tax rates, drain money from people's pockets, spend it on socialism, and then say the whole thing nets out to zero dollars?

This might be the best encapsulation of Washington-Democrat thinking I have ever heard. They want to print and borrow trillions of dollars and then set it on fire. But as long as they send your taxes skyrocketing at the same time, it is all a wash. Heads, they win. Tails, you lose. Heads, Democrats waste your money. Tails, they hike your taxes.

This silly magical thinking rightly earned our President multiple—multiple—Pinocchios from fact-checkers. And Democrats' reckless taxing-and-spending spree will earn it zero votes from Senate Republicans.

AFGHANISTAN

Mr. MCCONNELL. Mr. President, now on a completely different matter, yesterday, under oath, General McKenzie and General Milley both confirmed they also agreed with the commander on the ground. They agreed we should keep 2,500 troops in Afghanistan. These top generals gave President Biden exactly the advice the President told the American people he had not received.

To be very clear, the Commander in Chief gets to make the final decision, no matter what the advisers suggest. But he needs to own his decision.

The President publicly misstating what advice he got from his top generals is corrosive to the civil-military dynamic that keeps America safe.

The military did their job. They gave their best military advice. It was rejected. So they saluted and executed the order of the Commander in Chief. That is the way it is supposed to work. But having rejected their advice, the President doesn't get to claim he never received it, nor does he get to claim, as he has since tried to pretend, that the only alternative to his botched retreat was sending 10,000 soldiers back to Afghanistan.

That is a false choice. We have heard directly from the two senior military officers in the chain of command, as well as the President's principal military adviser, the Chairman of the Joint Chiefs.

Everyone with an ounce of common sense knows President Biden's botched retreat was not the extraordinary success the President claimed. As General Milley acknowledged, it is more accurate to describe the withdrawal as a strategic failure.

We have now heard confirmation from our top military officers that the terrorist threat in Afghanistan is already growing. And relying on over-the-horizon counterterrorism leaves us with much less ability to do anything at all about it.

What a debacle. We face a greater terrorist threat from Afghanistan than we did before we withdrew, we have less intelligence about that growing threat, and we have fewer tools with which to combat it. This administration gave our enemies in Afghanistan everything they wanted and got less than nothing in return.

So, Mr. President, I know some of my colleagues want to unilaterally declare an end to the War on Terrorism. Ah, if only it were that easy. But the terrorists aren't through with us.

I hope my Democratic colleagues will think twice before they compound the failures in Afghanistan by trying to narrow or repeal the 2001 authorization for the use of military force. I, for one, will strenuously oppose any further efforts by the Democratic administration or this Democratic Congress to take away any more tools or authorities that our military servicemembers and intelligence professionals need to keep our country safe from our enemies.

At some point we will have a different administration that will better

understand how to protect America for the long term. At this rate, they will need all the tools they can possibly get.

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 and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jessica Lewis, of Ohio, to be an Assistant Secretary of State (Political-Military Affairs).

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

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

VOTE ON LEWIS NOMINATION

Under the previous order, the question is, Will the Senate advise and consent to the Lewis nomination?

Mr. SASSE. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 390 Ex.]

YEAS—70

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

Warnock	Whitehouse	Wyden
Warren	Wicker	Young

NAYS—27

Barraso	Grassley	Paul
Blackburn	Hawley	Sasse
Boozman	Hoeven	Scott (FL)
Braun	Hyde-Smith	Scott (SC)
Cassidy	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lummis	Toomey
Ernst	Marshall	Tuberville

NOT VOTING—3

Blunt	Crapo	Moran
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The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Robert T. Anderson, of Washington, to be Solicitor of the Department of the Interior.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. CARDIN. Mr. President, in a few moments, I am going to make a unanimous consent request in regard to Dilawar Syed to be the Deputy Administrator of the Small Business Administration.

Let me give you a little bit of background on Mr. Syed's nomination and why I am using this unusual process to advance the nomination to the floor for floor consideration.

We all know the tremendous need at the Small Business Administration as a result of COVID-19. We worked together, Democrats and Republicans, and created many new programs to help small businesses. We created the Paycheck Protection Program, both the first—and we modified it—and then a second round. We created the Economic Injury Disaster Loan and Loan Advance Program and the Targeted Grant Program.

We provided for the Shuttered Venue Operators Grant Program, we established the Restaurant Revitalization Fund, and the list goes on and on and on. All this created new programs and responsibilities for the Small Business Administration. And we did this together, Democrats and Republicans, in order to advance the needs for small businesses during COVID-19.

Over \$1 trillion of funds were administered by the Small Business Administration as a result of our initiatives. And our constituents had tremendous needs. Tens of millions of small businesses have benefited from what we did to help them through COVID-19.

I know that every one of our offices has gotten numerous inquiries from small businesses as to how these programs were stood up, whether they could qualify, concerns about their applications being filed promptly, the

lack of funds, the need to replenish funds—the list goes on and on and on. That put tremendous demand on the Small Business Administration, and we were pretty tough on the Small Business Administration to get these programs up and running because we knew how desperate it was for our small business community.

Now, the Deputy Administrator's job is to oversee the day-to-day operations of the Agency. That is the position we are talking about for Mr. Syed—the Deputy Administrator of the Small Business Administration.

Over 5 months ago, the Small Business Committee, under my leadership as chair, had a hearing on Mr. Syed's appointment, and we discovered during that nomination process that he is extremely well qualified to assume these responsibilities. He has spent decades building and developing and scaling successful small businesses, as well as his advocacy for underserved small businesses.

The hearing, I thought, went extremely well and that we would have no difficulty advancing his nomination to the floor of the U.S. Senate. But after his hearing, my Republican colleagues requested information from the Small Business Administration about his loans that he took out as a small business owner. It was a reasonable request. On June 8, I helped arrange to supply that information to the members of the committee, and they reviewed his small business loan applications. Mr. Syed's small business applications.

There was one thing that was pretty unusual about that in that even though he was qualified to receive forgivable 7(a) loans under the Paycheck Protection Program, he decided to repay the loans because he said he didn't need the government to pay on a forgivable loan. He took exemplary action, and after the review, I believe all my colleagues were satisfied that his arrangements with the SBA were exemplary.

Next, the Republicans decided to move to a different target. They accused Mr. Syed of being anti-Israel biased, which was completely, completely unfounded.

The American Jewish Committee wrote our committee to say:

The unsupported accusations that somehow Jewish businesses or those with ties to Israel may not fare as well under Syed's leadership in the Small Business Administration has no factual grounding. Indeed, he has specifically disavowed support for the boycott, divestment, and sanctions movement, which seeks the dissolution of Israel. . . . AJC rejects the charge.

They go on to say it is un-American, the charges that have been made, and I agree.

My colleagues had the right to ask questions for the record, and they did. Mr. Syed responded to those questions for the record, again repeating the fact that he has been against the Boycott, Divestment, and Sanctions movement and that he has worked with companies in Israel and, in fact, visited Israel in order to promote the relationships.

Again, we thought, now, at last, we will be able to move Mr. Syed's nomination. But now the Republicans found a new reason to block his nomination. Committee Republicans announced that they would withhold a quorum on the vote because Planned Parenthood affiliates received loans under the Paycheck Protection Program.

As one of the negotiators of the CARES Act—and this was Democrats and Republicans again working together; negotiated this with Senator RUBIO, Senator COLLINS, and Senator SHAHEEN. Let me explain to my colleagues how nonprofits are treated under the Paycheck Protection Program.

When the SBA considers whether or not a business qualifies as a small business, it considers affiliation. Generally, affiliations exist when one business controls or has the power to control another or when a third party controls or has the power to control both businesses. Control may arise with ownership, management, or other relationships or interactions between the parties.

The CARES Act requires that nonprofits eligible for PPP loans abide by the same affiliation rules that are applicable to small businesses.

The fact is that the Planned Parenthood Federation of America does not exercise control over its member organizations because it does not have common management. Each member organization is its own independent, not-for-profit, tax-exempt organization with its own independent board of directors that is solely responsible for the hiring and retention of its CEO. Planned Parenthood Federation does not have the power to remove CEOs or directors of its individual member organizations.

This type of federated structure is common in the nonprofit world and is the reason why nonprofits such as the YMCA and Boys and Girls Clubs also qualify for PPP loans.

The SBA must apply its affiliation rules in a uniform way, and it is wrong to ask the SBA to do otherwise for political or ideological reasons. There is no reason why Planned Parenthood should be singled out for receiving PPP loans, which I must remind my colleagues were created to help keep Americans in their jobs during the pandemic. That is the reason for it. That is why we included nonprofits.

The partisan, unnecessary, and unconscionable inaction of our Republican colleagues shows no concern for the millions of small businesses still relying on SBA support to survive COVID-19 and rebuild their future and that would benefit greatly by having a confirmed Deputy Administrator to work on the day-to-day operations at the SBA.

One last point, if I might. The Small Business Committee reported out Mr. Syed's nomination by a bipartisan vote, but due to a technicality, another vote was required, and the Republican

members at this time decided to block the quorum.

As a matter of fairness, as a matter of the needs of the small business community in our States, as a matter of the integrity of this body to have a process that has some degree of respect for the nominees who go through the nomination process, I am going to make a UC request that the nomination be put on our calendar, like any other reported nominee, subject to the action of this body.

Before I make that unanimous consent request, with Senator PAUL's indulgence, I know that Senator PADILLA would like to make a comment. If he would be willing to allow Senator PADILLA to speak next, and then I will make my unanimous consent request.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. PADILLA. Mr. President, I want to join Chairman CARDIN in calling attention to the unacceptable obstruction by our Republican colleagues who are doing nothing other than playing political games with the confirmation process.

Dilawar Syed is an outstanding and highly qualified nominee to serve as Deputy Administrator of the Small Business Administration. Mr. Syed brings decades of experience as a business leader and entrepreneur in a number of fields. He is a dedicated public servant who helped guide President Obama's support of Asian-American small business owners in the wake of the great recession, and he has served as the founding chair of the California Entrepreneurship Task Force.

He has earned support from business groups and on both sides of the aisle. Notably, the U.S. Chamber of Commerce enthusiastically announced their support for his nomination, citing his very impressive background.

In June of this year, two of our Republican colleagues joined the Democratic members of the Small Business Committee and voted to send Mr. Syed's nomination to the full Senate for confirmation. But, today, Republicans are refusing to allow the Senate to vote on his nomination. In so doing, they are also obstructing the work of the SBA itself—work that has never been more critical.

As the U.S. Chamber of Commerce wrote back in April, "It is essential for SBA's senior leadership team to be in place to deliver on the agency's COVID-19 small business emergency relief responsibilities." Again, critical.

Mr. Syed is ready to serve with dedication and skill as the SBA pursues its mission of supporting economic growth for entrepreneurs and working families. He is also ready to make history as the highest ranking Muslim official in any Presidential administration, and our Nation's hard-working small business owners urgently need his leadership.

My Republican colleagues who are playing these political games to obstruct this nomination are also blocking resources needed by their own constituents.

Let's end this, and I urge the Senate to swiftly confirm Mr. Syed.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent that the Committee on Small Business and Entrepreneurship be discharged from further consideration of PN231, the nomination of Dilawar Syed to be Deputy Administrator of the Small Business Administration; that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to its consideration; that there be 1 hour for debate on the nomination equally divided in the usual form; that upon the use or yielding back of time, the Senate vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, this motion is an attempt to get around the ruling that the SBA has that Planned Parenthood is, indeed, a small business. This would allow illegal funding of Planned Parenthood affiliates through the Paycheck Protection Program.

Let's be very clear. Planned Parenthood is not a small business; Planned Parenthood is a big business. This is not my allegation; this is a ruling from the Small Business Administration. The Small Business Administration ruled in May of 2020 that Planned Parenthood was a big business, not a small business, and ineligible for the PPP program. The program was intended for small businesses. The current ruling from the Small Business Administration is, they are ineligible because they are a big business.

This program was intended to support small businesses across the country that were forced to lock down during COVID-19. However, the Small Business Administration, despite having previously ruled that they were ineligible, that they were a big business, has now unlawfully approved nearly \$100 million in taxpayer funds to Planned Parenthood. On June 30 alone, the Small Business Administration approved four new loans to Planned Parenthood despite a clear determination by the Small Business Administration that these entities are ineligible. So we have a great contradiction here. They say they are ineligible. That is the existing rule from the Small Business Administration. Yet they are still giving them money.

This nomination is for the position of Deputy Administrator of the Small Business Administration, which is re-

sponsible for the Agency's day-to-day operations and involved in all policy decisions, including the PPP program.

The Biden administration has continued to obstruct congressional oversight of the illegal Planned Parenthood loans, and the nominee has refused to provide to the committee a commitment that he would take action to recover the funds that are being disbursed illegally.

The Republican members of the Small Business Committee have continued to make it clear that we will not allow a vote on this nominee to occur until the Small Business Administration takes action to recover the illegally disbursed funds to the big business known as Planned Parenthood.

I object.

The PRESIDING OFFICER (Mr. PADILLA).

Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, let me just repeat a comment. I know Senator HIRONO is on the floor, and I want to give her an opportunity to speak on this, but let me make this clear.

The affiliate rules that are used by the Small Business Administration are exactly the same for a for-profit or a nonprofit, and there are lots of small businesses that have a big name next to them that are eligible for the programs under the Small Business Administration before COVID-19 and after COVID-19. The affiliation rules have been in the SBA for a long time, and I read them into the RECORD earlier in my comments.

What they cannot do is pick and choose who they like and don't like. That is not how you administer a program.

So, in the nonprofit world, I gave the example of the YMCAs—a pretty big name but, the truth of the matter is, they are all independently operated, and the national YMCA cannot discharge the CEO of a local YMCA. So we judge the qualifications based upon the local activities. The same is true for a lot of affiliates on for-profit companies: big chains that are independently owned and not controlled. They can qualify for these funds.

I can tell you a lot of organizations that are related in the faith community to an umbrella, but they are not controlled, so, therefore, the affiliate rules allow them to apply independently for these funds as long as they can qualify.

We knew that developing this program. We didn't want to change the affiliate rules because that would have been wrong.

So what my colleague is requesting is just—would be illegal for the administration to say that we are not going to select a particular group because we don't particularly agree with what they are doing or how they operate. That is not how the rules work. That is not what you are allowed to do.

So I regret that my colleague has raised these objections. I think it di-

minishes our credibility to tell our administrators to administer these programs fairly for all constituencies. And to deny Small Businesses of America a confirmed Deputy Administrator during these extremely challenging times for small businesses does not hurt Mr. Syed; it hurts the small business community.

I thank Mr. Syed for his willingness to serve, and I hope we can find a path forward because this debate has nothing to do with his qualifications or why he should be confirmed.

With that, I will yield the floor.

Ms. HIRONO. Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today in strong support of Dilawar Syed's nomination to serve as Deputy Administrator of the Small Business Administration.

I have a letter of support from the Congressional Asian Pacific American Caucus that I would ask unanimous consent to have printed into the RECORD.

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

SEPTEMBER 14, 2021.

Hon. BEN CARDIN,

Hon. RAND PAUL,

U.S. Senate, Committee on Small Business & Entrepreneurship, Washington, DC.

DEAR CHAIR CARDIN AND RANKING MEMBER PAUL: As members of the Congressional Asian Pacific American Caucus (CAPAC), which is comprised of 76 members of Congress, we write to strongly endorse the swift confirmation of Dilawar Syed, who has been nominated to serve as Deputy Administrator of the U.S. Small Business Administration (SBA). He has decades of experience in business, entrepreneurship, and public service, making him extremely well-qualified for this position.

AAPI small businesses have been especially hard hit during the COVID-19 pandemic. In fact, according to a report by the New York Federal Reserve, the Asian American community not only experienced the largest drop in entrepreneurship during the pandemic, but while other communities of color saw a rebound in entrepreneurship as the pandemic continued, that rebound had yet to happen for AAPIs. Mr. Syed has a long history working with all communities, but has particularly strong ties to the AAPI community, having served as a Commissioner on the White House Commission on AAPIs. At this pivotal moment for AAPI small businesses, having Mr. Syed's background represented at SBA is critical.

Mr. Syed, an immigrant who has embodied the values of hard work and ingenuity, has built and scaled businesses with major impacts in technology, healthcare, and business services. He has shown incredible prowess as an entrepreneur in business growth and development. For example, as President of Freshworks, a customer service software company, Mr. Syed grew the company from a few dozen customers to thousands of small and medium businesses across the U.S. During his tenure as Commissioner on the White House Commission on AAPIs, Mr. Syed actively worked to connect entrepreneurs in underserved regions to the SBA and Department of Commerce. From serving as the founding chair of the California Entrepreneurship Task Force to spearheading rapid response engagement during the COVID-19

pandemic with the state's most vulnerable small businesses to increase awareness of critical programs like the SBA's Paycheck Protection Program, Mr. Syed has consistently helped empower and uplift our nation's small businesses.

Mr. Syed's nomination has the support of more than 150 civic, government, higher education and business leaders and organizations, including endorsements from the U.S. Chamber of Commerce, U.S. Black Chambers, National Asian/Pacific Islander American Chamber of Commerce & Entrepreneurship, Small Business Roundtable, Anti-Defamation League, American Jewish Congress, and many others. Upon confirmation, Mr. Syed would become the highest-ranking Muslim American in the Biden administration to date, as well as one of the highest-ranking AAPIs.

However, we are disappointed to see the treatment Mr. Syed has received from those on the Committee that have held up his confirmation vote, based on false accusations, anti-Muslim sentiment, and efforts to hamstring Committee business unless specific conditions on unrelated matters are met. Since June 16, the Committee has made three different attempts to consider Mr. Syed's nomination, but each time certain members have challenged the proceedings or blocked them from moving forward. On two separate occasions, these members even boycotted the proceedings—denying Mr. Syed fair consideration. Targeting nominees like Mr. Syed for their faith, ethnicity, or place of birth, furthers the perpetual foreigner stereotype to which AAPIs are constantly subjected. We stand firmly against the use of these typecasting misconceptions. These tactics have been rejected by leading civil rights and faith-based organizations and have no place in our government or our nation. There is no question that Mr. Syed is uniquely well suited and highly qualified for this role, and small business owners and entrepreneurs across the country deserve this standard of leadership at SBA. Continuing to block his nomination is a disservice to these business owners and entrepreneurs.

The Deputy Administrator role has traditionally been focused on managing execution of SBA's programmatic mission and day-to-day operations, which includes bringing desperately needed relief to struggling small businesses and entrepreneurs across the nation. This position has been left vacant for over three years and continuing to do so prevents the agency from having a fully staffed senior leadership team at a time when the SBA's importance in our nation's economic recovery is at an all-time high.

Mr. Syed's impressive background both in public service and the private sector in business and entrepreneurship along with his leadership in the AAPI community will undoubtedly be assets in his role as SBA's Deputy Administrator. We are confident that Dilawar Syed is the perfect fit for this role and we urge the Committee to promptly move forward with his confirmation.

Sincerely,

Judy Chu, Member of Congress, CAPAC Chair; Grace Meng, Member of Congress, CAPAC First Vice-Chair; Kaiali'i Kahele, Member of Congress, CAPAC Freshman Representative; Mazie Hirono, U.S. Senator; Mark Takano, Member of Congress, CAPAC Second Vice-Chair; Ami Bera, M.D., Member of Congress; Tammy Duckworth, U.S. Senator; Ted W. Lieu, Member of Congress, CAPAC Whip; Al Green, Member of Congress; Pramila Jayapal, Member of Congress; Jan Schakowsky, Member of Congress; Ro Khanna, Member of Congress; Dina Titus, Member of Congress; Barbara Lee, Member of Congress; Norma Torres, Member of Congress.

Ms. HIRONO. In the midst of the pandemic, what is normally a very bipartisan small business committee, Republicans are blocking Mr. Syed's nomination. This is particularly egregious behavior by Republicans on the committee because Mr. Syed is exceptionally qualified to hold this position and is widely supported by business groups and communities across the country.

In fact, let me read a paragraph from the Congressional Asian Pacific American Caucus letter that I just mentioned.

I am reading from the letter:

Mr. Syed's nomination has the support of more than 150 civic, government, higher education and business leaders and organizations, including endorsements from the U.S. Chamber of Commerce, U.S. Black Chambers, National Asian/Pacific Islander American Chamber of Commerce & Entrepreneurship, Small Business Roundtable, Anti-Defamation League, American Jewish Congress, and many others. Upon confirmation, Mr. Syed would become the highest ranking Muslim American in the Biden administration to date, as well as one of the highest ranking AAPIs.

Republicans have continued to block this nomination for months. Earlier this summer, they disputed the results of a meeting the committee had to advance the nomination. Since then, they have refused to show up for three other meetings, including one we held last week, denying the necessary quorum for a vote to be taken.

The reasons for blocking Mr. Syed's nomination have changed over time. First, they were concerned about SBA loans his company received during the pandemic, even though these loans were lawful and fully repaid before he was nominated. Then they insinuated he was somehow anti-Jewish and anti-Israel—note the groups that I read that have supported him—despite his widespread support in these communities. And now, they are concerned about lawful SBA loans to Planned Parenthood Health Centers, something that Mr. Syed certainly had no control over.

Throughout the last several months, Mr. Syed has repeatedly made himself available to address any concerns my colleagues might have about his background or qualifications, things that clearly matter in his ability to do the job.

It boggles the mind that Republicans are blocking someone who is the very picture of the American dream: an entrepreneur, a job creator who was born in Pakistan and educated in America, who understands firsthand the challenges businesses have faced during this pandemic. Mr. Syed would be an asset to SBA and the businesses they serve, our own constituents.

Every day that Republicans continue their obstruction, they are doing a disservice to these businesses who can least afford this uncertainty and turmoil in this moment.

Mr. Syed deserves fair consideration.

Republican efforts to block not just this nomination but so many others for the simple reason that they want to

slow the process so that this administration can have people in place who can actually do the job to help the American people—enough is enough.

I just say to the Republicans: You know, put your votes where your mouths are. You say you support small businesses; you say you support this, that, and the other thing; and yet you will not let this administration get on with their job to do what is necessary to help small businesses, to help our communities, in the midst of an ongoing pandemic. It boggles the mind. I say: Act like the Senators you are, who were sent here to do your job, and let's get on with this nomination.

I yield the floor.

Mr. CARDIN. Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Let me thank Senator HIRONO for her comments, and I also thank Senator PADILLA for his comments.

I have never gone through something like this before, where the Republicans are breaking a quorum after they have already voted a nominee for reasons unrelated to the nominee. It makes no sense, and the reasons that they are using makes no sense at all, since they are asking the SBA to violate the law.

We are going to continue. As chair of the committee, I am going to continue to look at every conceivable way that we can get Mr. Syed confirmed. I think he is an extraordinary person who will serve our Nation with great distinction, and I know our small business community needs a confirmed Deputy Administrator.

You know, what surprises me is that our Republican colleagues talk about their support for small businesses, and I said we worked on COVID together to create these programs. President Trump never filled the position of Deputy Administrator so this position has been vacant for a long time.

We need this position. The small business community needs this position. So it is my hope that we will find a path forward as quickly as possible to get this nomination confirmed. I am confident that we will get a strong bipartisan vote for Mr. Syed's nomination and confirmation. Republicans tell me they think he is well qualified.

So let's stop using these parliamentary procedures to obstruct. Let's get on with the business of the Senate.

I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AFGHANISTAN

Mr. THUNE. Mr. President, yesterday's Senate Armed Services Committee hearing gave us disturbing new information on the President's Afghanistan debacle. Thanks to yesterday's

hearing, we now know that President Biden pulled troops from Afghanistan against the advice of his military commanders and was less than truthful after the fact when asked about their recommendations.

General Milley and General McKenzie's testimony made clear that they had both recommended that the United States leave a small contingent of U.S. troops in the country—advice that the President ignored.

Thanks to President Biden's ill-considered withdrawal from Afghanistan, here is the situation we now find ourselves in. The Taliban is once again in control of Afghanistan, and just in case anyone thinks this is a kinder and gentler Taliban, let's look at the facts.

The Taliban has stocked its government with terrorists, including former inmates of Guantanamo Bay and members of the Haqqani Network, a U.S.-designated foreign terrorist organization with a number of members on the U.N. Security Council's sanctions list. Many of the members of the new Taliban Cabinet are on the U.N. Security Council's sanctions list, and the government is well stocked with pre-9/11 Taliban leaders, the same leaders who allowed Afghanistan to serve as a refuge for al-Qaida.

So that is the new Taliban government. What is it doing? Well, in mid-September the Taliban announced that secondary schools would reopen for boys. There was no mention of girls. The Taliban official announced that women would not be allowed to play any sport that might show their bodies. Women are being excluded from the workplace.

In Helmand province, barbers have been barred from shaving or trimming beards.

In one city, the body of an alleged criminal was hung from a crane in the city square, while in Kabul, Taliban members brutally flogged a man accused of stealing a phone. And a senior Taliban leader announced the return of executions and the cutting off of hands as punishment.

A kinder, gentler Taliban this is not.

And this formerly somewhat ragtag group is now the possessor of a significant amount of U.S. military equipment, including weapons, combat vehicles, aircraft, and surveillance equipment, much of it acquired from the Afghan National Security Forces.

And while the President might like to blame the Afghan forces for disbanding, the truth is he bears part of the responsibility for their collapse. For years, the United States trained and equipped Afghan troops to fight the way that we do, including a reliance on close air support and a sophisticated intelligence-gathering operation. And the limited number of U.S. troops still in the country were playing an essential role—providing intelligence, logistics, and air support the Afghan military needed.

Then the President pulled all remaining U.S. support almost overnight. It is

no surprise that in the wake of that, the Afghan military quickly collapsed. There is no question that there were preexisting problems in the Afghan forces, including fraud and corruption. But the Afghan military was playing a key role in combating the Taliban and terrorist activity in Afghanistan, and it was the abrupt withdrawal of U.S. support that precipitated its collapse.

Thanks to the President's withdrawal, our ability to combat terrorist activity in Afghanistan and the region has been significantly degraded, as General Milley's testimony yesterday made clear. As the Washington Post reported:

Al-Qaeda remnants are in Afghanistan and interested in growing, Milley said, but the United States no longer has military or intelligence assets on the ground to keep tabs on the militants.

The withdrawal makes it "much more difficult for us to conduct intelligence, surveillance, reconnaissance," Milley said, including missions to locate militants.

That, again, is from the Washington Post.

In short, there is every reason to expect that Afghanistan will once again become a haven for terrorists. In fact, because of the huge number of weapons and equipment we left behind, it is probably more accurate to say that Afghanistan will likely become a terrorist superstate. Meanwhile, as I said, our ability to effectively detect and defend against emerging threats in Afghanistan has been significantly diminished. There is no intelligence or counterterrorism strategy that will fully offset the loss of American boots on the ground.

U.S. military and intelligence personnel still in the country, in coordination with our local partners, were playing a critical role in providing intelligence on evolving terrorist threats in Afghanistan and throughout the region. That intelligence network is now gone. We no longer have human intelligence on the scene.

We no longer have any bases in-country from which to conduct operations. Future missions will have to be staged from distant bases or seaborne assets, complicating the mission and significantly increasing our response time.

That is not just an inconvenience. By compromising our ability to respond to terrorist activity, this withdrawal is endangering our country. For 20 years, we have managed to prevent another major terrorist attack on U.S. soil. How long is that going to last when Afghanistan is once again a haven for terrorists and our intelligence and response capabilities have been permanently weakened?

I haven't even mentioned the damage that the President's bungled withdrawal has done to our relationships with our allies. The President, who, supposedly, was set to restore America's standing in the world, is instead presiding over a national embarrassment that has left our allies wondering whether or not we will keep our commitments. We have damaged our credi-

bility with our allies. It is clear that Russia and China are enjoying our humiliation on the world stage, not to mention the way that our withdrawal has empowered our terrorist enemies.

Ceding Afghanistan to the Taliban and its terrorist allies has not exactly made us look like an intimidating foe. It wouldn't be surprising if terrorists are thinking that all they have to do in future battles is wait us out until we give up and withdraw.

I am sure the President would like to put his chaotic Afghanistan withdrawal behind him, but there is a big problem with that—namely, the fact that his administration still has U.S. citizens left behind in Afghanistan. The administration has been hazy on the details, either because it is not sure how many American citizens are left or because administration officials don't want to give a number. But it is clear that there are still a number of Americans stuck in Afghanistan.

And then there are the tens of thousands of Afghans we abandoned—Afghans who were affiliated with the U.S. Government or worked with the U.S. military and whom we promised to protect. These individuals and their families are currently in grave danger.

My office continues working to evacuate a number of green card holders and at-risk Afghans to safe countries in the region, and several of the individuals we are working with have received death threats from the Taliban.

And while there are dedicated State Department and Defense Department personnel coordinating with veteran-led groups to evacuate Afghan citizens, the administration is still—still—struggling to develop a clear path for getting them out of the country.

We still need to learn more about the chaotic U.S. evacuation, which resulted in the deaths of 13 U.S. service-members and scores of Afghan civilians. But one thing is very clear: President Biden made an ill-considered and disastrous decision when he chose to withdraw our troops on an arbitrary timetable, and the Afghan people are currently suffering the consequences.

And should Afghanistan once again become a terrorist haven, as seems likely, our country could also pay a deadly price. We have to make sure it doesn't come to that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INTERNAL REVENUE SERVICE

Mr. GRASSLEY. Mr. President, more than 3 months ago, ProPublica began publishing a series of stories. These stories were based on what they have described as "a vast trove of Internal

Revenue Service data on the tax returns of thousands of the nation's wealthiest people, covering over 15 years."

I have spoken about this apparent leak or hack on IRS data before. During the August recess, POLITICO Pro's Morning Tax, writing about ProPublica, noted that "it's been almost two-and-a-half months since it ran its first story on that leaked tax data and, though the leak is perhaps the worst in the IRS's history, the government has yet . . . to say anything publicly about how it happened."

As absurd as that statement is, it is also accurate, and I will speak about the accuracy of that. The Biden administration has not said what happened regarding perhaps the worst leak or hack in the history of the IRS.

Now, in doing my constitutional duty of congressional oversight, I have sent letters to the IRS and to the Attorney General and to the FBI, who have provided an embarrassingly small amount of information in response to my letters.

The first ProPublica story was published on June 8 of this year. On June 11, I joined Leader MCCONNELL and Finance Committee Ranking Member CRAPO on a letter to Attorney General Garland and FBI Director Wray. Days later, on June 16, I sent a letter with other Judiciary Committee members asking more detailed questions.

It took almost 2 months for the Department of Justice to respond to these letters by sending me two copies of the same form letter in response to my letter. Dated August 10, one of the letters contains an apparent typo in that it purports to be in response to a letter "dated June 6, 2021."

Given that ProPublica began publishing stories about this on June 8, if I was clairvoyant enough to write a letter on the leak 2 days earlier, I would already know what really happened. The fact that the Department responded to two different letters with the exact same form letter and couldn't correctly refer to my letters shows a lack of diligence that is not unique to this matter.

In response to a different letter I sent with Senator CRAPO to the Commissioner of the IRS, Rettig, I received a recent response that states: "We do not yet have any information concerning the source of the alleged taxpayer information published by ProPublica."

Now, the IRS Commissioner is advocating for Congress to pass an expansive new reporting requirement for the IRS. Every bank account over \$600 is going to be sent to the IRS for their review and use if they want to go after the taxpayers. If Commissioner Rettig doesn't even know whether the ProPublica information came from the IRS, how can he assure us the IRS can properly protect this new information that they want the Congress to pass? I don't think he is going to be able to convince anybody of that.

Mr. President, I ask unanimous consent that the response I have received

from the Department of Justice and the IRS be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This responds to your letter to the Attorney General and the Director of the Federal Bureau of Investigation (FBI) dated June 6, 2021, urging the investigation and prosecution of the disclosure of confidential taxpayer information as reported in the media. We are sending identical responses to the other Senators who joined in your letter. We appreciate knowing of your concerns about this matter.

As you may be aware, the Secretary of the Treasury testified recently that the Internal Revenue Service (IRS) is looking into the matter as is the Treasury Inspector General for Tax Administration (TIGTA). She further stated that the matter had been referred to the Treasury Inspector General, as well as the Department of Justice.

The Department is committed to taking investigative steps as appropriately predicated and authorized, carefully reviewing referrals we receive, and, as appropriate, considering relevant and admissible evidence in light of the Principles of Federal Prosecution. See Justice Manual 9-27.000. While we understand how important this issue is to you, longstanding Department policy will preclude us from providing your office with any information related to this matter outside the public record.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,
JOE GAETA,
Deputy Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

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We hope this information is helpful. Please do not hesitate to contact this office if we

may provide additional assistance regarding this or any other matter.

Sincerely,
JOE GAETA,
Deputy Assistant Attorney General.

Mr. GRASSLEY. Mr. President, I call on Attorney General Garland, FBI Director Wray, and Commissioner Rettig to take the apparent leak or hack of taxpayers' information very seriously and cooperate with our constitutionally mandated responsibility to conduct oversight to see that the laws are faithfully executed.

The protection of taxpayers' information provided to the IRS is of critical importance to the basic functioning of government. Determining the source of the information published by ProPublica should be a top priority for our Nation's tax enforcement Agency and, allegedly, premier law enforcement entity. I intend to continue working with Ranking Member CRAPO of the Finance Committee and anybody else to continue looking into this matter. I hope that we are able to resolve how any confidential taxpayer information was obtained from the IRS and those responsible are held accountable.

TAXES

Mr. President, on another matter, President Biden and congressional Democrats have repeatedly pledged not to raise taxes on anyone earning under \$400,000. They have said it so many times that it has begun to sound like a broken record. The thing is, when someone feels the need to repeat a claim over and over, it is likely that they are trying to pull the wool over our eyes. That is exactly the case with the Democrats' tax pledge.

According to an analysis by the nonpartisan Joint Committee on Taxation, there isn't a single income group completely spared from the Democrats' tax hikes. In other words, it is going to hit a lot of people with incomes below \$400,000 a year.

And I know my colleagues know what the Joint Committee on Taxation is. It is an expert group that studies the Tax Code and the impact of tax changes. But, for the public at large, this is a nonpartisan group of people that do a very fine job of saying how changes in the Tax Code will affect whomever they are supposed to affect. Not those making under \$400,000, not those making under \$100,000, and not even those making under \$10,000 will be guaranteed not having their taxes increased, as the President promised.

So going back to the Joint Committee on Taxation analysis, over 12 percent of taxpayers with incomes between \$50,000 and \$100,000 would see a tax increase. Thirty-five percent of those earning between \$100,000 and \$200,000 would pay higher taxes. You can't raise taxes on small businesses and other job creators—these entrepreneurs—without hitting the middle class.

Economic studies show that when you raise taxes on businesses, anywhere from 20 to 70 percent of that tax

increase falls on the workers. Now, the Joint Committee on Taxation assumes it is about 25 percent. Whatever doesn't fall on the backs of workers falls on shareholders. And then you need to remember that when it falls on shareholders, there are millions of middle-class Americans trying to accumulate a nest egg for retirement.

So, yes, when you hike taxes on small business from a top rate of 37 percent to over 46 percent—once including the Democrats' proposed surtaxes—you, President Biden, hit the middle class. When you increase taxes on corporations from 21 percent to 26.5 percent—returning our corporate tax rate to one of the highest in the developed world once figuring in State taxes as well—you, President Biden, also hit the middle class.

Yet, Democrats contend their proposal includes tax cuts for the middle class. More accurately, they cut taxes for a chosen group of middle and lower income Americans and a select few millionaires. Unlike the 2017 tax law that was passed by a Republican Senate that cuts taxes for the vast majority of the middle class, the Democrats' tax-and-spending bill leaves most—over 70 percent—of the taxpayers with either a goose egg or a tax hike.

The Democrats' tax bill is about picking winners and losers; it is not about sound tax policy. If you don't have the right family composition or spend your money how Democrats want, you don't get a tax cut, but you may get a tax increase. On the other hand, if you are wealthy and on a waiting list for a \$69,000, all-electric, 2022 SUV, you are in store for a \$12,500 tax credit—financed in part on the backs of the middle class. Moreover, if you are a multibillion-dollar company with a preexisting commitment to go net zero emissions by 2040, you are in for a multimillion-dollar tax windfall—once again, that tax windfall financed in part on the backs of the middle class.

So I hope the American people won't be fooled by my Democratic colleagues' rhetoric. Their bill hikes taxes on millions of taxpayers, and their narrowly targeted tax cut leaves most out in the cold.

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.

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

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

CENTRAL BANK DIGITAL CURRENCIES AND STABLECOINS

Ms. LUMMIS. Mr. President, the Federal Reserve Board of Governors will soon be releasing a discussion paper on a potential U.S. central bank digital currency. Additionally, the President's Working Group on Financial Markets is expected to release a set of rec-

ommendations relating to the supervision of stablecoins in the coming weeks. I want to lay out my views on central bank digital currencies and stablecoins in advance of these coming discussions.

Financial innovation has the potential to bring new prosperity to the next generation of Americans, reduce systemic risk, and promote inclusion for many who are, unfortunately, at the periphery of our financial system. America's leadership in global financial services is a heritage our country can rightly be proud of, but our country must not become complacent, because this leadership is a privilege, not a right.

I am supportive of the Federal Reserve Board's efforts to study how central bank digital currency, or CBDC, may be appropriate in the United States. I want to lay out what I believe are the key tenets of a consumer-focused U.S. central bank digital currency, including factors such as legitimate need, financial inclusion, programmability, privacy, and avoiding systemic risk. My comments are only focused on a consumer-focused central bank digital currency, as an interbank or wholesale central bank digital currency is a different proposition.

The first principle is legitimate need. A serious value proposition must exist in order to move forward with a central bank digital currency, one that cannot be reliably met by private-sector innovation.

It is important to note that the U.S. dollar is already digitized; that is, it has been reduced to electronic form. Most Americans predominantly use an electronic means of banking every day, and interbank settlement also takes place through electronic channels. These payment rails are generally electronic commercial bank money, however. A CBDC would be central bank money, which represents a direct claim on the Federal Reserve System.

So we must ask hard questions about whether there are other means of accomplishing the goals of a central bank digital currency and identify opportunities, risks, and costs.

The second is financial inclusion.

About 5.4 percent of households in the United States did not have a bank account as of 2019, with a further 18.7-percent of the population being underbanked. A CBDC should meaningfully reduce these statistics. A CBDC also has the potential to reduce the cost of payments for both depository institutions and consumers by removing existing frictions in sending money.

The programmability of a CBDC will also likely promote financial inclusion by giving consumers more control over their money, allowing those from disadvantaged backgrounds access to the latest technology features. This would allow consumers to automate the payment of bills, assist with monthly budgeting, reduce or eliminate overdraft fees, and most importantly, allow

hard-working Americans to receive their paychecks earlier.

Some additional factors that must be considered as part of the inclusion are the reduction or elimination of minimum balance requirements, ease of access to a CBDC, and convertibility into physical cash.

Third is the concept of programmability. Money represents value, but it is not programmable today.

Programmability, at its core, is the technological means to specify the automated behavior or control logic of money in a manner that is tied to the actual value itself. Programmability focuses on the characteristics of money, including the identity of the owner, the amount of money being transferred, and the conditions under which the outside world can interact with that money.

A CBDC should contain robust programmability, allowing users to easily specify conditions with respect to that money, such as interest payments; payment versus payment, which is "I only pay you if you pay me"; delivery versus payment, which is "I give you a security or a commodity only if you pay me"; escrow, or preventing your child from buying ice cream except on Fridays; and, of course, avoiding overdraft fees.

A central bank digital currency should also be future-proofed, with a core code that can be adapted to fully meet future demands and which also contains room for value-added services built upon the CBDC architecture.

Fourth is the critical role of privacy. A CBDC must have the same level of privacy as physical cash today. Appropriate transactional anonymity is a public good. Americans must have confidence that a central bank digital currency is not being used for surveillance and that their personal financial data is either not being collected or is subject to rigorous technological and legal controls, including the Fourth Amendment to the U.S. Constitution. We cannot allow a CBDC to become a panopticon, or an all-seeing eye, as will soon be the case with China's central bank digital currency.

Fifth is avoiding systemic risk and disruption. A CBDC should not create systemic risk or undue disruption to the U.S. economy. Transitional arrangements for a CBDC may be necessary, and physical cash must remain legal tender as long as Americans desire it, with Congress's having the final say on the future of physical cash.

These are the five principles that I consider essential to any central bank digital currency proposal. Congress must have the ultimate say on whether the United States adopts a central bank digital currency. I encourage my colleagues to think deeply about these issues and to develop their own rubric for the future of money.

Finally, I want to say a few words about stablecoins in advance of the President's working group report that will be coming out shortly.

Stablecoins are a claim on commercial bank money or Treasuries or other securities that are freely tradeable on a distributed ledger or blockchain and that are intended to be redeemable at par for the U.S. dollar. Stablecoins are highly liquid and have higher monetary velocity than other forms of the U.S. dollar. Stablecoins also enable faster payments between individuals and businesses than are possible today.

For these reasons, stablecoins are a very important private-sector innovation that have the potential to promote financial inclusion and new market opportunities. However, stablecoins also present certain novel risks to the U.S. economy.

In particular, stablecoins must be 100 percent backed by cash and cash equivalents, and this should be audited regularly.

I am concerned that some stablecoins are not always fully backed by appropriate assets in a transparent manner. I am also concerned that some stablecoin designs could become a silo for high-quality liquid assets, including Treasuries, which have an important and independent role as collateral in capital markets.

Additionally, stablecoin issuers should comply with anti-money laundering and sanctions law and should exhibit a high degree of resiliency. This includes operational risk, cybersecurity and liquidity, and redemption management, consistent with the Federal Reserve's payment system risk policy.

Some issuers of stablecoins and stablecoin-like instruments, including Paxos and Avanti Bank and Trust, are already inside the regulatory parameter. Properly supervised, stablecoins are not tantamount to the so-called "wildcat banks" of the 19th century. It may be the case that stablecoins should only be issued by depository institutions or through money market funds or similar vehicles.

We must do more to ensure stablecoins are subject to right-sized regulations and supervision. But, at the same time, we must ensure that these rules enable innovation that can make payments faster, cheaper, and more inclusive. Properly supervised, stablecoins have an important role to play moving forward.

I look forward to continuing the conversation around financial innovation that we began a few months ago as we consider the future of money in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

ENERGY

Mr. CASSIDY. Mr. President, the difference between medicine and politics—because I am a doctor—is that in medicine, you are forced to look at reality as reality is, whereas in politics we can make up reality. It is: Oh, my gosh, I want it to be this way; so let's assume that it is.

I think it is a time for, at least—one, I think it is always better to look at

reality, but, particularly right now, let's talk about it as regards inflation.

Inflation is really hurting middle-income families. We are seeing higher prices in the grocery store, electricity bills, at the gasoline pump eating up their budgets.

President Biden has repeatedly said he would not raise taxes on those making less than \$400,000 a year, but rising inflation as a result of his harmful economic and energy agenda is effectively a tax.

This is predictable. Democrats and left-of-center economists like Larry Summers warned about the risk of inflation and predicted a sharp rise in prices. He sounded the alarm at the \$1.9 trillion American Rescue Plan. He said that could overheat the economy. It did.

This summer, used car prices were up 45 percent, gasoline 45 percent, whole milk 7.5 percent. American families are paying higher prices for goods and services that are essential, and it continues to go higher. The U.S. Department of Labor reported that consumer prices in June increased 5.4 percent relative to a year ago—the largest increase since August 2008, more than double the target rate of 2 percent the Federal Reserve establishes.

Now, President Biden and his administration, his Treasury Department, have reassured that this inflation is transitory or temporary.

Just last week, the Wall Street Journal reported that the Federal Reserve sees inflation "lasting quite a while," given their recent and upcoming actions—so, if you will, belying the reassurances of the administration.

Looking particularly at energy, it is not surprising that electricity and gasoline prices are soaring, and the average price of gas has now gone over \$3 a gallon since May. The national average is \$3.19, \$1 more per gallon than a year ago—now, again, predictable.

One of the first things President Biden did when he took office was to cancel the Keystone XL Pipeline, killing 11,000 jobs that went with it—by the way, not jobs for bureaucrats in Washington, DC, doing quite well during the pandemic because they continue to get paid, but jobs for construction workers who, if they don't have this job, don't have another job and have less ability to take care of their family and to better provide for their child's future.

He stopped domestic oil and gas leases and only does that which the court tells him he has to do.

Oddly, since he did all of this in the name of addressing issues of carbon emission, the administration then removed sanctions so that Russia can complete the construction of the Nord Stream 2 pipeline, going from Russia to Germany, and now is asking OPEC, which includes Iran, Venezuela, Saudi Arabia, to increase oil production so we can import their oil—so much for the energy independence our country, researchers, and companies worked so hard to develop.

And now we see with every draft of the Democrats' reckless tax-and-spend bill that the Democratic Party seems intent on driving prices higher, increasing our energy dependence on other countries, and hurting our domestic workforce. And I think, if we are going to go back to reality, the American people would ask not to describe these actions as being done for the good of the environment or the climate. I totally believe we must address climate, but the stark truth is that President Biden's energy policies prioritize shutting down domestic production and domestic jobs in favor of using dirtier Russian gas.

Why do I say dirtier? There is a National Lab that recently reported of natural gas produced in Louisiana and exported to Europe compared to gas coming to Europe from Russia, that over the 20-year horizon the carbon intensity is 43 percent less for gas that comes from the United States to Europe than from Russian gas coming to Europe, and 10 percent less over 100 years.

If you really cared about lowering greenhouse gas emissions, creating jobs for the American worker, and strengthening our economy and our national security, you would encourage the production of U.S. natural gas and ship it around the world, displacing that which was coming from countries such as Russia.

It seems as if the administration is more interested in virtue-signaling than truly pursuing a low-carbon solution, and I would love for someone to explain why the administration is so hell-bent on shutting down energy production in the United States, with the good-paying jobs and the economic opportunity, especially in Louisiana but not only in Louisiana. And it is done in a cleaner, more environmentally friendly way than in almost every other part of the Nation. It is as if they would rather the United States be dependent on foreign sources, those that are often not allies, than to produce energy cleanly, creating American jobs in the United States of America.

The United States is a global leader in decreasing greenhouse gas emissions entirely, almost, because of the increased production of U.S. natural gas.

As production increased and prices fell, natural gas replaced coal, so that now, off the top of my head, I think I know that, in absolute amounts, greenhouse gas emissions in the United States are less now than they were in 2004. And if not, they are almost there.

Our economy is a lot bigger, and we have a lot more people, and yet we have managed to hold greenhouse gas emissions at a declining rate because we produced natural gas.

We need to encourage exploration and production in our country. We should not be shutting it down, and we should not be shutting down the good jobs that go with it. The administration's backward and disastrous energy policy is playing out before our eyes. It

is not good—destroying American jobs, contributing to inflation, and strengthening the geopolitical position of our geopolitical rivals. The administration's actions are directly leading to higher gas and utility prices.

There is a way out of the inflation, but it is not empty virtue-signaling. It is not putting American workers out of jobs. It is to restart American energy production, hold lease sales in the Gulf of Mexico, and get American energy in our country back on track, recreating the jobs that have been destroyed, and, by the way, increasing a greater ability to export to other countries around the world, helping to lower global greenhouse gas emissions.

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.

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

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

SOCIAL MEDIA

Mrs. BLACKBURN. Mr. President, by now we are all very familiar with the toll that COVID-19 has taken on the American people. If there is cause for encouragement coming from all of this, it is that our collective experience has helped to destigmatize mental health problems.

The down side is that now we tend to look at everything through the lens of the pandemic. But the fact of the matter is that for millions of Americans, their private battles with mental health began well before March of 2020.

It is from that perspective that I want to examine the Wall Street Journal's truly excellent ongoing investigation into Facebook's refusal to address the serious, and at times threatening, failings of their platforms.

On September 14, the Journal published an article revealing that Facebook, Inc., executives know that their popular Instagram photo-sharing program is toxic—toxic—especially for young women and girls.

They know for a fact that 32 percent of teen girls said that, when they felt bad about their bodies, Instagram made them feel even worse.

They knew that Instagram makes body image issues worse for one in three girls. They knew that teens blame Instagram for increases in the rate of anxiety and depression. How did they know all of this? Because they, Facebook, had done their own research.

In 2019 and 2020, Facebook's in-house analysts performed a series of deep dives into teen use of Instagram that reveals that "aspects of Instagram exacerbate each other to create a perfect storm." This is their awareness. That "perfect storm" that they mention manifests itself in the minds of teenagers in the form of intense social pressure, addiction, body image issues, eating disorders, anxiety, depression, and

suicidal thoughts. This multibillion-dollar company is dragging their young users to Hell, and they are doing it on behalf of a fantasy.

Much of the problem has to do with the fact that, by its very nature, Instagram forces its users to confront the unattainable. Facebook's researchers found that young users who spend their day scrolling past filtered faces and lavish lifestyles can spiral into a so-called "social comparison journey" that mimics the grief cycle. Sixty-eight percent of teen girls and 40 percent of boys experience this when they use Instagram. This is their research—their research. Sixty-eight percent of teen girls and 40 percent of teen boys experience that grief cycle.

Yes. Heartbreaking, infuriating, and guess what—it gets even worse. The internal research also shows that Facebook execs at the highest levels were in on the scheme to use these traumatized young users to pull members of their households into Instagram. Younger family members were of particular interest.

This reporting is sunshine on a particularly disgusting aspect of Facebook's strategy to shape the world in their image.

Facebook often touts their compliance with COPPA and other child protection standards as proof of their commitment to online safety. Oh, but if it were only so. But the Wall Street Journal reports show that Facebook has actual knowledge that they are collecting personal information online from kids under 13 years of age. These are children. They are suffering. But in the eyes of Facebook, they are the product. They are the product. They are the product that Facebook is using to get data so that they make more money. It is sickening.

All of this and more was revealed to me and my staff by a very brave and well-informed whistleblower from within Facebook. I have been working closely with my colleague Senator BLUMENTHAL to bring this information to light, and I thank him and his staff for being excellent advocates on behalf of young people and teenagers.

On October 5, Senator BLUMENTHAL—Chairman BLUMENTHAL—and I will host a hearing in the Commerce Consumer Protection, Product Safety, and Data Security Subcommittee where the whistleblower will offer an insider account of Facebook's total lack of governance and the growth-focused tunnel vision that has caused the company's leadership to ignore everything they know about the real world.

At this point, I want to emphasize a few important points we can extrapolate from what we know thus far.

Facebook's internal research revealed at the very least a strong correlation between use of their platforms and some forms of deteriorating mental health in kids and teens. But here is the larger issue: Even if Facebook didn't find proof of a causal link, it is unreasonable to assume that a com-

pany as large and successful as Facebook would ignore the social environment in which their young users live and scroll.

If you accept this general assertion, which I hold is reasonable, then you must also accept that Mark Zuckerberg and the rest of Facebook's top executives were very well aware of the real-world context behind all of that research, and the context will make you sick.

Between 2009 and 2019, the percentage of high school students who experienced "persistent feelings of sadness or hopelessness" increased by more than 10 percent. The percentage of high school students who seriously considered attempting suicide increased by 5 percent. Numbers regarding suicide plans and suicide attempts also trended in the wrong direction. And even less severe mental health crises can lead to risky sexual behavior, drug use, truancy, delinquency.

This is all no secret. It is publicly available information compiled by the CDC, accessible by anyone capable of executing a Google search.

It is getting harder for our kids and grandkids to make it through the day. They haven't even had a chance to live yet, and already they are experiencing hopelessness and despair. They feel so terribly about themselves that they would rather die than live another day.

Facebook has evidence that their platform facilitates these mental health spirals for young users. Yet they focused on how to trick them into thinking that scrolling through content that makes them miserable is somehow healthy and normal behavior.

Our children are not all right, and I am willing to state for the record that the people pushing success buttons at Facebook—they really do not care.

On September 21, the New York Times published an expose on the company's frankly shocking efforts to rehabilitate its image by promoting pro-Facebook content into user news feeds. By all accounts, this reporting backed the company into a corner. They were caught redhanded manipulating the flow of information, which is a charge that in other contexts has drawn fire from activists, politicians, and even Facebook itself.

In response to the well-earned backlash that Facebook received, Mark Zuckerberg chose to avoid accountability and instead made a joke about an anecdote the Times reporters included regarding a video he had posted of himself cruising around on a glorified surfboard. That is the sort of reaction you see from a person who feels that they are invincible. When they feel like they are so rich and powerful and so totally in control of their own destiny that they are the master of the universe, that no one can touch them, that is what you get.

In light of all we have seen in the past from this company and all that we have learned so far from the whistleblower, I think it is time to adjust Mr.

Zuckerberg's thinking. Accountability—yes, indeed. There is bipartisan agreement that it is time for accountability to come, and I sincerely hope that Mr. Zuckerberg and the rest of his Facebook colleagues are prepared for what is coming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ABORTION

Mr. CORNYN. Mr. President, this morning, the Senate Judiciary Committee had a hearing to discuss two of our Democratic colleagues' biggest headaches: the Supreme Court of the United States and State laws that protect the right to life.

This wasn't the first time we have seen an attack on both waged by Members of the Senate. Last year, the majority leader, Senator SCHUMER, walked across the street to the Supreme Court and threatened two Supreme Court Justices by name based on an abortion case that they were considering.

Sadly, it seems that our Democratic colleagues have simply given up when it comes to protecting innocent life. In 2020, February 2020, the Senate voted on a bill that would outlaw elective abortions after 20 weeks, when science tells us that a fetus can actually feel pain. Had this bill become law, it would have put U.S. domestic policy in line with that of most of the rest of the world.

Unfortunately, we happen to be in a small category, including North Korea and communist China, when it comes to the ability to get an abortion well into the period of gestation, including up to late-term abortions. As it stands today, the United States is currently one of only seven countries to allow elective abortions after 20 weeks. As I said, those seven countries include the Communist Party China and North Korea. But our Democratic colleagues filibustered that bill too.

Then came one more opportunity to protect the most vulnerable among us. The Senate voted on legislation requiring doctors to provide lifesaving care to infants who survive abortions, just like any other newborn child would receive. That sounds like common sense, right? Well, if you ask the American people, they say yes. More than three-quarters of the American people, when it comes to polling, said they support providing medical treatment for babies who survive abortions. But there are no Federal laws requiring healthcare providers to care for these children just as they would any other infant in their care. And, yes, you guessed it—Democrats blocked that bill too.

The attack on innocent life has been years in the making, but we have never seen anything quite like the latest endeavor that has come from the House of Representatives. The so-called Women's Health Protection Act is actually "NANCY PELOSI's Abortion Protection Act."

This isn't just about messaging. The Senate version of the bill is cospon-

sored by all but two of our Democratic colleagues. Clearly, the provisions included in this bill don't represent the beliefs of just some small subset of the Democratic Party. Apparently, it is mainstream within the Democratic Party.

But it is clear that this is a no-holds-barred attack on the right to life. One of the most outrageous and unprecedented aspects of the bill is it limits State laws limiting abortion even after viability. This goes far beyond where the Supreme Court went in *Roe v. Wade*. It also undermines another landmark abortion case, *Planned Parenthood v. Casey*. In *Casey*, the Supreme Court abandoned the trimester framework of *Roe*, replacing it with a viability standard to determine a State law's constitutionality. Even the author of *Roe v. Wade* and of *Casey* agreed that this viability standard was largely arbitrary. But this decision came in 1992, when a baby was considered viable after 23 or 24 weeks. But the marvels of modern medicine continue to challenge this estimate. Last June, a baby was born at 21 weeks and 2 days, and this past summer, he celebrated his first birthday.

The extreme legislation attacking the right to life coming out of the House and now embraced by Senate Democrats would undercut the Supreme Court's ruling in *Casey v. Planned Parenthood* and would invalidate State laws that limit abortions after 20 weeks, which is now the consensus period of viability.

A number of States have passed laws to restrict access for different gestational periods—for example, in Massachusetts and Nevada, for example, abortions are restricted after 24 weeks. In California, Washington, and Illinois—they are among the many States that restrict abortions after viability. But the Democratic proposal is so extreme, it would invalidate the laws passed in each of these blue States.

If this proposal, the Pelosi abortion bill, became law, it would allow healthcare providers to perform abortions at any point so long as it is done to preserve the mother's health. This actually undermines the decision of the Supreme Court of the United States that said it is constitutional to limit so-called partial birth abortions as a barbaric practice that does not have constitutional protection.

But the provision that would allow abortion at any point in the pregnancy so long as it is done to preserve the mother's health—that doesn't mean the pregnancy actually threatens the life of the mother. Let's be clear on that point. If a single healthcare provider determines that the birth of the baby would impact on the mother's mental health, an abortion would be legal at any point in the pregnancy up to birth.

This is way out of step with where most Americans are. A poll this last summer found that 65 percent of Americans believe that abortion should be

illegal during the second trimester, the second 3-month period of pregnancy. An abortion opposition, I should say, to a third-trimester abortion is even stronger. These are the so-called late-term abortions where the fetus is fully formed and even viable outside of the mother's womb. Eighty percent of Americans oppose third-trimester abortions but not Pelosi's abortion act, embraced by all but two of the Democrats here in the U.S. Senate.

The American people clearly do not want abortion laws that put us in the same league as China and North Korea—two of the world's most aggressive human rights abusers. Until 2016, China had a strict one-child policy. Families who didn't comply with that policy could be fined, lose their jobs, and the baby would even be the subject of a forced abortion. And it became common in China, as a result of this limitation on pregnancy, for families to prefer a son and undergo gender-selection abortions. If you are pregnant with a female child, well, abortion is fair game because they preferred to use abortion as a means to select the gender of their child.

Democrats' legislation doesn't simply remain silent on gender-selective abortions; it goes so far as to prohibit States from outlawing abortion as a method of gender selection. Not only that, it undermines State efforts to protect unborn babies with disabilities or Down syndrome. Unborn children being killed solely on gender or disabilities is a devastating problem in other countries. We cannot allow such a grotesque practice to become mainstream here in the United States. We are better than that.

The list of atrocities included in this legislation is a long one. It requires healthcare providers who hold deep religious objections to abortion to violate their own deeply held religious beliefs and kill unborn babies. It invalidates informed consent laws, which require healthcare providers to share accurate information with their patient about the baby and whether specifically the child can feel pain. It gives the Attorney General of the United States sweeping authority to block State laws that try to protect innocent human life. So this radical proposal from the House, now embraced by all but two of our Senate Democrats, would overturn existing State laws and allow abortions on a scale our country has never seen before.

I think it is a sad commentary on the conscience of America when all but a handful of our Democratic colleagues are fighting to implement these radical policies. But we cannot and we will not stay silent at a time when our most vulnerable are being attacked in such a manner. We have a moral imperative to defend those who cannot defend themselves, born or unborn, to protect those who cannot protect themselves. Babies with heartbeats, fingerprints, taste buds—they deserve to have protection of the law too. The Declaration

of Independence, after all, says that we hold these truths to be self-evident, that all are endowed by their Creator with certain unalienable rights, including the right to life. I have always been proud to defend that right, and at no time in my lifetime has it ever needed more defense than right now in the face of these outrageous proposals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, earlier today, as we just heard from my colleague from Texas, the Judiciary Committee held a hearing on the abortion ban that took effect in the State of Texas earlier this month. I hope every American who tuned in to this hearing listened very closely—very closely—because here is what we heard:

My Republican colleagues on the committee literally made no effort to defend the Texas abortion law, the Texas abortion ban—SB 8, as it is known in Texas—not a single effort to defend it on its merits. They made no effort to engage on the issue of the shadow docket process through which the Supreme Court allowed this bill to become law, and they made no effort to argue that women's constitutional rights should be protected.

What we witnessed during today's hearing was the opening salvo on the fate and future of *Roe v. Wade*. Here are the facts:

This Texas law is no ordinary piece of legislation. To quote Supreme Court Justice Sonia Sotomayor, it is "a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny."

This law has effectively banned abortion after 6 weeks in the Nation's second largest State, even in cases of rape and incest. The fact is, many women do not even know they are pregnant by 6 weeks.

The architects behind SB 8 took an extreme proposal that clearly violated Supreme Court precedent and paired it with a new, disturbing private bounty hunter enforcement scheme, and they did so in the hope that the courts would not block the law because it wasn't clear who should be sued.

At midnight on September 1, the Supreme Court allowed SB 8 to go into effect. As a result, millions of Texas women have had their constitutional rights challenged and suspended.

This attack on women has already caused irreparable harm to countless women who lost their right to reproductive care in Texas.

At today's hearing, we heard from Donna Howard, a State representative from Texas. In her written testimony, she shared the story of a woman who was denied the healthcare she was entitled to under the Federal Constitution. The woman went in to an appointment on August 31 of this year, and at the time, there was no heartbeat detected on the State-mandated sonogram. But when she came back the next day to

have the procedure done, a cardiac motion was detected.

Representative Howard said of this woman that at only 5 weeks—5 weeks of pregnancy—she was too late to receive an abortion under the provisions of this new law. She was devastated. She already had a child at home and knew that bringing another child into their lives threatened her family's situation and their financial security.

As Representative Howard went on to note, having an abortion was "the right decision for this mother's life and her family's well-being."

But the Texas law went into effect, and the Supreme Court deprived this woman of her constitutional right.

SB 8 marks a turning point in the decades-long campaign to undermine the Supreme Court's holding in *Roe v. Wade*. For years, legislative efforts to ban previability abortion have been stopped by courts. Until now.

The legal architects behind this Texas law crafted a scheme to avoid judicial review. They lifted the responsibility of enforcement from the State and put it in the hands of private citizens. Listen to this: As a result of this Texas law, they have turned ordinary citizens into bounty hunters.

I want to clarify something. I have read it and asked the Texas State representative to verify. It has been said that you can sue a person who aids and abets an abortion in Texas and recover \$10,000 costs and attorney's fees. That is not what the law said. The law says you can recover not less than \$10,000 in costs and attorney's fees. The first lawsuits have been filed already against doctors in these clinics, and they are seeking damages in the amount of \$100,000 or more.

You don't even have to live in Texas to receive this bounty. Consider Dr. Alan Braid, the first person to be sued under this new Texas law. Earlier this month, Dr. Braid, a practicing OB-GYN in San Antonio, penned an op-ed in the *Washington Post* explaining why he is continuing to provide abortions despite the law.

As someone who has worked in medicine since 1972, the year before *Roe v. Wade*, Dr. Braid remembers a time when women could not safely access abortion care. He believes he has a "duty of care" to his patients, and he refuses to "sit back and watch us return to 1972," in the doctor's own words. Well, as I mentioned, he is already facing the legal consequences of this new Texas law.

Who is exactly the bounty hunter who filed the first lawsuit against him? You might guess it is a fellow Texan, right? You are wrong. It is a disbarred lawyer who lives in Arkansas, a bounty hunter; \$100,000 is what he thinks this law is going to give him.

That lawsuit being filed against Dr. Braid illustrates how irregular this Texas law's bounty hunter enforcement model really is. Anyone from any State can file a lawsuit against any physician. But when we include the cat-

egories of people who aid and abet the person receiving the abortion, the categories go wide afield, from the people who gave her advice, the folks who gave the transportation to the clinic, the minister who counseled her—all of these things makes them eligible to be sued for a minimum of \$10,000 now in Texas.

There is a reason why the Texas legislators designed the law this way. They sensed an opportunity on the Supreme Court. They knew an emergency legal challenge to this Texas law had a good chance of coming all the way to the Supreme Court. And they knew the Supreme Court has shown a willingness to allow sweeping changes to the law to take place on a short timetable without detailed explanation.

It was interesting to listen to the Republican Senators go into orbit over the fact that we would raise questions about the shadow docket. It is a motions docket where the Justices on the Supreme Court can decide an issue on a very short timeframe without even explaining their position.

That is exactly what happened with SB 8. When the law came before the Supreme Court, a majority of Supreme Court Justices, late at night, allowed it to take effect.

The next day, the Court issued a one-paragraph opinion to explain it. It said they would not stay Texas's abortion ban because of the law's "complex and novel" procedural questions. In other words, the Texas legislators got their way. By designing SB 8 with a new bounty hunter enforcement model, Texas lawmakers managed to evade judicial review.

In her dissent, Justice Sotomayor explained how this scheme worked. She said, "The Court has rewarded the State's effort to delay federal review of a plainly unconstitutional statute, enacted in disregard of the Court's precedents, through procedural entanglements of the State's own creation."

The Court's ruling on SB 8 is distressing for a number of reasons. For one, it has galvanized lawmakers across the country to undermine constitutional rights in their States. Over the past month, lawmakers and candidates in Arkansas, Florida, South Dakota, and other States have pledged to follow suit and copycat the Texas law. They saw what happened when this bill came before the Supreme Court. The Supreme Court basically said it can go forward.

Additionally, the conservative majority on the Supreme Court has now signaled that it is willing to use the shadow docket to allow even laws unconstitutional on their face to take effect, as long as it aligns with certain ideological norms.

Another witness we heard from today was Professor Steve Vladeck, an expert in constitutional law who has written extensively about the Court's shifting use of the shadow docket.

The shadow docket, of course, refers to situations where the Court issues

decisions outside the traditional merits docket. Historically, shadow docket orders are used to help resolve routine or procedural questions frequently without public deliberation, full briefings, or even signed opinions.

But as Professor Vladeck testified, there has been a notable uptick in the Supreme Court issuing shadow docket orders that are “having a far broader substantive impact, for better or worse, compared to [the] emergency rulings in the past.” And many of these shadow docket orders appear to be driven by ideology.

Let me tell why I say that. Listen to these numbers. During the 4-year Presidency of Donald Trump, the Supreme Court issued 28 grants of emergency relief on the shadow docket at the request of the Trump administration—28 grants of shadow docket relief out of 36 requests. Each of these orders advanced President Trump’s political agenda, including one that allowed the resumption of Federal executions for the first time and in nearly two decades.

Now, let’s do a comparison. If there were 36 requests of the Supreme Court for shadow docket opinions and 28 of them were granted in the 4 years of Donald Trump, how about previous Presidents? During the 16 years of the George W. Bush and Obama Presidencies, from 2001 to 2017, the Supreme Court issued four—four—orders in 16 years. In this last 4-year period of time, they granted 28 out of 36 with the Trump Justice Department.

With its handling of Texas’s abortion ban, as well as other shadow docket orders, the Supreme Court’s conservative majority has indicated a willingness to change substantive law in sweeping ways without due deliberation and public reporting.

In doing so, they are undermining confidence in the Court, and the conservative majority has opened the door for ideologically driven legal schemes to rewrite laws from the shadows, like SB 8. This is a five-alarm fire for due process, as well as our constitutional rights.

And as I expressed during this today’s hearing, I hope every Member of the Senate—Democrat or Republican—will join together to protect and preserve independent, transparent, and reasoned judicial decision making based on the rule of law.

At a time when the public’s confidence in our governmental institutions has been greatly eroded, we must restore it.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 2840

Mr. LEE. Madam President, I rise again today to express my objection to President Biden’s sweeping vaccine mandate and to offer legislation that would protect Americans from this Federal intrusion.

As I said yesterday, the Federal Government has no business mandating COVID-19 vaccination for all Ameri-

cans. Unfortunately, at least some of my colleagues disagree. The President of the United States said, while announcing the mandate, “This isn’t about freedom or personal choice.”

“This isn’t about freedom or personal choice.” It stuns me to think that a sweeping Federal mandate could be about anything other than freedom or personal choice. It is like robbing a bank and then saying it is not about the money.

Our Constitution was designed to protect the liberties of the people of the United States. But now, the government is being used by the Executive to force Americans to be vaccinated or to be terminated.

Yesterday, I came to the floor to speak about those Americans with sincerely held beliefs, whether religious or otherwise. My bill yesterday would have simply required that any mandate of this sort contain an exemption for those individuals.

Now, I don’t believe that such an exception would be sufficient to resolve the constitutional and the policy problems with such a mandate. But there are millions of Americans who would be able to live according to their beliefs if, in fact, such an exemption were included by law, which it should be.

Lamentably, my colleague the senior Senator from Washington objected. So I pledged to come back again today and tomorrow, for as long as it takes, to win the fight against this egregious mandate.

Today, I am providing another opportunity for this body to protect Americans.

This mandate poses a real threat to the well-being of millions. Those who choose not to be vaccinated are at risk of losing their jobs. My office has been in contact with 144 Utahns who are concerned about this very issue. I shared some of their stories yesterday.

Despite what many on the other side of this debate would have you believe, these are, in fact, everyday Americans: people with preexisting medical conditions, like autoimmune disorders. These are people who are just wanting to provide for their families and not to be able to expect that. These are pregnant mothers who are concerned about the safety of their own health and that of their unborn children.

Some of these people are the heroes of yesterday. They are first responders; they are medical professionals and essential workers who sacrificed to carry our Nation through the hardest days of this pandemic. And they are still heroes today. These Americans are not the enemy.

President Biden and those who support this effort are grasping for solutions they believe can bolster their political position and shift blame on the status of the pandemic. Those paying the price are the people back home, including many of the people I just described.

So today, I offer another proposal. This bill would provide those Ameri-

cans harmed by this mandate with a means of recourse. Under this bill, those who lose employment or lose their livelihoods due to this mandate may sue the United States for relief. The bill would make these very Americans whole after the President of the United States made working impossible for them.

This bill is only one of many that I have introduced to combat this unconstitutional, unwarranted, indefensible mandate. While I believe this mandate will eventually be invalidated in court—I am quite confident that it will—until that day comes, these bills can provide businesses and the American people with the certainty that they need to make their own decisions. We will be protecting their God-given and constitutionally protected right to make medical decisions for themselves.

So, Madam President, I am here today and I will be back tomorrow and fighting against this mandate for as long as it takes.

Madam President, as if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2840, and that the Senate proceed to its immediate consideration. Further, I ask unanimous consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there an objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, more than 680,000 Americans have died from COVID. The majority of these deaths occurred before we had viable, effective, and safe vaccines. Doctors were begging for these vaccines to save lives, and now we have three safe, effective, widely available vaccines in America. All three have been proven successful and safe.

However, one in four adults in America still refuses to get the vaccine. According to the CDC, these unvaccinated individuals—listen to this—are 10 times more likely to be hospitalized from COVID, 10 times more likely to die from COVID than those who got the shot. And as long as large numbers of Americans remain unvaccinated, this virus is going to continue to spread and raise the risk of mutation and more deadly variants.

We have tried approaches to incentivize people. What more can we do? We created a lottery in Illinois and said: If you are vaccinated, you are automatically buying a lottery ticket; you don’t even have to pay for it.

The head of the Federal Bureau of Prisons union for employees, with only 50 percent of those working in Federal prisons vaccinated, said they were going to set up a popcorn machine at the prisons in the break room in the

hopes of getting people to be vaccinated—trying everything to get people to try the vaccine.

We have tried every approach to incentivize them, but the vaccine numbers are not where they need to be. So, facing this reality, the President accepted responsibility to try harder. He has directed Federal Agencies and OSHA to mandate vaccination for Federal employees and certain private workers. These directives were issued under the OSHA Act and other established legal authorities; and, listen, they have been welcomed by the Business Roundtable and other employers who were waiting for a signal from the White House that we were serious, and they are supported by a majority of the American people.

I recognize that some of my colleagues disagree with that action, and that has prompted this bill from my friend and fellow Senator from Utah. His bill, the Don't Jab Me Act, would create a private right of action for any "aggrieved individual" to sue the Federal Government "for injuries sustained as a result of a COVID-19 vaccination mandate."

I know that the Senator is careful in his words. I would ask him to look carefully at that word "injuries." It is misleading.

COVID-19 vaccines are safe and effective. They were evaluated in tens of thousands of clinical trials. They meet the FDA's rigorous scientific standards for safety, effectiveness, and quality. They have undergone and will continue to undergo the most extensive, intensive safety monitoring in history.

In an extremely rare case that an individual suffers an injury, a harm, from a COVID-19 vaccine, there is a system in place to provide compensation. Under the Countermeasures Injury Compensation Program, a person can already seek to recover damages for physical injuries suffered because of COVID-19 vaccines.

The Senator from Utah's bill appears to go beyond compensating individuals for physical injuries caused by the vaccine. It lets people sue the government for "injuries sustained as the result of a COVID-19 vaccine mandate."

Now, what kind of injuries might there be?

Well, we surely don't know. The bill does not define the type of injuries that a person could sue for. The entire bill is two and a half pages of very vague language.

What we do know is that the bill, if enacted, would authorize a flood of lawsuits by individuals claiming that a vaccine mandate injured them in some physical, maybe nonphysical way. We don't know.

It is ironic. For more than a year, my Republican colleagues claimed the pandemic would create a tsunami of COVID lawsuits. Remember all of the times Senator MCCONNELL went to the floor and said: Hang on tight. The trial lawyers are just going to be hell-bent now, filing lawsuits all across America. There will be a tsunami of lawsuits.

Well, it never happened. Despite that fact, the Senator from Utah is apparently urging a new set of lawsuits to be filed.

I am a former trial lawyer. I made a living at it. When people have been harmed, I support their day in court, but liabilities laws need to be carefully calibrated to promote the right behavior and incentives. This short, vague bill does not even try to strike a balance between health and safety. It is a shot across the bow to entities that are using vaccine mandates.

Remember, courts have long rejected challenges to vaccine requirements imposed by public entities. And the Senator might take a look at his home State. In Senator LEE's home State of Utah, there are public actors, like Salt Lake Community College, the University of Utah, and Utah State University, that are using COVID vaccine mandates to promote health and safety.

And I want to show the Senate this chart because it tells an amazing story.

Remember the report about all the attorneys general who were going to file lawsuits, in keeping with the Senator's message, against Joe Biden for these mandates for these employees?

Well, we took a look at their State.

Twenty-four States threatened lawsuits against Joe Biden for the very reason stated by the Senator from Utah.

How are they doing compared to all the other States, the 26 States that didn't file a lawsuit?

Well, it turns out the infection rate for COVID-19 over the past 3 months is more than twice in those States as it is in the States not filing these lawsuits. Since mid-June, the death rate is almost three times the rate of those States that didn't file the lawsuit, and the vaccination rates are significantly lower.

So for those who have an idea about guiding the State to the right outcome, shouldn't public health and safety be important?

I am sure we all understand the issue of liberty and how important it is to America, but there was a word before liberty that the Founding Fathers used: life. Life.

These vaccine mandates are about saving lives in America, and it is for that reason that I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. Madam President, I appreciate the insight provided by my friend and distinguished colleague, the senior Senator from Illinois and the assistant majority leader.

I respectfully submit that this is about allowing people to obtain redress for, among other things, the awful Hobson's choice people are facing and are increasingly going to be facing as this mandate kicks in. It hasn't been issued yet. We still don't know what is in it. We still don't know his precise basis for the authority. We assume that he would have told us his precise basis for the authority if, in fact, it existed.

I have scoured the U.S. Code looking for authority for the President of the United States to implement this unilaterally, and I have found none. So it is very significant, therefore, that when you are going to put this kind of a Hobson's choice in front of the people, you ought to be able to at least have the decency to tell them what your source of authority is. He still hasn't done it.

If we assume that he is going to come up with one and that he is going to issue a mandate, that mandate is going to put a whole lot of people in a terrible position, forcing them to choose between getting a vaccine that, for whatever reason, they don't want and termination—between submission and poverty. That is unfair.

Now, look, I get the fact that a lot of us were and are enthusiastic and grateful for the vaccine. I have received the vaccine, as has every member of my family. I think the vaccine is a good thing. I also understand that there are people who feel differently. In some cases, there are people who have been advised by board-certified medical doctors not to get the vaccine based on the existence of one or more autoimmune diseases, past personal or family history, and their idiosyncratic reactions to other vaccines or to this vaccine. There are other people who might have religious or other sincerely held personal beliefs that might make this choice a really unfair one for the Federal Government to force upon them.

So, yeah, I am glad we have got the vaccine. I think the vaccine is good. I think the vaccine is helping a lot of people. But to tell every American that he or she must get this under penalty of losing a job, and then for the President, after acknowledging that he doesn't have authority, to mandate this for every American turns America's employers—all those with more than 99 employees—into the COVID-19 vaccine police for the entire country.

It is unjustifiable, even at a policy level, before we get to the obvious constitutional defects and the lack of any semblance of any statutory authority. So I am disappointed that we can't pass this one today. I will be back again tomorrow. I will continue to come back for weeks to come because the American people deserve better than this. They deserve not to have people in Washington, DC, purporting to make very personal healthcare decisions for them and conditioning their own private-sector employment on compliance with the dictate of one man in Washington, DC.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that Senator PETERS and I be allowed to continue to complete our remarks before the roll-call vote.

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

NOMINATION OF ROBERT T. ANDERSON

Mr. BARRASSO. Madam President, the Senate is about to vote on the

nomination of Robert Anderson to serve as Solicitor of the Department of the Interior, and I am here to tell you, Madam President, that I oppose this nomination.

Now, if confirmed, Mr. Anderson will serve as the Department's chief attorney and also as the principal legal adviser to the Secretary of the Interior, Secretary Haaland. He would oversee more than 430 attorneys and a staff within 6 legal divisions. He would be responsible for ensuring that business conducted in the Interior Department follows the law and is done transparently. He would be granted tremendous powers to shape how the Department fulfills its mission by issuing final legal interpretations on all matters within the jurisdiction of the Department.

These decisions directly impact homes and businesses in Wyoming and throughout the Nation. These decisions can make or break our Nation's ability to protect our environment, to use and enjoy our natural resources, to create good-paying jobs, and to pay for services such as public education.

Over the course of his career, Mr. Anderson has both taught and practiced law, primarily focused on Tribal issues. Now, I am concerned that Mr. Anderson lacks sufficient legal experience beyond the Tribal law to effectively navigate the complex web of issues governing the multiple use of public lands and Federal lands.

I am very concerned about Mr. Anderson's actions, specifically actions he has taken as the Principal Deputy Solicitor since January 20 of this year. He has revoked many solicitors' opinions issued under the Trump administration. His work has paved the way for the Biden administration's punishing policies that are in direct conflict with the Department of the Interior's multiple-use mandate.

Mr. Anderson's responses to questioning by Senator CASSIDY during his nomination hearing were particularly concerning to me. Senator CASSIDY asked whether the nominee agreed that the requirement to "maintain"—maintain—oil and gas leasing programs meant to lease some more—not just maintain the leases that were already leased, but continue leasing. Mr. Anderson responded that he thought it was an open question.

Madam President, to suggest that the Secretary is no longer required to plan for and hold new offshore oil and gas leases simply and unfortunately but truly ignores the law of the land. Let me be clear. The Secretary of the Interior is required to comply with the law like everyone else. Mr. Anderson's willingness to put the Biden administration's war on American energy ahead of following established law, in my opinion, disqualifies him from serving as Solicitor.

I will vote against Mr. Anderson's nomination, and I will urge other Senators to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF JONATHAN EUGENE MEYER

Mr. PETERS. Madam President, I rise in support of Jonathan Meyer's nomination to be general counsel of the Department of Homeland Security, or DHS.

Mr. Meyer is an accomplished lawyer and dedicated public servant who is well qualified to serve as the Department's chief legal officer. His nomination maintains bipartisan support, including from former DHS general counsels who served under both Democratic and Republican administrations.

Mr. Meyer's previous government service spans 17 years and includes senior roles in the Department of Justice, the U.S. Senate, and as the deputy general counsel for DHS during the Obama administration.

Since returning to private practice in 2016, Mr. Meyer's legal work has continued to focus on cyber security, technology, and homeland security. Throughout the confirmation process, Mr. Meyer has demonstrated that he understands the complex legal issues facing DHS and the importance of ensuring that the Department cooperates with Congressional oversight.

DHS has not had a Senate-confirmed general counsel for over 2 years. DHS needs qualified, Senate-confirmed leaders in place to effectively carry out its critical mission of safeguarding our Nation.

I urge my colleagues to confirm Mr. Meyer today.

I yield the floor.

CLOTURE MOTION

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

The 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. 264, Robert T. Anderson, of Washington, to be Solicitor of the Department of the Interior.

Charles E. Schumer, Tammy Duckworth, Brian Schatz, Alex Padilla, Sheldon Whitehouse, Richard J. Durbin, Elizabeth Warren, Amy Klobuchar, Gary C. Peters, Mark R. Warner, Tammy Baldwin, Martin Heinrich, Mazie Hirono, Debbie Stabenow, Patrick J. Leahy, Robert P. Casey, Jr., Thomas R. Carper, Tina Smith.

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 Robert T. Anderson, of Washington, to be Solicitor of the Department of the Interior, 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 Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 391 Ex.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Crapo
Moran

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

CLOTURE MOTION

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

The 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. 159, Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security.

Charles E. Schumer, Tammy Duckworth, Brian Schatz, Alex Padilla, Sheldon Whitehouse, Richard J. Durbin, Elizabeth Warren, Amy Klobuchar, Gary C. Peters, Mark R. Warner, Tammy Baldwin, Martin Heinrich, Mazie Hirono, Debbie Stabenow, Patrick J. Leahy, Robert P. Casey, Jr., Thomas R. Carper, Tina Smith.

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 Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 392 Ex.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Crapo Moran

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security.

ORDER OF PROCEDURE

Mr. WYDEN. Madam President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on executive Calendar Nos. 264 and 159 be considered expired at 4:45 p.m. today; that the vote on confirmation of the Anderson nomination occur at 4:45 p.m. today; and that the vote on confirmation of the Meyer nomination occur at a time to be determined by the majority leader, following consultation with the Republican leader on Thursday, September 30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The senior Senator from Oregon.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WYDEN. Madam President, in a few minutes, I will put forward the unanimous consent request that the Senate take up and approve a highly qualified and unquestionably noncontroversial nominee. I am going to take just a few minutes to talk about Jonathan Davidson, nominated to be the next Deputy Under Secretary for Legislative Affairs at the Treasury Department.

To do this briefly, there are a few key points to make about this important nomination. To start, Jon isn't just a person off the street being nominated for a new job in the Biden administration. In fact, my guess is, virtually every Member of this body, Democrats and Republicans alike, have worked with Jon at one point or another.

From 2011 until he was nominated this past spring, Jon served as chief of staff to another Finance Committee colleague, Senator BENNET. He is known as somebody who is honest, who is hardworking, and who is committed, most importantly, to bringing people together to tackle big challenges, and he has been doing it a long time.

Before his work with Senator BENNET, Jon served as chief of staff to Senator Paul Sarbanes. He spent time in the office of Representative JOHN SARBANES, and he was later chief counsel to our friend and colleague, Senator MARK WARNER. You don't have to take it from me that Jon knows his way around the Congress. All of those Members trusted Jon as a right-hand man.

The second issue: I can't find any controversy with respect to his nomination. He cleared the Senate's Finance Committee on a 28-to-0 vote.

Let me repeat that: 28-to-0 vote.

In fact, the Finance Committee reported out several nominees this Congress without any Republican opposition, none at all. Normally, that would be enough to pave the way for prompt and full Senate consideration, but I think we all understand these are not normal times here in the U.S. Senate.

It used to be the case, at the end of July, the two sides would come together and look to pass a package of noncontroversial nominees by unanimous consent. My Finance Committee team thought this would be the case this year. Unfortunately, that did not take place. Senate Republicans were just in no mood to clear even the most uncontroversial nominees.

This is an extraordinary level of obstruction beyond what you saw when the previous administration was staffing up. For example, let's take the previous two nominees for the same position Jon is up for.

Drew Maloney was the first Trump nominee for Legislative Affairs at Treasury. The Finance Committee held a hearing on this nomination on June 7, 2017. The committee voted on his nomination a week later, favorably reported by a vote of 25 to 1. A few weeks

after that, the full Senate passed his nomination by unanimous consent, along with several other nominations for roles in the Trump Treasury Department. That is how the process generally unfolds.

Two years later, Brian McGuire was nominated to replace Mr. Maloney. His hearing was held July 24, 2019. The Finance Committee approved his nomination a week later. He was confirmed to serve in the Trump administration on September 24.

In both cases, these two nominees, colleagues, were confirmed 2 months after their hearings.

Jon Davidson has been waiting 4 months since his hearing on May 25—nearly twice as long as Trump nominees waited for the same job.

I think we all understand that it is essential to have qualified individuals heading up offices of Legislative Affairs. They help to make sure administrations follow the laws, just as the Senate passes as intended. They help Members write legislation. They make sure that all Members get responses to their questions with respect to oversight.

Setting everything else aside, you would think Senate Republicans would be especially interested now in making sure the Senate can perform that essential oversight. I myself am looking for some straight answers to a number of oversight requests I had posed to the Treasury Department, and having Jon installed in his new role as Treasury would sure help to move that process along. Federal Agencies and the Congress need these legislative point guards in order for Agencies to run as smoothly as possible.

This isn't a policy position, nor is Jon Davidson a nominee who raises any major concern from anybody. I have yet to hear even anything resembling a substantive reason from Senate Republicans for opposing a nominee like Jon Davidson, who got a 28-to-nothing vote out of committee to lead this office. There is no reason for delaying any longer.

Therefore, I ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 168, Jonathan Davidson, to be Deputy Under Secretary of the Treasury; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Is there objection?

Mr. CRUZ. Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Reserving the right to object. Mr. President, this continues a discussion we have been having for days and indeed weeks and indeed months. Joe Biden is being flagrantly

lawless, in that he is refusing to impose mandatory congressional sanctions passed by Congress in the Countering America's Adversaries Through Sanctions Act, also known as CAATSA.

CAATSA was designed for precisely the purpose of taking away the President's discretion to impose sanctions on Russia in cases where Congress deemed it necessary to mandate them.

CAATSA passed Congress overwhelmingly. The vote was 98 to 2. Indeed, in September 2020, my colleague Senator WYDEN wrote a letter that was joined by 10 other Democrats about Russian malign activities.

Senator WYDEN's letter stated: "Congress has mandated a broad range of sanctions tools, and it is long past time for the administration to send a direct message to President Putin."

The letter continues, specifically citing the "sanctions mandated provided for in" CAATSA.

President Biden is legally obligated to Nord Stream 2 AG, the company responsible for the planning, the construction, and the eventual operation of Putin's Nord Stream 2 Pipeline.

Nord Stream 2 AG has committed acts that require the imposition of these mandated sanctions under CAATSA Section 228. Section 228 mandates sanctions on any company that conducts any "significant transactions," including "deceptive transactions," for Russian companies that are already sanctioned.

In May, the Biden State Department sent Congress a certification confirming that Nord Stream 2 AG had engaged in those actions. It is clear that Nord Stream 2 AG falls under the mandatory sanctions of CAATSA. Nobody, not even the Biden administration, denies that the Biden State Department sent that certification confirming those actions. Nevertheless, President Biden and, in particular, the Department of Treasury is refusing to implement the law.

I have spoken directly with Secretary Yellen. I have spoken directly with the Deputy Secretary of Treasury. The law is clear and unequivocal. And because of the political agenda of the Biden White House, because of President Biden's desire to surrender to Vladimir Putin and to give him a multibillion-dollar pipeline, weakening America, weakening Europe, and giving vast resources to Putin to hold Europe subject to energy blackmail, Treasury is refusing to follow the law.

Nevertheless, I have been willing to offer a compromise. I have placed holds on nominees to the State Department and some of the nominees to the Treasury Department. And I have offered a compromise to lift the holds on this nominee and other nominees to the Treasury Department, and also to lift the holds on career nominees to State if either the Biden administration follows the law in CAATSA and impose sanctions. That is option A. That would be the best option.

Or option B, if they decide because, for whatever political reason, they be-

lieve surrendering to Putin is a good idea notwithstanding America's national security interest, there is a second option that I have offered to lift those holds, which is they could impose the sanctions under CAATSA and then immediately delist Nord Stream 2 AG. That would prevent the sanctions from going into effect, but it would also trigger an automatic vote here in this Congress to override that decision.

I have made that offer, along with Senator TOOMEY, in writing months ago. It is a reasonable compromise, and yet the Biden administration won't take it. They won't take it because they are terrified, if and when Congress votes on that override, that an overwhelming bipartisan majority of Congress in the Senate and the House will vote to override Joe Biden's indefensible decision to surrender to Vladimir Putin.

Nonetheless, in the spirit of reasonableness, I am happy to offer the Senator from Oregon the same deal or a similar deal, at least, right here and right now.

UNANIMOUS CONSENT REQUEST—S. 2894

Mr. President, there is a bill that I filed that imposes CAATSA 228 sanctions on Nord Stream 2 AG. Every Democrat in this Chamber has supported sanctions on Nord Stream 2.

In a moment, I am going to ask for unanimous consent to pass the legislation simply mandating that the Biden administration, that the Treasury Department—and this is a Treasury nominee that we are discussing—follow the law.

If the Senator from Oregon will agree to my unanimous consent request and that bill passes the Senate, I will not object to this nominee if the Senator from Oregon is willing to accept that, because that will move the process along. The objective is to stop this pipeline that strengthens Putin, weakens Europe, and weakens America.

And, indeed, if we pass the legislation mandating the CAATSA sanctions, I won't object to this nominee. When that legislation passes the House, I will lift my hold on another Treasury nominee. And when the President does the right thing and signs it into law, I will lift my holds on all the Treasury nominees.

So it is a reasonable, incremental step forward that gives the Senator from Oregon the chance to demonstrate that when Democrats give speeches about how Nord Stream 2 is bad for America, bad for Europe, bad for the environment but good for Russia and Putin, we can now discover whether or not Democrats actually believe what they have said in speeches so many times.

Therefore, I ask that the Senator modify his request so that in addition to confirming the nomination and, as if in legislative session, that the Senate proceed to the immediate consideration of S. 2894, which is at the desk; that the bill be considered read a third time and passed; and that the motion

to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let's understand exactly what is at issue here. Jonathan Davidson has been nominated to be the Deputy Under Secretary for Legislative Affairs. In that particular role, he would not be directly involved in decisions over sanctions, No. 1.

No. 2, when it comes to Nord Stream 2, the Biden administration, to their credit, has recognized the threat from Russia, but also that the pipeline is nearly complete and the Trump administration failed to stop the construction.

Everything my colleague from Texas is raising in his concerns about Nord Stream 2 is already happening with another pipeline—Turk Stream 2—and my colleague is aware of this. He has been briefed repeatedly.

Now, for those who don't have access to the same kind of information that my colleague has, gas is already being diverted from Ukraine into Europe through Turk Stream 2 because the past administration did nothing about that pipeline either.

The Biden administration has actually put a plan forward to mitigate the effects of Nord Stream 2 and has received concrete agreements from the Germans to move Ukraine toward energy independence and address Russian threats.

I am just going to close with just another dose of good government. The 9/11 Commission specifically warned about the need to have senior, confirmed individuals in place to avoid a threat to the homeland. And, by the way, we did that during the Trump administration. We have far less people confirmed today than we did in 2001, before 9/11.

In my view, this has got to end. For these reasons, I object to the UC.

The PRESIDING OFFICER. The objection to the modification is heard.

Is there objection to the original request?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. I recognize that my friend from Oregon has been busy with affairs on the Finance Committee and so has not been involved in the now 2 years of debate over Nord Stream 2 on the Senate Foreign Relations Committee. But, unfortunately, that has resulted in the Senator from Oregon being given talking points—perhaps from the administration, perhaps from colleagues—that are simply factually incorrect. I am sure that is inadvertent.

The Senator from Oregon just said that there is no way to stop this pipeline, and that the Trump administration failed to impose sanctions to stop

the pipeline. Both of those statements are factually wrong.

I was the author of two separate pieces of legislation that passed into law concerning Nord Stream 2. Both were bipartisan legislation. Both, I authored with Senator JEANNE SHAHEEN, a Democrat, in the Senate. Both passed with overwhelming bipartisan support from both Houses of Congress.

The first bill passed in December of 2019. Nord Stream 2 at the time was more than 90 percent complete, and the argument then that was being pushed by Russian disinformation and that, sadly, has been echoed by the Biden administration and was just echoed by the Senator from Oregon—the argument from Russian disinformation was, the pipeline can't be stopped; it is too late.

We know that was Russian disinformation because it was conclusively disproved. Putin stopped building the Nord Stream 2 Pipeline the very day that the Cruz-Shaheen bipartisan sanctions were signed into law—not the next day, not the next week. That day, we stopped the pipeline in its tracks.

But, Mr. President, it was not only stopped for 1 day; it was stopped for more than a year. For December of 2019, for January, February, March—every month in 2020, the pipeline lay dormant. It was a piece of metal at the bottom of the ocean. So the claim that we cannot stop this pipeline is flat-out false because we did.

By the way, when the Senator from Oregon said the Trump administration couldn't stop this pipeline, that, again, is just incorrect. When the President signed the legislation, the pipeline was stopped that day. It remained stopped for over a year.

When did Putin return to building this pipeline? The date is important. Putin returned to building the Nord Stream 2 Pipeline on January 24, 2021, 4 days after Joe Biden was sworn into office. And he did so because Joe Biden and his team had already conveyed weakness that they would not enforce U.S. sanctions law and that they would roll over and give Putin and Russia a generational geopolitical gift. The only reason Putin began building again is because the Biden White House defied U.S. law to surrender to Putin.

Now, Joe Biden is entitled to believe that is a good policy idea. What he is not entitled to do is ignore U.S. law. And the Senator from Oregon suggests this nominee has nothing to do with that. Well, it is the Department of the Treasury that is ignoring the CAATSA law, that is refusing to follow the policy.

Sadly, this moment marks a new threshold in that debate. Up until this point, it has only been the Biden White House that has been surrendering to Russia. Sadly, now we have a Democratic Member of the Senate objecting to legislation to stop the Biden White House from surrendering to Russia. That is a move in the wrong direction.

That being said, my offer of reasonable compromise remains if we can come together as we have repeatedly, Republicans and Democrats, to force the President to obey the law and to stop surrendering to Russia in a way that hurts America, hurts Europe.

By the way, the European Parliament—my friends on the Democratic side of the aisle like to consider themselves lovers of our friends in Europe. The European Parliament voted on Nord Stream 2. The vote was roughly 500 to 50 against Nord Stream 2 because it makes our European allies subject to energy blackmail by Putin and his successor dictators.

This is bad for America, bad for Europe, bad for peace, bad for the environment, but good for Vladimir Putin and for Russia. Joe Biden is mistaken to be committing this surrender, and my friend from Oregon errs in joining Joe Biden in that surrender to Russia.

I hope the Senator from Oregon reconsiders. I hope Congress comes together again. But as long as that does not happen, I object.

The PRESIDING OFFICER. The objection was heard.

Mr. WYDEN. Mr. President, I am going to be very brief and then make a unanimous consent request.

Again, we have a difference of opinion with respect to the facts. That is what the Senate is all about—real debate. In a moment, I am going to ask unanimous consent to put into the RECORD at this point an article from just a few days ago from the Wall Street Journal that makes the truth about Nord Stream 2 AG very clear.

In effect, in the Wall Street Journal article that we are going to put into the RECORD, the pipeline owner said last week that construction on the pipeline has been completed.

There is no reason to object to this very talented individual, John Davidson, to head this important post after he got a 28-to-0 vote in the Senate Finance Committee.

I think this article in the Wall Street Journal that I have just asked to be printed in the RECORD at this point in the debate, so we can make sure the facts are correct, supports our basic proposition on this side of the aisle.

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

[From the Wall Street Journal, Sept. 13]

SENATE REPUBLICANS VOW TO BLOCK TREASURY NOMINATIONS UNTIL NORD STREAM II FIRM IS SANCTIONED

(By Ian Talley and Brett Forrest)

WASHINGTON.—Senior Senate Republicans on Monday threatened to indefinitely hold up the nominations of five top Treasury Department officials if the Biden administration doesn't blacklist the firm managing Russia's Nord Stream 2 pipeline project.

Sen. Pat Toomey (R., Pa.) and Ted Cruz (R., Texas) said they are prepared to approve the nominations, including two national security posts that oversee sanctions and counterterrorism finance, if the Treasury Department blacklists Russia-owned Nord Stream 2 AG.

The Biden administration has implemented sanctions against several firms that have provided support to the project but not against Nord Stream 2 AG, saying that it would irritate relations with critical ally Germany and do little to stop the project, given that it was near completion. Gazprom, Russia's state-controlled gas-export monopoly and the pipeline owner, said last week that construction on the pipeline had been completed. But there are still bureaucratic hurdles that have to be overcome to get it running.

Nord Stream 2 is designed to accommodate the transmission of 55 billion cubic meters of gas annually, the company said.

Republicans say they are concerned the pipeline project bolsters Europe's reliance on Russian energy and gives Moscow leverage over Washington's trans-Atlantic allies. By holding up the five top Treasury nominations, they hope to pressure the administration into sanctioning the managing firm and stymie the pipeline's startup.

"The administration's so-called 'deal' with Germany hands Vladimir Putin a geostrategic victory, entrenches corrupt Russian influence in Europe, and drastically weakens the security of Ukraine, Poland, and other states on the frontline of Kremlin aggression," Mr. Toomey, the ranking member of the Banking Committee, and Mr. Cruz said in a letter to the chairmen of the Senate Banking and Foreign Relations Committees.

A Treasury spokeswoman said that while the department has experienced career staff who are experts in their fields, "The Senate should move quickly to confirm these nominees who are integral to disrupting illicit finance, combating terrorism, and administering sanctions."

Nord Stream 2 AG officials didn't respond to a request for comment.

The Banking Committee is scheduled to vote Wednesday on the nominations of Brian Nelson as the Treasury's undersecretary for terrorism and financial intelligence and Elizabeth Rosenberg for the role of assistant secretary for terrorism financing.

Without Republican support in the committee, Democratic lawmakers face long odds getting the nominations approved.

That could leave empty the post responsible for overseeing U.S. sanctions policy, extending a vacancy that has already lasted nearly two years. The nominations of Jonathan Davidson as deputy undersecretary, Lily Lawrence Batchelder as assistant secretary for tax policy and Benjamin Harris as assistant secretary for economic policy all have been committee-approved, but full Senate ratification has been held up by Mr. Cruz.

The Texas Republican said he's prepared to lift his holds—as well as those he has on nearly two dozen State Department appointments—if the administration commits to sanctioning the Russian project management firm.

Sen. Robert Menendez (D., N.J.), the chairman of the Senate Foreign Relations Committee, didn't immediately respond to a request for comment. The chairman of the Banking Committee, Sen. Sherrod Brown (D., Ohio), directed questions to the State Department and White House. "Decisions on sanctions regarding the NS II pipeline are made by the administration," a spokeswoman for Mr. Brown said.

The Republican senators say a federal law called the Countering America's Adversaries Through Sanctions Act, signed into law in 2017, mandates blacklisting companies or individuals involved in evasion of the act's sanctions. They say the provisions allow for the administration to delist the company, but that opens the door for Congress to vote on the issue.

Republican aides said the law mandating sanctions had bipartisan support, fueled by concern the Trump administration would treat Moscow too favorably. Given that some Democratic lawmakers opposed the Biden administration's Nord Stream 2 decision, those aides said Congress could vote to keep the firm on Treasury's blacklists.

The risk of sanctions, the aides said, could dissuade companies from providing certification.

In November, Norwegian certification company DNV suspended its work on Nord Stream 2 after assessing that its activities could expose the company to sanctions under Protecting Europe's Energy Security Act, a 2019 U.S. law specific to the pipeline, a company spokesman said.

Last week, Germany's energy regulator Bundesnetzagentur received Nord Stream 2 AG's application for an operating license. The company has four months to engage an independent certification company to complete an assessment of the pipeline's operational integrity.

Once a certification is complete, the German regulator would send its decision to the European Commission, but this isn't the final hurdle to gas flows. Initial deliveries could face additional, unrelated delays. Last month, a German court rejected Nord Stream 2 AG's bid to bypass a European Union pro-competition regulation mandating that a gas producer and the company that transports the gas be separate entities.

One of the congressional aides said the Biden administration, besides worrying about creating diplomatic friction with allies, may also be concerned about setting precedent regarding sanctions, because Treasury officials also could have to sanction other companies.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I don't have objection to the article being included in the RECORD, but I would note that, once again, the Senator from Oregon is limited by the fact that he has not participated in the debate on this in the Senate Foreign Relations Committee for the last 2 years, because what he stated in his first remarks was that there was no way to stop the pipeline initially and the Trump administration failed to do so. That was factually incorrect.

We stopped the pipeline the day President Trump signed the bipartisan Cruz-Shaheen sanctions into law. That was December of 2019, and the pipeline was stopped for over a year. As I mentioned, on January 24 of 2020, 4 days after Joe Biden was sworn into office, Putin began—returned to building the pipeline because Biden had already telegraphed his surrender to Russia.

Now, what my friend from Oregon just said is—he repeated news coverage that the pipeline is now, today, complete. That is, in fact, correct, that because Biden surrendered on this point, Putin went all in and finished the pipeline. But this is where being part of the Foreign Relations Committee discussion matters, because even though the pipeline is now physically complete, it does not mean it is operative. After the pipeline is physically complete, there are months of certifications required and multiple authorities.

The legislation that Congress passed as a bipartisan matter also imposes sanctions on any entity, any company that certifies the pipeline. Indeed, the position of the Biden State Department has been that even when the pipeline is complete, we can stop it from ever going online by stopping certification.

So the legislation that I just asked for consent would do exactly that—it would stop certification, and it would leave it as a hunk of metal rather than an operating pipeline enriching Putin at the expense of Europe and America. So we still have time to stop this.

One final observation. This morning, I spent a couple of hours in a classified briefing on this topic, on Nord Stream 2. A question that I posed to the Biden State Department—I said: What exactly did Joe Biden, did the administration get in exchange for surrendering to Russia in a way that will impact this country and Europe for decades to come?

The answer, I will say, was altogether unsatisfactory. The only thing the Biden White House got was good will from Angela Merkel, whose party was just defeated resoundingly this past weekend in the election. So Angela Merkel is on her way out. We got good will from someone who will very soon no longer be the leader of Germany.

Instead, the German people voted in—elevated the Greens, who were vocally opposed to the Nord Stream 2 Pipeline. So the new government in Germany is not going to appreciate Biden surrendering to Putin in a way that hurts the environment and hurts Germany. But we have alienated the Ukrainians; we have alienated the Poles; we have alienated Eastern Europe. The European Union voted 500 to 50, roughly, against Nord Stream 2. We got nothing, and we hurt U.S. jobs.

This is foolhardy, and I am hopeful that the Senate will exercise our historical role over foreign policy and prevent a President and an administration from making this mistake.

I would note, Secretary of State Blinken and the State Department argued vociferously in the interagency process to sanction Nord Stream 2 AG, and it was the political operatives at the Biden White House who overrode the State Department. They should not have done so, and today the Department of the Treasury should follow the law and impose sanctions under CAATSA or delist them and trigger a vote in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. SCOTT of Florida, Mr. JOHNSON, and Mr. LEE pertaining to the introduction of S. 2895 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS CONSENT REQUEST—S. 2895

Mr. SCOTT of Florida. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed

to the immediate consideration of S. 2895, introduced earlier today. I ask unanimous consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, Senator SCOTT's bill would prohibit the Department of Transportation, Amtrak, Transportation Security Administration, or other Agencies from requiring passengers in interstate transportation to show proof of COVID-19 in order to travel.

I appreciate my colleagues—all of whom I serve with on the Commerce Committee. I know that they know well—we have had a lot of discussions about the impacts of COVID-19 on our transportation sector. They know very well that we had to spend a lot of resources keeping our transportation sector moving.

Why?

Because we have to move goods and services and products. During COVID-19, we had to move essential workers, and we had to move product.

There is no doubt our transportation system needs to have keen oversight as it relates to moving in even a pandemic. That is what we did. I am proud of the work that we did. But it is not lost on anybody that COVID-19, the deadliest pandemic in U.S. history—as of September 28, there have already been 700,000 COVID-19-related deaths in the United States and over 43 million infections. In my State, 7,586 deaths and 652,000 cases.

So the point is here, we have been fighting this pandemic with all of these tools and no one has ever suggested the one—that Senator SCOTT nor my colleagues from the Commerce Committee are saying what the President might do. That is not what he has suggested.

In fact, I was very involved in an area of transportation where we wanted to get cruise ships back in service to Alaska at a critical moment—both for Alaska and a critical moment during the pandemic. Not everybody was ready to have that happen; not everybody was ready to move. And yet it meant so much to Alaska that we all worked together. And in some instances, those cruise ships said: We are going to require the vaccine.

So the point is here, we are not trying to mandate this. Now, if the President and the industry feel that it is important to have a workforce so that that workforce continues to serve us and conserve the growing response to the pandemic—which I mean responding to the aftermath of the pandemic—that is why we spent money. That is why we are trying to take off. That is why we are trying to return a workforce. That is why we are returning

kids to school. That is why we are trying to get our hospitals staffed. That is why we are doing things.

That is the only thing the President said, is that those people should get a vaccine. He has not said, if you want to get on an airplane, you have to get vaccinated—maybe if you are flying overseas and have to work with another country.

My colleague from Florida knows all too well because he and I are working together to try to get temperature checks in a very broad way established at airports through the U.S. We have agreed that is a smart thing to do. It has been done on an international basis for a long time and it prevents people from getting on a plane who are sick. The President has not said this.

To now put a bill through that might have prohibited the cruise ship industry reestablishing service up to Alaska because now, all of a sudden, you are going to have all of these things is not the way I want to go.

I like what we have been able to achieve. It has taken hard work and working together. It does not take us passing this bill by Senator SCOTT.

I object, and I hope my colleagues understand that we are willing to work on anything related to the transportation sector so it can keep our U.S. economy moving.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. First off, I am disappointed my colleague objected. I think No. 1 is this is unconstitutional. First off, President Biden promised he wouldn't be doing this. This is unconstitutional.

Here is what it is going to do. If you talk to businesses around this country, they are already struggling to get people back to work because of excess funding that has been provided. And now we are going to tell a bunch of people that you can't come back to work because you haven't been vaccinated. We are going to tell people, you can't get on an airplane because you haven't been vaccinated.

This is wrong. This is not what the Federal Government ought to be doing. They ought to do what I did when I was Governor. You give people the information and feel comfortable that the American public will make a good decision.

I think this is a mistake. I hope my colleague will change her mind. And I hope this President will not continue down the path of requiring Americans to get vaccinations, because I don't think it is fair to Americans and I think it is unconstitutional.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

TRIBUTE TO SUSAN MEUSCHKE

Ms. CORTEZ MASTO. Mr. President, today, I want to recognize a friend of mine, Susan Meuschke, who is the Executive Director of the Nevada Coalition to End Domestic and Sexual Violence.

She is retiring after three decades working on behalf of women and children in my home State of Nevada.

Sue has been a champion for victims of domestic violence and their families since she worked as a volunteer for the Committee to Aid Abused Women in Reno, NV. It was there—listening to the stories of women dealing with family violence—that she began to understand both their struggles and their courage.

Sue went on to work with the coalition for 32 years, helping develop it into a powerful organization statewide for those affected by domestic and sexual violence.

I have had the pleasure of working with Sue since I was Nevada's attorney general, and together we passed legislation to create dedicated funding for domestic violence programs. She has continued to be a resource for me during my time in the U.S. Senate, as I have worked to prevent sex trafficking, to stem the tide of violence against Native women, and push for the reauthorization of the Violence Against Women Act.

During the height of the COVID-19 pandemic, I pushed to make sure that our next COVID package included more support for survivors of domestic violence. Sue worked to distribute those Federal funds fairly and effectively to Nevadans, and she worked especially hard to promote a microloan program that families could use to regain financial independence.

As Sue enters her retirement, I want to make sure everyone in Nevada appreciates her decades of advocacy. She has made a profound difference for families in the Silver State. I have no doubt that whoever succeeds Sue at the coalition will continue to work tirelessly to end domestic and sexual violence, because, honestly, we still have so much work to do.

That is why I am here on the Senate floor today. The reality is that women's rights are under attack around the country, and that includes reproductive rights. Anti-abortion extremists are going to great lengths to stop women from seeking reproductive care. As of June, they had proposed 500 new laws restricting reproductive rights and passed 70 of these laws.

Let's start with Texas, where a new law prohibits abortions before many people even know they are pregnant. The law lets anyone sue those who aid and abet abortions and get a \$10,000 reward. It has the potential to create a whole industry of vigilantes prying into their neighbors' lives, all to stop women from being able to access reproductive healthcare.

The American people—70 percent of us—oppose deputizing private citizens to collect these kinds of bounties.

But even though the Texas law is extreme, the Supreme Court has refused to stop it from going into effect. That means that, right now, 7 million women of reproductive age in Texas have been deprived of a key constitu-

tional right, a right that they have had for 50 years.

Clinics in Oklahoma City, OK, and Little Rock, AR, have seen the number of Texas women seeking abortions jump tenfold in a matter of days.

But it is not just Texas where the right to medical care is threatened. Dangerous abortion bans have been signed into law in Mississippi, Arizona, and Georgia, among others. And all of this is happening because anti-abortion extremists have been working for decades to limit women's choices.

Let's be very clear: they are on the brink of success. On December 1, the Supreme Court is set to hear oral arguments in a case called *Dobbs v. Jackson Women's Health*, which deals with an abortion ban in Mississippi. This case was specifically chosen by anti-choice activists to help strike down *Roe v. Wade*.

Sadly, the Court has given every signal it is willing to do the activists' bidding by overturning *Roe v. Wade* and allowing these bans to take effect. That is why I and 47 of my Senate colleagues filed a friend of the court brief last week, calling on the Supreme Court to stick to the settled precedent of *Roe* and strike down the Mississippi law.

But if the Supreme Court doesn't abide by 50 years of its own rulings, well, there are 19 States where abortion would be illegal the day after a Supreme Court ruling overturning *Roe v. Wade*, and others where abortion bans would likely follow.

All in all, nearly half of women nationwide will see the nearest clinic close. The average distance to the nearest clinic for those seeking reproductive care will jump from 25 to 279 miles. Anyone who has ever worked a minimum-wage job knows that they don't have the luxury of traveling hundreds of miles for healthcare.

Women's healthcare isn't optional. Nevadans know this. That is why we worked so hard in Nevada to protect the right to choose.

In the nineties, we passed a ballot initiative to enshrine choice into law, and we have actually done away with the kind of restrictions on abortion that are popping up in State after State.

But what we are seeing in Texas and other States across the country threatens the future of *Roe v. Wade* everywhere. Let me be clear: It threatens the future of *Roe v. Wade* everywhere. And without *Roe*, there will be no Federal protections in place, paving the way for anti-choice lawmakers to pass legislation to restrict reproductive rights anywhere in the country.

And that is why it is so important for the Senate to pass the Women's Health Protection Act. This bill would outlaw bans in other medically unnecessary restrictions on abortion across the country. It would mean that States could not impose medically unnecessary ultrasounds, excessive waiting periods, and extreme burdens on

healthcare providers intended to limit abortion access.

In Nevada and across the country, the vast majority of voters believes that women should get to make their own decisions about their reproductive health, including when and whether to have a child. We cannot let a dedicated minority take that right away from the rest of us.

Let me just say, I am going to keep working on this issue because it is so important to Nevadans and to women all over this country. This is about making sure that women can control their own bodies and their futures, and I will always stand up for that.

I yield the floor.

VOTE ON ANDERSON NOMINATION

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, all postcloture time has expired on the Anderson nomination.

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

Mr. PADILLA. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. MORAN).

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

[Rollcall Vote No. 393 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	Lujan	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	Hagerty	Romney
Blackburn	Hawley	Rounds
Blunt	Hoeben	Rubio
Boozman	Hyde-Smith	Sasse
Braun	Inhofe	Scott (FL)
Burr	Johnson	Scott (SC)
Capito	Kennedy	Shelby
Cassidy	Lankford	Sullivan
Cornyn	Lee	Thune
Cramer	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Paul	Wicker
Fischer	Portman	Young
Grassley	Risch	

NOT VOTING—3

Cotton	Crapo	Moran
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is con-

sidered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Rhode Island.

REDUCE ACT

Mr. WHITEHOUSE. Mr. President, I want to talk a moment about my REDUCE Act, which is the act to reduce plastic pollution, of which we have a lot.

Humans have created 8 billion tons of plastic, and it is all over the place. It is in our water. It is in our rivers. It is in our food. The Presiding Officer is from Colorado. As he knows, there was a study done that tested the rain falling in Colorado that showed that there were microplastics in the raindrops in Colorado.

So we have a plastics problem, and this is a bill whose intention is to solve that plastics problem.

I want to have you think about three numbers while I am making this speech: 2 percent, 10 percent, and 2050; 2 percent, 10 percent, and 2050.

What is 2 percent? Two percent is how much recycled plastic the plastics industry uses in single-use, disposable, throwaway plastic.

We had a hearing in the Environment and Public Works Committee, led by Chairman CARPER. We had witnesses in who were experts. They said it is actually less than 2 percent. So the plastics industry is comfortable with a business model in which they are only using recycled plastic for less than 2 percent of their production of single-use, disposable stuff.

They will then say: Well, yeah, but we don't need to worry about that because then it goes into the recycling bin.

Well, first of all, that is not much help if you are only going to use 2 percent recycled plastic in your plastic manufacturing and then 98 percent is all new fossil fuel-based plastic.

But here we get to the second number, 10 percent. When you put plastic in that blue bin and send it out to be recycled, less than 10 percent of that plastic actually gets recycled. Some people have said 6 percent. Some people have said 8 percent. Some people have said 9 percent. But pretty much everybody agrees that less than 10 percent of what you put in the recycling bin to recycle ever gets recycled. And the plastics industry is cool with that too.

The plastics industry is cool with 2 percent recycling content in their throughput, in their supply, and they are comfortable with 90 percent or more of your recycled plastics sent out in the blue bins never being recycled.

This brings me to the third number, 2050. Twenty-fifty is the year which, on present trends, will produce the following state of affairs: There will be more waste plastic floating in the Earth's oceans by mass than there will be living fish. That is the trajectory we are on with an industry that is totally content to use only 2 percent recycled plastic in its production and to have

the recycling system recycle less than 10 percent of the plastic that goes in. That is where we end up by 2050. And if we are content in this room to confer on our children and grandchildren a world in which there is more waste plastic floating around than there is living fish, then shame on us.

This is a trajectory we have to change, and my bill will change it. But, of course, the plastic industry doesn't love this. They are happy with using only 2 percent recycled plastic in their production. They are happy with less than 10 percent of recycled plastic in the blue bin ever getting recycled. They don't seem to give a red hot damn about the trajectory we are on with where we are going to be with waste plastic in the oceans. But they obviously care a lot about the bill because if you lived in Washington, DC, and you got the Washington Post on Wednesday, September 22, you got this little gem tucked in your newspaper on the front. It is a very glossy, multicolored handout, and it says:

Stop the plastic tax. Keep everyday goods affordable.

And then it shows a whole bunch of everyday goods: a bicycle helmet, reusable plastic containers that you use in your refrigerator to put stuff away when you are putting it back in the fridge, sneakers, a plastic child's toy, and a baby diaper.

Not one of those things is covered by our plastics tax—not one of them—not personal hygiene products like a diaper and not multiuse products like a child's toy or a sneaker or a bicycle helmet or the plastic containers that you store stuff in in your refrigerator.

If you flip it over, they go at it even further. There is a child's baby seat. There is solar paneling. There is a toothbrush. There is a cellphone. And there is a little package of tomatoes in Saran wrap in one of those foam Styrofoam containers.

The one thing on this whole page that this plastics pollution fee would touch is that disposable bit of foam. And if you would rather have that in the ocean instead of being recycled, fine; vote against this bill. But if you would like to see that kind of junk get properly disposed of, you need to support the act.

So why do you think the industry got this so wrong? Bicycle helmets, children's toys, car seats, toothbrushes? Do you think they actually didn't know what was in the bill or is it possible that they are just lying about the bill? And what conclusion do you draw when an industry is lying about a piece of legislation? The conclusion that I draw is that they know they would lose if they argued on the truth, and so they lie.

And they spent a lot of money on this. This is, you know, glossy. This is multicolor. We in politics, we send out mailers. This is not inexpensive. You put this onto every Washington Post—that is a big deal. They flooded the DC metropolitan area with this glossy pack of lies.

So let's just take a quick look at some of the stuff that they have been saying. Their myth is that the REDUCE Act affects all plastic products. No. Read the bill. It is a fee on single-use plastics that targets the fossil fuel companies that make the fossil fuel feedstock for those single-use disposable plastic products.

All you have to do is read the bill to see that. I don't know how we could make that any clearer. We specifically exempt anything other than single-use disposable plastics.

Further, if it is a single-use disposable plastic that is used in healthcare, that is used in hospitals, in patient treatments, we understand that; we exempt that too. It is the plastic spoons and the straws and the wrapping and the foam containers and all the rest of that junk that you can walk down any beach in America and see; that is the junk we are trying to see gets properly recycled by charging a fee on the people who are throwing this stuff out into the environment and not recycling it—or at least 98 percent not recycling it.

Here is the other myth: The REDUCE Act disadvantages U.S. businesses; we will fail in international competition if we do this.

Not true. If you are importing plastic, you have to pay just the same way as if you used U.S.-made plastic. This is a fee on plastic that touches the U.S. economy if it is going to be single-use disposable, and we are going to need to think about recycling it. It applies to any company doing business in the United States and imports from foreign companies. So that is another made-up myth.

And the last one, which is really—maybe it is designed to annoy me, but it is that the fee on plastics to encourage recycling would actually harm our climate; that this is an anti-climate piece of legislation.

The fact of the matter is that by the middle of the century, plastics will account for about a quarter of global oil consumption. This is what the fossil fuel industry is banking on for its future as we start driving electric cars that are nicer than internal combustion cars and cheaper and easier to maintain.

By 2030, greenhouse gas emissions from new plastics production will reach 1.3 billion tons—1.3 billion tons—which is equivalent to running 300 coal-fired powerplants. That doesn't sound to me much like sustainability.

This REDUCE Act is a fair and sensible and effective response to plastic pollution that is filling up our oceans, our rivers, and even our raindrops. The costs will be paid by the fossil fuel industry where the profit is made.

And by the way, when they try to push that cost down to consumers, good luck, ExxonMobil, telling Coca-Cola: We are raising our prices to you. Coca-Cola and all of its beverage companies have got pretty significant market clout, and they might just say: Not so fast, pal; you eat that cost. This is your mess; you clean it up.

Anyway, it is a good discussion to have because 2 percent of the plastics stream being recycled, 10 percent or less of plastic in the blue bins ever actually being recycled, and an ocean that has equal parts waste plastic and fish in it by 2050 is not acceptable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TAXES

Mr. PORTMAN. Mr. President, I am here on the floor today to talk about the massive tax increases that are being proposed by my colleagues on the other side of the aisle and by the Biden administration and by the Democrats in the House as a way to pay for this big, new spending package—\$3.5 trillion is what it is advertised as, although some say that, if you do the full 10-year calculation, it is more like \$5 trillion. But it is a lot of money, and the way it is paid for is by a huge increase in taxes. It is the biggest tax increase, actually, we are told, in over 50 years.

And I have been on the floor talking about this a few different times, and I talked about the impact on the economy, generally. I talked about the impact on our competitiveness internationally, which we finally fixed in 2017, which was really a bipartisan idea to go to a different kind of system, and it has worked so well.

But today I want to talk about another sector of our economy that is going to be hit really hard by these taxes, and that is small businesses, the backbone of our economy where most people work. Specifically, I want to focus on how these small businesses are going to be hurt by the specific tax issues that are being proposed.

Small businesses are generally defined as having 500 or fewer employees and make up about 99 percent of our companies in America. There are some really big companies, but when you look at the small businesses, they are, by far, the vast majority of our businesses—about 32 million of them. They employ over half of the U.S. workforce, and they account for nearly two-thirds of all jobs created in the United States since 2000. Now, that is according to the Small Business Administration.

So more than half the employees are there, but they actually are responsible for creating more jobs than big businesses. Think about it. Small businesses are more agile. It tends to be the startup businesses. It tends to be businesses that are hiring more people. So small business is really important. It is the backbone to our economy.

I grew up in one of those small businesses. When I was a kid, my dad left his job as a salesman for a bigger company, where he had healthcare and the benefits that come with that. And he sort of put it all at risk to start his own business.

He started off with five employees. My mom was the bookkeeper. They lost money the first few years, like a lot of small businesses do, but he hung in there. And my brother worked there

and my sister worked there and I worked there. I worked on the shop's floor. I did the maintenance.

It was a lift truck—forklift truck dealership, so we would grind down the lift trucks and paint them. And I learned how not just to work hard but learned how a small business can succeed. And it is not easy.

After losing money the first few years, my dad found his niche and became a successful small business. My brother later took the business to an even higher level, but it was still a small business that struggled depending on what was happening in the economy, external factors they couldn't control, like every small business.

It gave me a firsthand look as to how difficult it is and how important it is, both, to have small businesses out there. My dad was absolutely committed to ensuring the people who worked there felt like they were part of it, so he had a profit-sharing plan. It didn't work too well when there was no profit, but once there was profit, it worked pretty well. And there were guys who turned a wrench their whole career, lift truck technicians whom I have known my whole life, who are about my age, who are retiring today with a nice nest egg because of that profit-sharing plan and, then later, a 401(k). So I have seen what small businesses can do for their employees, for the local economy, for the broader community.

During COVID-19, small businesses have really struggled. It has been tough. They have been stretched really thin. As I am sure is the case with every single one of my colleagues here in the U.S. Senate, I have heard from a lot of small business owners across my home State of Ohio who have told me about the issues that they faced due to shutdowns, due to people being sick, due to the very difficult job right now of just getting workers to come to the business and to stay in the business. Workforce problems are the No. 1 issue I now hear about back home.

And due to the supply chain disruptions, taking longer and longer to get products and products having a higher and higher price due to the inflation that is reflected in that, it is tough right now. Despite these hardships, a lot of the small businesses I know have made it a real priority to ensure they are taking care of their people.

We helped them do that here through the PPP program, the Paycheck Protection Program. I strongly support it because I have seen it work. I have seen employees be able to stick around through the worst of COVID and now be able to come back to work.

We have got another surge going on right now in my home State and around the country with the Delta variant, but we are learning better how to keep people at work and how to ensure that folks are taken care of. Often these small business owners have done this out of their own pockets; in other words, they have lost money during the

COVID period in order to keep the business going. And if they can afford to do that, great; they can keep the doors open. Some have not been able to do that, and they have had to close their doors.

So this is a time when there is a lot of uncertainty out there in the economy. It is a time when businesses have kind of been through the roller coaster of COVID. It is not the time to raise taxes on small businesses.

Back in 2017, Congress had the value of these small businesses in mind when we wrote the historic Tax Cuts and Jobs Act reforms. Through provisions like lowering the individual rate of taxation and enacting what is called the section 199A deduction, we gave small businesses needed tax relief and encouraged them to invest in growing their operations, hiring more workers, lifting wages.

And it worked. The success of small businesses in 2018 and 2019, before COVID and after the 2017 bill was put into effect, was truly extraordinary. In February of 2020, just before COVID hit, we had the 19th straight month of wage increases of 3 percent or more on an annual basis. Nineteen straight months we had wages going up.

Isn't that what we all wanted? That was the whole idea, to have an opportunity economy where people can get ahead. And wages were going up faster than inflation, which, unfortunately, is not the case now. In many instances, even when people are getting some wage gains right now, with 5 percent-plus inflation, it is eating it up.

We also had a situation back then where we had not just wage growth but we had a reduction in poverty. We had the lowest poverty rate since we started keeping track of it back in the 1950s, prior to COVID. I think a lot of it was because those tax cuts actually worked. And, again, for a small business, it is really important because that is where most people are employed.

We also had the lowest unemployment in 50 years in this country and the lowest unemployment ever for certain groups, including Blacks, Hispanics, the disabled. So a lot of stuff was going right. Then COVID hit.

Now we are coming out of COVID. Again, the wrong time to raise taxes. That Tax Code we put in place in 2017 gave small business the chance to succeed and, therefore, gave a lot of individuals the chance to meet their American dream.

The overall economy has improved some since 2020, but a lot of small businesses have not seen that rebound yet. COVID, particularly, has hurt our hospitality sector. I am in that business. My family business is in that business as well. It is tough.

The travel business, entertainment business, and every small business, again, that I know has been hit with higher inflation for their input. So things are more expensive coming in, and yet it is hard to be able to raise

your prices, so they are caught in a squeeze. Finding workers again has been a real change—the supply chain issues we have talked about.

So why would Democrats propose billions in tax hikes on small businesses right now?

We ought to be helping our small businesses instead, not making it harder to stay afloat. Remember, as I said, these are the biggest tax increases we have had in over 50 years.

Democrats claim they are just going after large corporations, but, unfortunately, that is not what is happening. A lot of small businesses are going to be caught in the crosshairs of the income tax hikes that Democrats are proposing. That is primarily because about 95 percent of small businesses operate as what is called pass-throughs.

The vast, vast majority of small businesses are partnerships, sole proprietorships, or companies that are limited liability companies with subchapter S companies. So the business doesn't pay the taxes directly. The tax is actually paid by the owners of the business, on their 1040—individual tax return.

What that means is that success of pass-throughs, which combine to employ about 58 percent of the Nation's workforce, will be taxed in line with whatever the income tax level is. And there are many reasonably successful pass-throughs that will be lumped into the top bracket of the Tax Code, which starts at \$400,000 in income.

These small businesses, through the owner, will end up paying a 39.6 percent increase tax, plus a 3.8 percent surtax on small business income. You add to that the average State income tax of about 5 percent, and that puts the figure for small businesses at about 48 percent on average—and well over 50 percent in some States—48 percent taxes. That is tough. And it is a big tax increase for a lot of those businesses. Again, they are pass-through businesses, so the owners are the ones who pay the taxes.

If they weren't paying the taxes, they wouldn't often get a dividend from the company to pay those taxes; they would be investing more in that business. So it hurts the businesses directly. But a pass-through doesn't even have to reach that level of success we talked about—the \$400,000 income level—in order to be hit with tax increases. That is because, contrary to what has repeatedly been said by the Biden administration, according to the nonpartisan Joint Committee on Taxation analysis of the House Ways and Means, Democratic tax proposal, a lot of taxpayers making less than \$400,000 are going to see higher taxes. Some percentage of taxpayers in every income bracket will see their rates go up, even folks making between 40,000 and 50,000 bucks per year. Check out the analysis yourself. You can go online, Joint Committee on Taxation, and look at it.

In fact, according to these distribution tables by the Joint Committee on

Taxation, more than one in three taxpayers making between \$100,000 and \$200,000 per year will be paying higher taxes in 2023. By 2031, more than three-quarters of those middle-income taxpayers—between 100- and 200,000 bucks a year—will be paying higher taxes.

Remember, again, this is not just a tax on individuals; it is a tax on small businesses that are taxed through individuals.

On top of that, Democrats want to cap the invaluable 20-percent deduction on qualified business income that was designed to help pass-throughs compete with larger C corporations.

Again, in 2017, not only lowered the rates to help small businesses, but we said: If you are a small business, you can get this deduction—this 20 percent deduction—on qualified business income.

And for the small businesses listening this evening: Watch out. I know you have enjoyed that deduction and you have needed it to be able to stay afloat during COVID. That is now at risk.

And successful small businesses earning more than \$5 million a year will be saddled with an additional 3-percent surcharge on top, resulting in over 50-percent average income tax. That means small businesses are going to have a harder time hiring workers or paying them competitive wages.

In all, the average pass-throughs should expect their Federal tax rate to rise from about 29.6 percent—about 30 percent now—to 46.4 percent under the Democrats' new plan.

Folks, that is not soaking the rich. That is slamming small business owners all across America, as well as their employees, many of whom are just trying to make ends meet.

But Democrats don't just want small businesses to give more of their money to the Federal Government; they want to make small businesses give more of their time as well in the form of burdensome new information requirements that would bury the IRS in a sea of useless information, largely, that would end up causing the most trouble for small businesses that don't have the lawyers or the accountants and other professionals to handle these burdensome new requirements.

Under this Biden administration bank reporting proposal, individual and businesses would be required to report to the IRS inflows and outflows of money out of an account—things like expenditures and payments. The Biden administration proposal starts this reporting as low as \$600.

But even at that higher number that they are talking about now, what would be reportable would represent a radical shift in the information required to be given to the IRS, which normally just takes in information related to income. This wouldn't be about income. This would be about payments and expenditures.

So my hope is that these information reporting requirements, which is an additional burden on small businesses, is

something my colleagues look at and say: Let's not raise taxes on small businesses, but also let's not increase these burdens that will, again, fall mostly on the smaller businesses that don't have the ability to handle that kind of new information and bureaucracy.

The upshot is that the hundreds of millions of accounts with major financial institutions; e-payment apps, like Venmo; and cryptocurrency exchanges, like Coinbase, are going to be subject to more paperwork and confusion.

So as an example, if you have one of the 403 million active PayPal accounts, your personal account information will be sent to the IRS and likely result in confusion at some point. Imagine trying to prove that the money you are pooling together for a vacation for personal use or for your weekly pizza night with buddies aren't business income. You may have to prove that now.

These small business tax hikes and burdensome new reporting requirements are just one part of a set of tax overhauls that leave no stone unturned—from death taxes to marriage taxes, capital gains tax increases, retirement account tax increases, and many more.

It is no surprise that the president of the National Federation of Independent Businesses wrote last week that "small businesses aren't just looking at one or two tax hikes under the proposed plan. They're looking at a slew of tax increases that would hit them from every angle."

We all ought to be particularly concerned that Democrats want to overhaul so much of our Tax Code when these economic trends are so uncertain—high inflation, continuing COVID concerns, major supply chain disruptions.

By the way, it now takes 80 days—twice as long as it did before the pandemic—to move goods from Asia to North America. Once goods reach the west coast, the wait time for containers sitting at the docks waiting to be moved by train or truck is the longest it has been since last summer, in the middle of even worse COVID conditions. This is not the time to make things worse for small businesses.

And at a time when tax receipts are at or above the historical average, why do Democrats feel so strongly that America is undertaxed?

The nonpartisan Congressional Budget Office—or CBO—projects corporate tax receipts will climb to \$379 billion in 2023, or 1.5 percent of our economy. According to the Tax Foundation, this would be "a record high in nominal terms and nearly matching average corporate tax collections as a share of GDP" prior to the 2017 tax reforms.

So payroll tax revenue has risen by 4 percent as well, suggesting that workers are taking home bigger paychecks than before. To say that we are undertaxed doesn't seem to be consistent with the data we are getting.

Again, check it out. The Congressional Budget Office has its own website. You can learn about this. The Tax Foundation has its own website. You can learn about what is going on in terms of our tax collections.

As a share of the GDP, those tax collections will be back up right where they were before the 2017 tax bill, in a couple of years, if we simply continue as we are.

So the opportunity economy we talked about earlier, I think, in large part created by the 2017 tax reforms is on track to bring historically high tax revenues to the Federal Government as we get out of this COVID crisis.

Really, one of the biggest factors in holding back our economy at this point is surging inflation that is, unfortunately, wiping out a lot of the income gains that we have seen.

But inflation is driven largely by the trillions in unprecedented stimulus spending the Biden administration has pushed on the American people already.

Remember the \$1.9 trillion back in March focused—so the Democrats said—on COVID; but, in fact, when you looked at it, most of it was not about the COVID crisis, but it was a lot of new stimulation to the economy—a lot of stimulus.

And at the time, people on both sides of the aisle—Republicans and Democrats—who were experts on the economy said this is going to be problematic; this is just a lot of new money to throw into the economy.

Larry Summers, former Secretary of the Treasury under Democratic administrations and a Democratic economist, said this is going to lead to higher inflation. He was roundly criticized for that by many in the media and many on the other side of the aisle. Unfortunately, it turns out he was absolutely right. It has led to this high inflation that, as we learned this week from Chairman Powell of the Federal Reserve, is not transitory, as was said early on. Unfortunately, this current inflation is going to continue at least through this year and next year, we are told.

So this new \$3.5 trillion in social spending is going to add to that—more stimulus. The economists call that adding to the demand side of the economy. So you are adding to the supply side of the economy; it would be counter-inflationary. But you are adding to the demand side, what people want to buy—you are adding to inflation. So more money out there to be buy the goods; fewer goods raises the cost of everything.

So my concern is we are going to drive inflation even higher if we go ahead with this \$3.5 trillion social spending paid for, again, by these tax increases that are going to hurt small businesses.

I can't understand why Democrats are so insistent on jamming this partisan tax-and-spending bill through the U.S. Congress.

Why would you want to throw out the Tax Code that fueled that unprecedented opportunity economy we saw prior to the COVID pandemic?

I know none of my Republican colleagues are going to support these tax hikes because they believe they would be devastating to small businesses and to our economy at large. And I would urge any of my colleagues on both sides of the aisle who care about our long-term economic health to take a long look at what this tax plan would actually do, what it would mean to our competitiveness, what it would mean to individuals and families, what it would mean to small businesses, and instead make the smart choice to reject these tax increases on the small businesses—the very small businesses that drive the economy in the United States of America.

I yield back my time.

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

Mr. SCHUMER. Mr. President, we are ready to move forward. We have an agreement on the CR, the continuing resolution, to prevent a government shutdown. And we should be voting on that tomorrow morning. So I am going to make that an order now.

UNANIMOUS CONSENT AGREEMENT—H.R. 5305

Mr. SCHUMER. Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that upon the conclusion of morning business on Thursday, September 30, the Senate proceed to the consideration of Calendar No. 137, H.R. 5305; that Senator LEAHY, or his designee, be recognized to offer substitute amendment No. 3830 and that the amendment be reported by number, that only the first-degree amendments in order be the following: Cotton No. 3833, Afghan refugees; Marshall No. 3831, vaccine mandate; Braun No. 3832, No Budget No Pay; that at 10:30 a.m. on Thursday, the Senate vote in relation to the first-degree amendments in the order listed, with no second-degree amendments in order; that upon disposition of the amendments, the Senate vote on the substitute, as amended, if amended; that the bill be considered read a third time, and the Senate vote on passage of the bill, as amended, if amended, with the Braun and Marshall amendments and passage requiring 60 affirmative votes for adoption; and that there be 2 minutes for debate equally divided prior to each vote, all without intervening action or debate.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in

a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONDURAS

Mr. LEAHY. Mr. President, I want to speak briefly about the recent decision by the National Jurisdiction Sentencing Court in Honduras to acquit Honduran nationals Edwin Espinal and Raul Alvarez. Both men were found to have been falsely accused of aggravated property damage, aggravated arson, and the use of homemade explosives, charges for which it turned out the government had no credible evidence.

Espinal and Alvarez spent 19 months in a maximum-security prison awaiting trial. They were reportedly subjected to harsh conditions, including receiving only 2 hours of sunlight per month. Despite being accused of common crimes, special courts created to try members of organized criminal networks presided over the process, including a judge located at a military base. It took 4 years for a court to rule on their case and to finally absolve them of charges that were determined to be without merit.

Espinal and Alvarez, like dozens of other protesters, were arrested during the 2017 electoral turmoil that culminated in the reelection of current President Juan Orlando Hernandez. Their case was used as a means to silence protesters and stifle discussion of the democratic process and the need for transparent elections.

Edwin Espinal is a human rights defender who has faced political persecution since 2009. He is not alone. Many human rights and environmental defenders, as well as independent journalists in Honduras, have suffered threats, arbitrary arrests, beatings, and assassinations by Honduran police or others acting on their behalf.

I and others here have repeatedly voiced our concerns with the Honduran Government's misuse of the judicial process to silence dissent. Bringing charges with no credible evidence and holding social activists and other critics in prison and subjecting them to lengthy criminal processes undermines due process and erodes public confidence in the integrity of the police and the courts.

I am also concerned with the lack of due process in the case of the eight imprisoned water defenders from Guapinol that has dragged on for years. And like many, I am waiting for the official sentencing hearing of Roberto David Castillo, the convicted coauthor of the murder of Honduran environmentalist and indigenous activist, Berta Cceres.

With another election just around the corner in Honduras, I urge the Honduran Government to support a free and fair electoral process, as well as freedom of expression, association, and

assembly for all Honduran citizens. And I hope that the Honduras' next leaders will reject the corrupt practices and impunity of the past and support an independent judiciary, uphold the rule of law, hold the police and other public officials accountable when they abuse their authority, and restore the faith of the Honduran people in government of the people, by the people, and for the people.

TRIBUTE TO ELLE PURRIER ST. PIERRE

Mr. LEAHY. Mr. President, it was with great pride that Americans across the country tuned in this summer for the return of the Olympic Games. I want to take a moment to celebrate the achievements of one Vermonter who traveled to Tokyo, Japan, to represent our Nation—and our State—in these celebrated games. Elle Purrier St. Pierre represented the United States in the 1500-meter run at the 2020 Olympic Games. This was Elle's first turn as an Olympian, and she certainly made her mark, qualifying for the final in the 1500-meter, in which she crossed the line in 10th place.

Elle is a Vermonter in the truest sense of the word. She grew up working on her family's dairy farm in Montgomery Center, a town of less than 800 people along the Canadian border. During her freshman year of high school, she stumbled onto the Richford High School track team, initially skeptical of long-distance running. Nonetheless, her raw talent and grit quickly became clear, and she went on to become one of the most decorated high school runners in State history.

In college, she ran for the University of New Hampshire, where she garnered 11 NCAA Division One All-American titles and a championship victory in the indoor mile her senior year. Upon graduation in 2018, Elle signed with New Balance to run professionally. Although she has only run professionally for 3 years, she has set new national records in the indoor 1-mile and 2-mile distances.

In June, Elle won the 1500-meter at the U.S. Olympic Trials, breaking the Olympic Trial record and securing her spot on the U.S. Olympic team in the process. Elle sailed through the qualifying rounds of the 1500, made it through to the finals where she competed against the strongest and fastest runners in the world. While her friends and family could not join her in Tokyo, they and so many others gathered in the Richford High School cafeteria in the early hours of the morning to watch each of her races live.

Even as her success as a professional runner has taken her across the globe, her Vermont roots remain strong. Elle still considers Montgomery Center her home, where she lives with her husband, Jamie, who is also a dairy farmer. On September 25, Elle was celebrated at a welcome home parade through the town of Richford. Throngs

of fans cheered her on as she took her well-deserved victory lap.

It is hard to overstate how proud we Vermonters are of Elle. She is only the second Vermonter to compete in the Olympics for track and field. At only 26, I am sure we will see more from Elle in the future. I am very excited how Elle continues to perform in the years to come.

I ask unanimous consent that the article "Welcome Home, Elle! Richford Community Hosts Parade in Honor of Home-Town Olympian Elle Purrier St. Pierre," published in the St. Albans Messenger, be printed in the RECORD.

WELCOME HOME ELLE! RICHFORD COMMUNITY HOSTS PARADE IN HONOR OF HOME-TOWN OLYMPIAN ELLE PURRIER ST. PIERRE

(By Ruthie LaRoche)

On Saturday, Sept. 25, Elle Purrier St. Pierre walked beneath the American Flag, hoisted high on the Richford Volunteer Fire Department's ladder truck as part of a Welcome Home parade held in her honor.

This August, Purrier St. Pierre represented the United States of America, racing in the women's 1500 meter at the 2021 Olympic Games in Tokyo, Japan.

Purrier St. Pierre walked just steps behind a white and red heifer draped in the Stars and Stripes, the community she represented with pride, cheering and waving as she passed.

A little while later, Purrier St. Pierre stood on a podium, the crowd of parade-goers now encircling her, listening in rapt attention as she spoke of her journey to the Olympic stage.

Many knew her story well, but I'm sure there were portions very few knew, and it was the unknown story that made the community support so much more special.

"Representing the United States of America on the Olympic and world stage has been one of the highest honors of my life so far," said Purrier St. Pierre.

"Competing at the Olympics is the epitome of sports, and wearing those three letters (USA) across my chest was one of the best feelings I've ever had."

PURRIER ST. PIERRE SPOKE OF HER TIME IN TOKYO AND THE THOUGHTS OF HOME THAT BUOYED HER UP FROM HALF A WORLD AWAY

"These Olympic Games were different than most, but they were still astounding and historic. I tried to embrace the challenges brought on by the pandemic but found myself feeling very isolated throughout the experience," said Purrier St. Pierre.

"I spent many days alone since no friends or family members were allowed to travel to Tokyo. I was trying to mentally and physically prepare to compete against runners who were the best in the world."

PURRIER ST. PIERRE WAS PREPARING TO COMPETE IN THE MOST SIGNIFICANT RACE OF HER CAREER

"I knew I had prepared well for many years, but I'd be lying if I didn't say it wasn't extremely daunting. Something that helped me regain my courage was remembering the great country, state, and community I was representing," said Purrier St. Pierre.

"I was thousands of miles away, but I felt the love from this place and all of you. That love and support helped me persevere through the games."

ON THE TEAM BUS IN TOKYO, PURRIER ST. PIERRE RECEIVED A MESSAGE FROM HOME THAT BROUGHT TEARS TO HER EYES

"I was on my way to the track to make my Olympic debut; I opened my phone and saw a

picture of the American flag hanging from the Richford fire truck high above Main Street, and I immediately began to cry," said Purrier St. Pierre.

"I cannot begin to explain how much your compassion and support through this experience has meant to me."

As she took the track, Purrier St. Pierre thought of the community behind her.

"I was racing for way more than myself; I was racing for all the people that got me there and hoping to inspire the next young generation in this great community," said Purrier St. Pierre.

"I was humbled to see the Franklin County community come together to support one of their own; I could read your messages, see your signs, and watch in awe as you all showed up to the Richford High School gym to cheer me on."

VOTE EXPLANATION

Ms. SINEMA. Mr. President, I was necessarily absent, but had I been present would have voted yea on Roll Call Vote 387, on the Confirmation of Monica P. Medina to be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

I was necessarily absent, but had I been present would have voted yea on Roll Call Vote 389, on the Confirmation of Todd D. Robinson to be an Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

ADDITIONAL STATEMENTS

TRIBUTE TO MIKE MARIANI AND DEVIN McLAUGHLIN

• Ms. HASSAN. Mr. President, I am proud to recognize Mike Mariani of Spofford and Devin McLaughlin of West Chesterfield as September's Granite Staters of the Month. Mike and Devin are currently biking nearly 4,000 miles across the United States to raise money and awareness for suicide prevention efforts following the loss of Mike's brother to suicide in 2018.

Three years ago, Mike lost his 16-year-old older brother Nathan. Nathan was a junior at Keene High School at the time and was known to friends and family for his sense of humor and love for the outdoors.

In his memory, Mike and his best friend Devin launched Pedaling for Prevention, an initiative to raise awareness for suicide prevention by cycling across the country. Pedaling for Prevention also raises money for The Samaritans in Keene, which is a nonprofit that provides resources, including an anonymous crisis hotline, to help Granite Staters battling depression or thoughts of self-harm.

This cross country bike ride was initially scheduled for last year, but the COVID-19 pandemic forced Mike and Devin to change their plans. Instead, the pair travelled across New England and held socially distanced meet-and-greets where folks could share their stories about losing loved ones to sui-

cide and help reduce the stigma around mental health. On their return home, the duo received a warm welcome from their community, including a ride through town on the top of a fire truck, courtesy of the Chesterfield Fire Department.

Mike and Devin started their long-awaited cross-country journey earlier this summer. The two are currently exhibiting an incredible show of endurance by pedaling 3,762 miles across the entire United States and providing social media updates to spread awareness about the importance of suicide prevention. On their journey, they are also sharing their story with people they meet along the way to further expand their reach.

These two thoughtful, brave, and determined young people embody what it means to be a Granite Stater. After a heartbreaking loss that reverberated through an entire community, Mike and Devin decided to make a positive impact by spreading a message of resilience and hope, all the while educating others about suicide prevention and the importance of reaching out for help.●

TRIBUTE TO PATRICK COLLINS

Mr. RUBIO. Mr. President, I recognize Patrick Collins, a pillar of Belen Jesuit Preparatory School in Miami, FL, for his 50-year commitment to the edification of thousands of young men in the community. Throughout his tenure, Mr. Collins served as a teacher, chair of the social studies department, founder and moderator of Close Up and Founding of a Nation, tennis coach, and cofounder of the overseas study program.

Mr. Collins' decades of service shaped numerous generations of students and are evidenced by his students' testimonies. From his students, one can learn how Mr. Collins complemented their civic education with the values of citizenship, patriotism, responsibility, and leadership. Ultimately, his passion and love for his country has created a legacy that has positively impacted the Miami community, State of Florida, and country at large through the moral compass that he worked to instill in every single one of his students.

I admire Mr. Collins' virtuous character and am grateful for the fruit of his work. I look forward to continuing to learn of the impact that his students have on our communities and know that he serves as an exceptional example to educators across the country.

Mr. President, I ask unanimous consent that an article from the Miami Herald dated September 23, 2021, about Patrick Collins be printed in the RECORD.

The material follows:

FOR 50 YEARS, BELEN EDUCATOR HAS GIVEN FLIGHT TO STUDENTS' PASSION TO SERVE

(By Rafael A. Yáñez)

Patrick Collins, a beloved and influential educator at Belen Jesuit Preparatory

School, will be honored on Sept. 25. Belen Jesuit Preparatory School

"Before you stand up, you must know the first word that is coming out of your mouth." This was the first piece of advice that Patrick Collins—Belen Jesuit Preparatory School's social studies department chair and 11th-grade U.S. government teacher—gave me.

Decades later, I think of his advice whenever I am about to speak in any formal setting.

And I am not alone in remembering him and his guidance, for which, after five decades, he will be honored at Belen on Saturday, and most deservedly so.

"All prayers in the world can be condensed into two words," he told me. "Thank you"

"I've tried to instill in students a sense of gratitude to say Thank you, when they walk through Arlington National Cemetery, through the halls of Congress, through their cities, to find a niche in their lives to do something that benefits another citizen. That way, we can continue on to the betterment of ourselves and our country."

Collins' career has had a lifelong impact on generations of Belen Jesuit students during the course of his 50 years at Miami's storied all-male prep school, who have applied his lessons to make our community and our country better.

"In my era, we were rambunctious," said José Cil, CEO of Restaurant Brands International, the parent company of Burger King, "but he set a really high bar and drove us to excel—even if you weren't an excellent student."

Collins' passion for teaching beyond the textbook inspired him to succeed.

Former U.S. Congressman Joe Garcia agreed. "Mr. Collins' addition to Jesuit pedagogy is the insight that being a 'man for others' requires you to engage in the broader society without cynicism—without hatred—but always with an openness to engage in critical thought," Garcia said. "In the ideal republic, he is the ideal citizen."

Carlos Trujillo, former U.S. ambassador to the Organization of American States, said, "The impact Mr. Collins has had as a U.S. government teacher producing government servants, very few teachers across the country have had that kind of impact in their careers."

"To this day, I still apply the lessons I learned from Coach Collins inside and outside of the classroom," said Cesar Conde, chairman of NBCUniversal News Group, who played tennis under Collins' coaching.

"I first began to understand the importance of a free press and the role of great journalism in our democracy while studying in his government classes. And, during a Close Up Foundation trip to Washington, D.C. that he led, I was directly exposed to the federal government, which inspired me to apply to the White House Fellows Program years later." Conde subsequently served under then-Secretary of State Colin Powell.

"He taught me to dream big and then work hard to achieve those ambitions," explained Mr. Conde.

Eddy Acevedo, chief of staff and senior advisor to the CEO of the Wilson Center, astutely observed, "Anyone who grows up in Miami thinks about getting involved in politics, in government, in public service."

Former U.S. Congressman Carlos Curbelo was one of those students with an innate desire to serve.

"He provided us with a thorough understanding of what government is and how it works, the way the system is designed to impede the passage of legislation, and what people have to do to overcome those challenges."

Garcia, who lost to Curbelo, added, “Mr. Collins teaches a realistic understanding of the political process, but he provides the inspiration to make working through that difficult process an act of service for society’s most vulnerable members.”

That sentiment was not lost on Manny Diaz, chair of the Florida Democratic Party. “Mr. Collins asked us on the first day of class if we knew what our rights were if we found ourselves on a country road in Alabama and a big sheriff arrested us because we looked Hispanic. I wanted to know the answer to his question.”

Collins’ influence led Javi Correo, Uber’s public affairs senior manager, to pursue his passions.

“He instills in you that the meaning and purpose of public service is not the shining moments like running for office or photo ops, it’s about rolling up your sleeves and helping citizens get a response from their government,” Correo said.

He also credits Collins for connecting him with former U.S. Rep. Ileana Ros-Lehtinen. “It was the middle of football season, and I needed the 10 points extra credit wiggle room in my grade that semester.” He was able to snag those extra credits by volunteering in her campaign office.

“I couldn’t tell you what political party he belongs to,” Ros-Lehtinen said of Collins, “but he belongs to the fellowship of man. We need to clone him. He’s always been a voice of reason and commonsense in my life.”

Collins is clear about what drives him: “I’m influenced by the experience of my great grandfather. He was an Irish immigrant who struggled, through perseverance and grace, he was able to succeed,” he said. “I’m a beneficiary of that generation of Irish Americans who feels it would be selfish to solely benefit from the opportunities in this country. I feel like I owe it to him and to my family that the notion of civic responsibility continues to those I have met through the Cuban immigration experience that is Belen Jesuit.”

Rafael A. Yániz is a Belen Alumnus and an attorney and political analyst based in Miami.

Read more here: <https://www.miamiherald.com/opinion/op-ed/article254479452.html#storylink=cpy>

MESSAGES FROM THE HOUSE

At 10:53 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 848. An act to amend the Higher Education Act of 1965 in order to improve the service obligation verification process for TEACH Grant recipients, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1154. An act to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Great Dismal Swamp National Heritage Area, and for other purposes.

H.R. 1228. An act to advance a diplomatic solution to the conflict in Libya and support the people of Libya.

H.R. 1693. An act to eliminate the disparity in sentencing for cocaine offenses, and for other purposes.

H.R. 2617. An act to amend section 1115 of title 31, United States Code, to amend the

description of how performance goals are achieved, and for other purposes.

H.R. 4250. An act to amend the State Department Basic Authorities Act of 1956 to provide for rewards for the arrest or conviction of certain foreign nationals who have committed genocide or war crimes, and for other purposes.

H.R. 4686. An act to promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes.

H.R. 4981. An act to amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.

At 6:24 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

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

MEASURES REFERRED

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

H.R. 1154. An act to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Great Dismal Swamp National Heritage Area, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1228. An act to advance a diplomatic solution to the conflict in Libya and support the people of Libya; to the Committee on Foreign Relations.

H.R. 1693. An act to eliminate the disparity in sentencing for cocaine offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 2617. An act to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4250. An act to amend the State Department Basic Authorities Act of 1956 to provide for rewards for the arrest or conviction of certain foreign nationals who have committed genocide or war crimes, and for other purposes; to the Committee on Foreign Relations.

H.R. 4686. An act to promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2868. A bill to temporarily extend the public debt limit until December 16, 2022.

H.R. 3755. An act to protect a person’s ability to determine whether to continue or end a pregnancy, and to protect a health care provider’s ability to provide abortion services.

H.R. 5323. An act making supplemental appropriations for the fiscal year ending September 30, 2022, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-2244. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Data Collection for Analytics and Surveillance and Market-Based Rate Purposes” ((RIN1902-AF22) (Docket No. RM16-17-000)) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Energy and Natural Resources.

EC-2245. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h); Phenol, Isopropylated Phosphate (3:1); Compliance Date Extension” ((RIN2070-AK89) (FRL No. 6015.5-03-OCSPP)) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Environment and Public Works.

EC-2246. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Limited Approval and Limited Disapproval, California; Mojave Desert Air Quality Management District” (FRL No. 8609-02-R9) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Environment and Public Works.

EC-2247. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; Antelope Valley Air Quality Management District, Eastern Kern Air Pollution Control District, and Yolo-Solano Air Quality Management District; Combustion Sources” (FRL No. 8777-02-R9) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Environment and Public Works.

EC-2248. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Iowa; Infrastructure State Implementation Plan Requirements for the 2015 Ozone National Ambient Air Quality Standard” (FRL No. 8704-02-R7) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2249. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Missouri; Revision to Emission Data, Emission Fees and Process Information Rule” (FRL No. 8695-02-R7) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2250. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances” ((RIN2060-AU80) (FRL No. 7810-02-OAR)) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2251. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; West Virginia; 2020 Amendments to West Virginia’s Ambient Air Quality Standards” (FRL No. 8931-02-R3) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2252. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-hour PM_{2.5} NAAQS Serious Area Plan” (FRL No. 8909-02-R10) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2253. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Iowa; Polk County; State Implementation Plan” (FRL No. 8711-02-R7) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2254. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; North Carolina; Mecklenburg Miscellaneous Rules Revisions” (FRL No. 8939-02-R4) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2255. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; AL; NO_x SIP Call and Removal of CAIR; Correction” (FRL No. 8975-02-R4) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2256. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances (20-9.B)” (RIN2070-AB27) (FRL No. 8214-02-OCSP) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2257. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances (21-1.B)” (RIN2070-AB27) (FRL No. 8320-01-OCSP) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2258. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Arizona: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL No. 8828-02-R9) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2259. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Regulatory Guide (RG) 1.21 Rev 3, Measuring,

Evaluating, and Reporting Radioactive Material in Liquid and Gaseous Effluents and Solid Waste” received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2260. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Final Safety Evaluation of Technical Specifications Task Force Traveler TSTF-554, ‘Revise Reactor Coolant Leakage Requirements’” received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2261. A communication from the Chief of the Federal Duck Stamp Office, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest” (RIN1018-BF62) received on September 15, 2021; to the Committee on Environment and Public Works.

EC-2262. A communication from the Chief of the Branch of Conservation, Permits, and Regulations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; 2021-2022 Seasons for Certain Migratory Game Birds” (RIN1018-BE34) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Environment and Public Works.

EC-2263. A communication from the Biologist of the Branch of Delisting and Foreign Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Removing *Arenaria cumberlandensis* (Cumberland Sandwort) From the Federal List of Endangered and Threatened Plants” (RIN1018-BD82) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2264. A communication from the Biologist of the Branch of Delisting and Foreign Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Removing *Trifolium Stoloniferum* (Running Buffalo Clover) From the Federal List of Endangered and Threatened Wildlife” (RIN1018-BC80) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2265. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Candy Darter” (RIN1018-BD15) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2266. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo” (RIN1018-BE29) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2267. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior,

transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Removing Textual Descriptions of Critical Habitat Boundaries for Plants” (RIN1018-BF82) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2268. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Establishment of a Non-essential Experimental Population of the California Condor in the Pacific Northwest” (RIN1018-BC65) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2269. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Yellow Lance” (RIN1018-BD08) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2270. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revision of the Critical Habitat Designation for the Jaguar in Compliance With a Court Order” (RIN1018-AX13) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2271. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Sierra Nevada Distinct Population Segment of the Sierra Nevada Red Fox” (RIN1018-BC62) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2272. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Suwannee Moccasinshell” (RIN1018-BD09) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2273. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Status for Beardless Chinchweed and Designation of Critical Habitat” (RIN1018-BD35) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2274. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Neuse River Waterdog, Endangered Species Status for Carolina Madtom, and Designations of Critical Habitat” (RIN1018-BC28) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2275. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl; Delay of Effective Date” (RIN1018-BF01) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2276. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl; Delay of Effective Date” (RIN1018-BF01) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2277. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northern Mexican Gartersnake” (RIN1018-BD96) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Environment and Public Works.

EC-2278. A communication from the Regulations Writer, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Removing the Waiting Period for Entitlement to Social Security Disability Insurance Benefits for Individuals with Amyotrophic Lateral Sclerosis” (RIN0960-AI59) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Finance.

EC-2279. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2022 and Updates to the IRF Quality Reporting Program; Payment for Complex Rehabilitative Wheelchairs and Related Accessories (Including Seating Systems) and Seat and Back Cushions Furnished in Connection with Such Wheelchairs” (RIN0938-AU38) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Finance.

EC-2280. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; FY 2022 Inpatient Psychiatric Facilities Prospective Payment System and Quality Reporting Updates for Fiscal Year Beginning October 1, 2021 (FY 2022)” (RIN0938-AU40) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Finance.

EC-2281. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Updates to the Quality Reporting Program and Value-Based Purchasing Program for Federal Fiscal Year 2022; and Technical Correction to Long-Term Care Facilities Physical Environment Requirements” (RIN0938-AU36) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Finance.

EC-2282. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; FY 2022 Hospice Wage Index and Payment Rate Update, Hospice Conditions of Participation Updates, Hospice and Home Health Quality Reporting Program Requirements” (RIN0938-AU41) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Finance.

EC-2283. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Changes to Medicaid Provider Enrollment; and Changes to the Medicare Shared Savings Program” (RIN0938-AU56) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Finance.

EC-2284. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2021-0107 - 2021-0110); to the Committee on Foreign Relations.

EC-2285. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2021-0095 - 2021-0104); to the Committee on Foreign Relations.

EC-2286. A communication from the Inspector General or the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for fiscal year 2023; to the Committee on Health, Education, Labor, and Pensions.

EC-2287. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for fiscal year 2023; to the Committee on Health, Education, Labor, and Pensions.

EC-2288. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2020”; to the Committee on Health, Education, Labor, and Pensions.

EC-2289. A communication from the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's fiscal year 2020 Actuarial Evaluation of the Expected Operations and Status of the PBGC Funds; to the Committee on Health, Education, Labor, and Pensions.

EC-2290. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priorities and Requirement - Innovative Approaches to Literacy” (34 CFR Chapter II) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2291. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Requirements; American Rescue Plan Act Homeless Children and Youth Program” (RIN1801-AA24) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2292. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priorities - Effective Educator Development Division” (34 CFR Chapter II) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2293. A communication from the Deputy Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priority and Definition - Teacher and School Leader Incentive (TSL) Program” (34 CFR Chapter II) received in the Office of the President of the Senate on September 14, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2294. A communication from the Compliance Specialist, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Rescission of Joint Employer Status Under the Fair Labor Standards Act Rule” (RIN1235-AA37) received in the Office of the President of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-2295. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Regulations Regarding ‘Intended Uses’” (RIN0910-AI47) received in the Office of the President of the Senate on September 13, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2296. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Tobacco Products; Required Warnings for Cigarette Packages and Advertisements; Delayed Effective Date” (RIN0910-AI39) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2297. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Butterfly Pea Flower Extract” (21 CFR Part 73) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2298. A communication from the Compliance Specialist, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Rescission of Joint Employer Status Under the Fair Labor Standards Act Rule: Delay of Effective Date” (RIN1235-AA37) received in the Office of the President of the Senate on September 21, 2021; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. WARREN:

S. 2882. A bill to amend certain banking laws to establish requirements for bank mergers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KAINE (for himself and Mr. WARNER):

S. 2883. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 2884. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide research and extension grants to combat plant pests and noxious weeds that impact coffee plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 2885. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to modify the macadamia tree health initiative, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BARRASSO:

S. 2886. A bill to amend title 54, United States Code, to authorize the donation and distribution of capes, horns, and antlers from wildlife management activities carried out on National Park System land; to the Committee on Energy and Natural Resources.

By Mr. PADILLA (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. BOOKER, Mr. HICKENLOOPER, Ms. ROSEN, Ms. SMITH, Mr. KING, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WYDEN, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. OSSOFF, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. MARKEY, Mr. PETERS, Ms. WARREN, and Ms. DUCKWORTH):

S. 2887. A bill to codify the existing Outdoor Recreation Legacy Partnership Program of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 2888. A bill to reduce passenger, crewmember, and airport personnel risk of exposure to COVID-19, decrease the risk of transmission of COVID-19 on board aircraft and to United States destination communities through air travel, and protect children and other vulnerable individuals by preventing further spread of COVID-19 in the United States; to the Committee on Commerce, Science, and Transportation.

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

S. 2889. A bill to amend the Consolidated Appropriations Act, 2021 to address the timing for the use of funds with respect to grants made to shuttered venue operators; to the Committee on Small Business and Entrepreneurship.

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

S. 2890. A bill to allow the participants in the National Health Service Corps to defer their obligated service in order to receive training in palliative care services; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2891. A bill to amend title 35, United States Code, to address matters relating to the Patent Trial and Appeal Board of the United States Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 2892. A bill to provide for continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, other than for the legislative branch and the Executive Office of the President; to the Committee on Appropriations.

By Mr. KELLY (for himself and Ms. SINEMA):

S. 2893. A bill to require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona; to the Committee on Energy and Natural Resources.

By Mr. CRUZ:

S. 2894. A bill to require the imposition of sanctions with respect to Nord Stream 2 AG pursuant to the Countering America's Adversaries Through Sanctions Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCOTT of Florida (for himself, Ms. LUMMIS, Mr. JOHNSON, Mr. LEE, and Mr. MARSHALL):

S. 2895. A bill to prohibit the Department of Transportation and other agencies from promulgating rules requiring a person to provide proof of COVID-19 vaccination in order to engage in interstate commerce or travel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. DUCKWORTH (for herself, Mr. WYDEN, Mr. GRASSLEY, and Mr. LANKFORD):

S. 2896. A bill to amend the Energy Reorganization Act of 1974 to clarify whistleblower rights and protections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR:

S. 2897. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for qualified scholarships does not apply to athletic scholarships if the recipient receives certain income derived from the recipient's name, image, or likeness; to the Committee on Finance.

By Mr. YOUNG:

S. 2898. A bill to amend title III of the Social Security Act to provide for improvements to State unemployment systems and to strengthen program integrity, and for other purposes; to the Committee on Finance.

By Mr. OSSOFF (for himself, Mr. DURBIN, and Mr. GRASSLEY):

S. 2899. A bill to require the Director of the Bureau of Prisons to address deficiencies and make necessary upgrades to the security camera and radio systems of the Bureau of Prisons to ensure the health and safety of employees and inmates; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. CARDIN, Mr. KAINE, Mr. VAN HOLLEN, Ms. HIRONO, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. SANDERS, and Mr. MURPHY):

S. 2900. A bill to suspend the enforcement of certain civil liabilities of Federal employees and contractors during a lapse in appropriations, and for other purposes; to the Committee on Finance.

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

S. 2901. A bill to amend title V of the Public Health Service Act to provide for increased oversight of recovery housing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2902. A bill to modernize Federal information security management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 394. A resolution recognizing the 25th anniversary of Radio Free Asia and its mission to provide an independent source of news to closed societies in Asia; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. DURBIN, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. WICKER, Mr. BENNET, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. CARDIN, Mr. BLUMENTHAL, Ms. SMITH, Mr. REED, Mr. WYDEN, Mr. COONS, Mr. BOOKER, Ms. BALDWIN, Mrs. SHAHEEN, Mr. WARNOCK, Mr. CASEY, Mr. KELLY, Mr. PADILLA, Mr. KING, Ms. DUCKWORTH, Mr. BROWN, Mr. MARKEY, Ms. HIRONO, Mr. WARNER, Ms. ROSEN, and Mr. HEINRICH):

S. Res. 395. A resolution recognizing September 28, 2021, as "National Voter Registration Day"; considered and agreed to.

By Mr. MORAN (for himself, Mr. TESTER, Mr. INHOFE, Mr. REED, Mr. COTTON, Mr. BRAUN, and Mr. WARNOCK):

S. Res. 396. A resolution commemorating the centennial of the dedication of the Tomb of the Unknown Soldier in Arlington National Cemetery; considered and agreed to.

By Mr. WARNER (for himself, Mr. RUBIO, and Mr. BLUNT):

S. Res. 397. A resolution recognizing the 25th Anniversary of the National Geospatial Intelligence Agency; considered and agreed to.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. CASEY, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 337, a bill to establish a Senior Scams Prevention Advisory Council.

S. 535

At the request of Ms. ERNST, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 535, a bill to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, and for other purposes.

S. 561

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 561, a bill to increase the rates of pay under the statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 564

At the request of Mr. MERKLEY, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 564, a bill to prohibit Members of Congress from purchasing or selling certain investments, and for other purposes.

S. 749

At the request of Ms. HASSAN, the names of the Senator from California (Mr. PADILLA) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 749, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 838

At the request of Mr. VAN HOLLEN, the name of the Senator from Nevada (Ms. ROSEN) 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. 1271

At the request of Mr. PADILLA, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 1271, a bill to reauthorize the Clean School Bus Program, and for other purposes.

S. 1315

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mr. HAWLEY) 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. 1593

At the request of Mr. SCHATZ, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Kansas (Mr. MARSHALL) were added as cosponsors of S. 1593, a bill to amend the Public Health Service Act with respect to the designation of general surgery shortage areas, and for other purposes.

S. 1596

At the request of Mr. ROUNDS, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1596, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National World War II Memorial in Washington, DC, and for other purposes.

S. 1725

At the request of Mr. ROUNDS, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 1725, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 1735

At the request of Mr. HICKENLOOPER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1735, a bill to establish an Office of Native American Affairs within the Small Business Administration, and for other purposes.

S. 1759

At the request of Mr. HICKENLOOPER, the names of the Senator from South

Carolina (Mr. SCOTT) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 1759, a bill to establish a MicroCap small business investment company designation, and for other purposes.

S. 1785

At the request of Mr. SCHATZ, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1785, a bill to repeal the debt ceiling, and for other purposes.

S. 1856

At the request of Mr. SCHATZ, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Ms. SMITH), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Georgia (Mr. OSSOFF) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1856, a bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.

S. 1996

At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1996, a bill to protect human rights and enhance opportunities for LGBTQI people around the world, and for other purposes.

S. 2011

At the request of Mr. COONS, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2011, a bill to award a Congressional Gold Medal to honor the contributions of all those whose efforts led to the successful development of life saving vaccines to combat the novel coronavirus.

S. 2040

At the request of Mr. CORNYN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of 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.

S. 2178

At the request of Mr. HICKENLOOPER, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2178, a bill to provide collective bargaining rights for fire fighters and emergency medical services personnel employed by States or their political subdivisions, and for other purposes.

S. 2305

At the request of Mr. OSSOFF, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2305, a bill to enhance cybersecurity education.

S. 2346

At the request of Mr. COTTON, the name of the Senator from Oklahoma

(Mr. LANKFORD) was added as a cosponsor of S. 2346, a bill to codify Executive Order 13950 (relating to combating race and sex stereotyping), and for other purposes.

S. 2372

At the request of Mr. HEINRICH, the names of the Senator from Mississippi (Mr. WICKER), the Senator from North Dakota (Mr. CRAMER), the Senator from Hawaii (Mr. SCHATZ), the Senator from Arizona (Mr. KELLY), the Senator from Alabama (Mr. TUBERVILLE) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2372, a bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

S. 2493

At the request of Mr. BENNET, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 2493, a bill to extend the deadline for eligible health care providers to use certain funds received from the COVID-19 Provider Relief Fund, and for other purposes.

S. 2736

At the request of Mr. BURR, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of S. 2736, a bill to exclude vehicles to be used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

S. 2794

At the request of Mr. TUBERVILLE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2794, a bill to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program, and for other purposes.

S. 2863

At the request of Mr. RISCH, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 2863, a bill to require the imposition of sanctions with respect to the Taliban and persons assisting the Taliban in Afghanistan, and for other purposes.

S. RES. 321

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 321, a resolution expressing the sense of the Senate to reduce traffic fatalities to zero by 2050.

S. RES. 360

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 360, a resolution celebrating the 30th anniversary of the independence of Ukraine from the former Soviet Union.

S. RES. 391

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mr.

CRUZ) was added as a cosponsor of S. Res. 391, a resolution expressing concern about the rise in illicit mining and trafficking of gold in Latin America and the pervasive problem that such mining poses for the security, stability, and environment of the region.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself and Mr. WARNER):

S. 2883. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

Mr. KAINE. Mr. President, today, I want to discuss legislation I am introducing, the School Infrastructure Modernization Act.

To claim the Federal tax credit for historic preservation, a building renovation must be for a different purpose than that for which the building was previously used, a requirement known as the "prior use" rule. This bill waives that requirement for renovations of K-12 public school buildings. This will make it easier to restore historic-but-dilapidated school buildings across the country so our children have safe, modern spaces in which to learn.

As a Richmond City Council member and later mayor, I faced challenges familiar to many municipalities: overcrowded schools, aging buildings, and limited dollars in the budget. But in one particular case, I and a group of local stakeholders identified a creative solution. On one hand, we had an overcrowded Thomas Jefferson High School with in-zone and magnet students. On the other hand, we had a closed Maggie Walker High School that needed renovations. We put together a financing package that made use of Federal and State historic tax credits to renovate Maggie Walker High School and satisfied the prior use rule by consolidating the magnet program from Thomas Jefferson into a new Maggie Walker Governor's School for Government and International Studies. Today, some 20 years later, this is one of America's highest performing public high schools. Without the Federal historic tax credit, this would have been too expensive to make happen.

This bill will make it easier to do similar projects around the country. More modern school buildings will bolster the quality of public education, and carrying out these projects will generate private sector infrastructure investment and jobs. In Virginia alone, according to a 2013 study, more than 800 K-12 schools are at least 50 years old, representing some 40 percent of all the K-12 schools in the Commonwealth.

As the Senate considers tax reform and a comprehensive infrastructure package, I encourage my colleagues to support this common-sense incentive that is good for education, good for infrastructure, and good for jobs.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 2884. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide research and extension grants to combat plant pests and noxious weeds that impact coffee plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. HIRONO. Mr. President, I rise today to introduce the Coffee Plant Health Initiative Amendments Act, a bill that allows the Secretary of Agriculture to provide research and extension grants for the purposes of protecting coffee plants from outside threats such as invasive pests and weeds.

Coffee serves as a cornerstone of Hawaii's agricultural industry, both in terms of culture and economics. Coffee has been grown in Hawaii for almost 200 years and is revered all over the world for exceptional quality and taste. Coffee is grown on every main island in Hawaii, with half of the acreage on Hawaii Island and the other half spread across Kauai, Oahu, Maui, Molokai, and Lanai. Hawaii remains the largest grower of coffee in the United States, with over 27 million pounds produced and yielding just over \$54 million during the 2019-2020 season.

Like all natural ecosystems in Hawaii, coffee production has experienced numerous threats from pests and weeds. These include the black twig borer, root-knot nematode, green scale, crab spider, coffee berry borer, and coffee leaf rust, to name a few. In response to the 2010 arrival of the coffee berry borer in Hawaii, I successfully included the coffee plant health initiative provision in the 2014 farm bill. This provision allowed the Secretary of Agriculture to provide research and extension grants to help the coffee community combat the coffee berry borer. The resulting Federal assistance provided has been instrumental in providing coffee producers the tools they need to protect their coffee crops from the coffee berry borer.

Within the past year another coffee pest has emerged in Hawaii, a fungus known as Coffee Leaf Rust. Like the coffee berry borer, Federal funds are needed to research and develop pest management strategies to equip coffee producers with the knowledge and tools necessary to safeguard their coffee yields.

This bill builds upon the 2014 farm bill coffee plant health initiative provision by expanding the scope of research and extension grants to all invasive pests and noxious weeds threatening the coffee industry, not just the coffee berry borer. While our researchers and coffee growers are currently battling coffee leaf rust, future pest and weeds not currently in Hawaii, like the Coffee Leaf Miner and Coffee Wilt Disease, are likely to emerge. This expansion of the coffee plant health initiative will provide much needed Federal resources to help our coffee community quickly respond to the myriad pests waiting in the wings.

This bill is supported by the University of Hawaii at Manoa College of

Tropical Agriculture and Human Resources, the Hawaii Coffee Association, the Kau Coffee Growers Cooperative, Kauai Coffee Company, LLC, Puerto Rico Coffee Roasters, LLC, and the Puerto Rico Farm Bureau.

By Mr. PADILLA (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. BOOKER, Mr. HICKENLOOPER, Ms. ROSEN, Ms. SMITH, Mr. KING, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WYDEN, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. OSSOFF, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. MARKEY, Mr. PETERS, Ms. WARREN, and Ms. DUCKWORTH):

S. 2887. A bill to codify the existing Outdoor Recreation Legacy Partnership Program of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PADILLA. Mr. President, I rise to introduce the bipartisan Outdoors for All Act.

This legislation would ensure that access to local parks and outdoor recreation is equitable and available to all.

The Outdoors for All Act would codify and guarantee annual funding for the Outdoor Recreation Legacy Partnership program, which provides grants to build new outdoor recreation spaces, improve existing parks, and form connections between underserved, urban communities and the outdoors.

It specifically invests in parks and open spaces in areas where 80 percent of Americans live. Any urban area with a population of at least 30,000 can qualify for grants, which can benefit residents in all 50 States.

These grants would fund projects in park-poor, urban communities, and the bill would require the National Park Service to prioritize projects that support underserved communities, provide job-training to youth, and leverage resources through public-private partnerships.

As our cities grow and the effects of climate change intensify, this bill will increase equitable access to the many benefits of local parks, from job creation, to shade and tree cover, to clean air.

Nationwide, 100 million people, including 28 million children, do not have a park within a half-mile of home. That is almost one third of America.

Additionally, in the 100 most populated cities, neighborhoods where most residents identify as Black, Latino, American Indian/Alaska Native, or Asian American and Pacific Islander have access to an average of 44 percent less park acreage than predominantly White neighborhoods.

For example, in Los Angeles, low-income communities and communities of color lack equal access to parks; a Los Angeles County survey found that Compton reported only 0.6 acres of parkland per 1,000 residents, in contrast to Malibu, which has 55.5 acres of parkland per 1,000 residents.

This bill would address this staggering inequity in Los Angeles and across the country and make equity and justice a key focus of park investment and planning.

I thank my colead Senator COLLINS and all of the bill's cosponsors for championing this effort with me in the Senate. I also thank Congresswoman BARRAGÁN for her steadfast dedication to park equity.

I look forward to working with my colleagues to pass the Outdoors for All Act as soon as possible.

Thank you.

By Mrs. FEINSTEIN:

S. 2888. A bill to reduce passenger, crewmember, and airport personnel risk of exposure to COVID-19, decrease the risk of transmission of COVID-19 on board aircraft and to United States destination communities through air travel, and protect children and other vulnerable individuals by preventing further spread of COVID-19 in the United States; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the U.S. Air Travel Public Safety Act. This bill would require airline passengers flying domestically to provide proof that they are fully vaccinated and also encourage more healthcare workers to be vaccinated against COVID-19.

The rise of the Delta variant and the latest COVID-19 surge in the United States continue to hit hospitals hard, and nearly all patients who are hospitalized or dying from COVID-19 are unvaccinated.

According to the Centers for Disease Control and Prevention, surveillance data has shown that even after the more transmissible Delta variant became dominant during the summer, people who were fully vaccinated were still about five times less likely to be infected and more than 10 times less likely to be admitted to the hospital or die compared to those unvaccinated.

Further CDC studies have supported that our vaccines remain effective against the severe consequences of COVID-19. For this and other reasons, we must take every opportunity to get all eligible Americans vaccinated as quickly as possible.

We know that travel is a significant factor in the spread of COVID-19. According to a study published in the "Proceedings of the National Academy of Sciences," people traveling to other counties or States last year contributed to higher COVID-19 case numbers in their destination communities. This was especially true during the 2020 summer and winter holidays.

As friends and family gathered together for Thanksgiving, in particular, we experienced the start of major back-to-back surges that would culminate into the highest daily cases, hospitalizations, and deaths reported nationally during the pandemic.

While scientists aren't expecting COVID-19 peaks to reach these levels

again, hospitals may still find themselves overwhelmed if large numbers of COVID-19 and influenza hospitalizations coincide this winter.

The U.S. Air Travel Public Safety Act would add an additional preventative layer to COVID-19 safety measures for domestic air travel. Specifically, it would require airline passengers to provide proof of vaccination before boarding a domestic flight within the United States.

The bill would also offer alternatives to airline passengers not yet fully vaccinated by allowing them to provide either proof of a negative COVID-19 test result or documentation proving that they have recovered from COVID-19.

Current CDC guidance notes that fully vaccinated travelers are much less likely to get and spread COVID-19 than people who are unvaccinated. Furthermore, new research published in a Mayo Clinic Proceedings study shows that COVID-19 testing requirements for airline passengers could have a meaningful effect on detecting active infections either immediately before or after a flight.

This legislation builds on current requirements in place since January 2021 that require proof of a negative COVID-19 test result for all airline passengers, including U.S. citizens, arriving from a foreign country to the United States. Many Americans have already experienced this process, and airlines are required to collect this passenger COVID-19 information on behalf of CDC.

When added to current safety interventions required for domestic flights, these measures could decrease the risk of transmission during air travel, as well as the potential of air travelers spreading COVID-19 at their destinations.

The bill would also require CDC's Advisory Committee on Immunization Practices—ACIP—to develop recommendations for COVID-19 vaccine use in healthcare settings and among health care personnel in other settings. ACIP currently recommends that healthcare personnel be vaccinated for vaccine-preventable diseases, such as Hepatitis B, measles, and influenza.

ACIP's recommendation for the COVID-19 vaccine would further encourage health workers to get the shot and reduce the chances of spread. This is particularly important as vaccination rates among health workers remain lower than optimal.

This legislation may also positively affect vaccine acceptance among the general public. According to a poll by the Kaiser Family Foundation, about 3 in 10 people surveyed who were waiting to be vaccinated said they would be more likely to get vaccinated if airlines required passengers to be vaccinated. This number increased to about 4 in 10 among unvaccinated individuals who said they would only get the vaccine if required.

We must ensure the millions of airline passengers that crisscross our

country aren't contributing to further COVID-19 transmission. This is especially critical for young children, who remain ineligible to be vaccinated and are increasingly accounting for reported COVID-19 infections nationwide.

I want to thank the Infectious Diseases Society of America for their support for this bill. Getting vaccinated is a matter of life and death, and it is the only option to safely returning to normalcy. I look forward to working with my colleagues on this important issue, and I urge my fellow Senators to support the U.S. Air Travel Public Safety Act.

Thank you.

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

S. 2891. A bill to amend title 35, United States Code, to address matters relating to the Patent Trial and Appeal Board of the United States Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, 10 years ago this month, Congress worked on a broad bipartisan basis to pass the Leahy-Smith America Invents Act, the biggest change to the United States patent laws in half a century. The patent system exists to create incentives that promote the progress of science and the useful arts for the benefit of the public. Our whole economy depends on a working patent system that reinforces high-quality patents while ensuring that poor-quality patents cannot throw a wrench into the gears. Today, I am proud to introduce, alongside Senator CORNYN, the bipartisan Restoring the America Invents Act to ensure that the improvements we made to maintain high patent quality in the Leahy-Smith Act continue to work as Congress intended.

One of the challenges we confronted 10 years ago was that too many invalid patents were being issued. Instead of rewarding true innovation, these patents were being used to indefinitely extend monopolies, quash competition, and harm American consumers. For example, in the pharmaceutical industry, brand-name drug companies would artificially extend a drug's patent term by patenting minor and insignificant changes to the underlying product. In other industries, entities that did not even make products would buy up tens of thousands of questionable patents covering simple and obvious actions like doing business on the internet, and they would sue thousands of small businesses that sold innovative products online.

One of the biggest accomplishments of the Leahy-Smith Act was that it empowered members of the public to challenge a patent's validity at the U.S. Patent and Trademark Office—PTO—directly, providing a faster, less expensive, and more accessible avenue than litigation in the courts. These proceedings, called inter partes review

and post-grant review, have been wildly successful. According to one economic impact study, in one 5-year period, the Leahy-Smith Act saved the U.S. economy \$2.64 billion in litigation costs alone, with more than \$1 billion more in added personal income for Americans.

The Leahy-Smith Act's new proceedings have been used thousands of times and have had the aggregate impact of improving the quality of patents in our patent system. Unfortunately, over time and especially during the last administration, the PTO has limited the availability of these proceedings beyond what Congress intended. The PTO began routinely declining to hear challenges brought by members of the public, even when those challenges met timing requirements, met all other statutory criteria, and would have likely succeeded on the merits. In 2020, roughly one in five challenges was summarily denied proceedings by the PTO, undermining the intent of the Leahy-Smith Act.

Furthermore, whether a patent is valid should not depend on which party is in the White House or what individual is in charge of the agency. During the last administration, there was reported nontransparent meddling by the PTO Director in the work of the administrative patent judges who were making inter partes and post-grant review decisions. While the Supreme Court has recently held that the PTO Director should have the last word on patentability decisions, the public deserves to know when decisions are being made by dedicated civil servant judges and when they are being made by the politically appointed Director.

This bill fixes both problems and generally restores the Leahy-Smith Act to what Congress intended 10 years ago. It requires institution of inter partes review petitions that meet the statutory criteria and further encourages district courts to stay litigation when a parallel proceeding at the PTO will resolve the same validity issues. The stay factors in this bill are intended to put a heavy thumb on the scale in favor of a district court stay, preventing duplicative proceedings, and protecting patent owners from having to repeatedly defend their patents. The Restoring the America Invents Act further imposes transparency. The PTO Director must provide a separate written opinion when overriding part or all of a decision of administrative patent judges, and the PTO Director may not interfere in any way in the judges' initial decisionmaking. The public and any reviewing court should get to see the judges' decisions first, before any political actor might change the outcome.

This bill further clarifies other aspects of the Leahy-Smith Act. It clarifies the intent of the Leahy-Smith Act that the PTO can address, in inter partes review proceedings, certain clear instances of invalidity: double patenting, where applicants amass doz-

ens of patents covering trivial iterations of an already-patented drug or other product; and admissions by the patent owner, in the patent itself, that someone else first came up with the invention. It clarifies that, when patent owners want to amend their patent claims during these post-issuance proceedings, the PTO must fully examine and vet those claims before issuing them. Likewise, the bill prohibits the PTO from issuing new claims to a patent that are essentially the same as existing claims, addressing the problem of patent thickets. And the Restoring the America Invents Act addresses multiple related proceedings pending at the PTO, specifying that the PTO must decide ahead of time how to proceed, to avoid conflicting outcomes from separate parts of the agency. This is in addition to the agency's ongoing obligation to make rules addressing common situations, such as under 35 U.S.C. §316(a)(4). The PTO should study frequent scenarios and determine whether new regulations are needed to address them.

Fundamentally, we need to address why the PTO issues invalid patents in the first place. But when these invalid patents have already been issued, they need to be addressed on the back end. On this 10th anniversary of the Leahy-Smith Act, I am proud to introduce this bill—the Restoring the America Invents Act, that will restore the patent system so it can continue to accomplish its goals into the next decade and beyond, reinforcing high-quality patents while ensuring that poor-quality patents don't disrupt the American economy, costing Americans untold sums in unreasonable drug costs and overly inflated prices generally. I am excited to work alongside Senator CORNYN, on a bipartisan basis, to pass this important piece of legislation. The Founders envisioned the patent system to promote the progress of science and the useful arts for the benefit of the public. It is time to get back to the Founders' vision. I hope the Senate will act quickly to pass this critical legislation.

By Mr. SCOTT of Florida (for himself, Ms. LUMMIS, Mr. JOHNSON, Mr. LEE, and Mr. MARSHALL):

S. 2895. A bill to prohibit the Department of Transportation and other agencies from promulgating rules requiring a person to provide proof of COVID-19 vaccination in order to engage in interstate commerce or travel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCOTT of Florida. Mr. President, the past 18 months have been trying for our Nation.

Thankfully, the vaccine has brought normalcy back to the lives of many Americans. In record time, thanks to the hard work of the Trump administration and scientists across our country, we developed a safe and effective

vaccine to protect Americans against COVID-19.

These vaccines show us what can happen through cooperation, ingenuity, and hard work. And I am grateful for all those who helped us get here. I got the vaccine and encourage everyone to talk to their doctor and consider doing the same. That is what we all should do: give Americans all the information and data so that they have everything they need to make a good decision for their family.

That is exactly what I did when I was Governor of Florida in the face of life-threatening hurricanes. I made sure Florida families were well informed. I went out and made sure everyone knew exactly what to expect and how dangerous the storm could be, but I didn't issue mandates because that is not what governments should do.

When I was Governor of Florida, we had the Zika healthcare crisis, which impacted newborns. Rather than placing mandates on pregnant women or restricting their travel to areas with local transmission of Zika, we simply informed Floridians, worked to be as transparent as possible, and offered free Zika testing to all pregnant women in Florida.

Unfortunately, the Biden administration has gone in the complete opposite direction. The White House has tried to use the new OSHA guidance to create fear; push another round of trillions of dollars in reckless, wasteful spending; lock down our Nation; close our schools; and kill the economy that so many Americans have worked so hard to preserve and protect.

Americans are sick and tired of the government telling them what to do, and the American people are more than capable of making the right choices to protect themselves, their families, and their neighbors.

As families and businesses in Florida and across the U.S. continue to work hard to recover from COVID-19's devastation, travel is critical to getting our economy fully reopened. America's truckers, shippers, pilots, and deliverymen and -women play an important role in delivering the goods needed to keep our economy going. Everything from gas and groceries to packages from small businesses and department stores, they help keep this country running. They also haven't had the luxury of working from home. For 18 months, they have shown up to work. They have figured out how to be safe without the feds telling them what to do.

But the job-killing Biden White House is now considering requiring those engaged in interstate commerce or interstate travel be vaccinated and provide proof of vaccination and a vaccine passport.

The Federal Government has no business imposing vaccine mandates on the American people and our hard-working businesses. This proposal reeks of a power grab and is another attempt by the Biden White House to control

Americans. The Biden administration wants to control Americans through fear and mandates so the Federal Government is touching every single part of your life.

I won't stand for it. Americans won't stand for it. They know that such an order is an overreach of power. Americans should be free to make choices they feel are in the best interests of their own health and the health of their loved ones, and the Federal Government has no business requiring travelers to turn over their personal medical information in order to make a delivery or to catch a flight.

I believe Floridians and Americans across this country know what decisions are best for them. They don't need the Biden administration controlling their lives.

The Supreme Court has already ruled that the Federal Government can't force people to purchase health insurance under the Commerce Clause. Why would President Biden think he could do so with a vaccine mandate?

In December, President Biden promised—promised—he would not require Americans to be vaccinated or require that they carry vaccine passports—promise by President Biden. The new OSHA order breaks that promise. It has been one lie after another with this President.

Today, I am introducing legislation which will prevent unconstitutional vaccine mandates for interstate commerce. I am thankful for Senators JOHNSON, LUMMIS, MARSHALL, and LEE cosponsoring this legislation and for Congressman DAN CRENSHAW, who is introducing the companion bill in the House of Representatives.

We are working to make sure that families across our country can travel freely and businesses can conduct interstate commerce without the ridiculous government bureaucracy created by vaccine passports.

This bill would prohibit the Department of Transportation, the Department of Commerce, and other Federal Agencies from requiring proof of vaccination or the use of a vaccine passport to engage in interstate commerce or travel.

It protects people like my dad, who used to drive a truck and would carry goods across State lines. It protects the rights of American citizens, as laid out in our Constitution.

President Biden is trying to upend our way of life and impose his view of health on every American—and I am here to say that I won't stand for it.

Now, I would like to yield to my friends Senator JOHNSON and Senator LEE, as they will talk about this same bill.

THE PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise in support of Senator SCOTT's bill. I want to make a few different points. First of all, I don't believe this administration or people who support the mandates are really thinking the proc-

ess through as to how devastating these mandates are going to be on our economy.

Well before the President even announced his unlawful regulatory initiative, I was hearing from truckdrivers; I was hearing from nurses and doctors who have already had COVID, who had natural immunity, who are looking at, for example, the reports, are looking at some of the data and science saying that natural immunity is 13 to 27 times more effective than the vaccine, and they have chosen not to get it.

President Biden promised the American public he wouldn't mandate this. He said: "I don't think it should be mandatory. I wouldn't demand it to be mandatory."

His Press Secretary, Jen Psaki, said it is not the Federal Government's role.

I agree. The President also said: "This is not about freedom or personal choice."

No, this is exactly about freedom and personal choice.

I have written so many oversight letters to the healthcare Agencies. I completely agree with Senator SCOTT. I was a big supporter of Operation Warp Speed. I have gotten every vaccine until this one because I have had COVID, but the Federal Agencies have not been transparent. They have not given the American public information that we need to make that informed choice.

We need to recognize people's health autonomy. This is their body. They should be able to make these choices.

I want to talk a little bit about some of the information we are not getting from our healthcare Agencies that people who are choosing not to get vaccinated are looking at. And it is not disinformation. This is real information. It is just being withheld from the public by our healthcare Agencies, by the media, and the social media.

The first thing I want to show is a chart that I put together. Again, this is real data. This comes from the CDC in terms of the number of new cases per day, as well as the number of deaths per day. The deaths are down here in a very thin red line. But you can see by this chart that in terms of the surge of the initial Alpha variant of COVID, it pretty well peaked late December, early January.

The vaccines got the emergency use authorization about mid-December. The orange line shows the percent of Americans vaccinated, fully vaccinated. You can see the initial surge, the initial pandemic, was winding down before the vaccines even could take effect.

Now, again, we all hoped and prayed that the vaccine would be 100 percent effective and 100 percent safe. But when you look at this chart, as the pandemic is winding down, the percent of fully vaccinated individuals are going up, you would think—again, you would think what you would see is just a complete winding down of the pan-

demic. But that is not what we have seen.

We have seen this new surge, this new surge of a variant called Delta. So what are we to make of this? Again, I am not a doctor; I am not a medical researcher—but I look at this, and I am going, well, it certainly doesn't look like the vaccine has been particularly effective against the Delta variant.

But let's look at some data, the type of data that we are not getting from our healthcare Agencies. So we have to look, unfortunately, to England and to Israel that are more transparent. I don't expect anybody to be able to read the figures here. I will give you the highlights, but I am showing that this is from Public Health England. This is one of their Federal healthcare Agencies. This is from their technical briefing No. 23, dated September 17, 2021. It covers cases for about 7½ months, from the beginning of February to February 12. What the data shows is that during that 7½-month period in England, there are about 750,000 new COVID cases. A little under 600,000 of those were the Delta variant, about 80 percent. The number of deaths associated with those 600,000 Delta cases was 2,542, which gives us a case fatality ratio of about 0.4.

Now, again, case fatality is higher than infection fatality because these are actually registered cases, and there are all kinds of infections that never get registered. So to put this in context, an infection fatality rate for a bad flu season is slightly under 0.2, half of this. Again, put things in perspective.

Now, President Biden—and this has been parroted by media, news media—said that what we are currently experiencing is a pandemic of the unvaccinated. They don't give us, really, any data to back that up; they just proclaim, pronounce, that 99 percent of people with COVID now are unvaccinated, but they don't give us the data.

We have data from England. And here is the data. So of the 600,000 cases in England, 43 percent were with the unvaxxed; 27 percent were with the fully vaxxed; another 30 percent were partially vaxxed or just undetermined. But I think what is interesting—here is another quote from President Biden—President Biden said: If you are vaccinated, you are not going to be hospitalized; you are not going to an ICU unit; you are not going to die; you are not going to get COVID if you have these vaccinations.

Well, maybe that is true in the United States. I kind of doubt it because in England, of the 600,000 new cases of Delta, of the over 2,500 deaths—63 percent of those deaths—1,613 people were fully vaccinated. Twenty-eight percent were with the unvaxxed.

This is information the American people probably never heard. It is information, by conveying it, I will get attacked. I will be vilified. I will be

censored. I will be suppressed. It is one of the reasons I come to the floor of the Senate to reveal this information that the American people need to know.

Let me close with something else that certainly nurses know, nurses who were our heroes. They had the courage and compassion to treat COVID patients. Many got infected; some tragically died; most survived. Now, many of those nurses are treating the vaccine injured.

Let me just quick quote a couple of figures from the CDC's own safety early surveillance system—the VAERS report, the Vaccine Adverse Event Reporting System. Worldwide, from a couple of weeks ago—these numbers are pretty fresh—there have been over 15,000 deaths reported on VAERS. Now, I realize VAERS does not prove causation. But of those 15,000 deaths, over 5,000 of those deaths have occurred on days 0, 1, or 2 following vaccination.

Now, again, it doesn't prove causation, but if I were working at the CDC, I would be looking at that very closely and analyzing those cases. The final number, total adverse events, on the VAERS system in 10 months, since the COVID vaccines have been under emergency use authorization, over 725,000 adverse events. So, again, I was hoping and praying this vaccine was 100 percent effective, 100 percent safe, but that does not appear to be the case.

And I believe this administration, I believe our healthcare Agencies need to be honest and transparent with the public. They have not been. The American people have the right to choose. It should not be mandated. We should respect their personal choice. We should respect their freedom.

And I will just close on—I will be bringing more information as we discuss other ways to push back on these mandates over the next few days, so stay tuned.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, during this pandemic, the people of the United States have seen the Federal Government intrude into their lives more frequently and more completely than ever before. President Biden didn't make any pretense about this. He didn't mince any words. He didn't sugarcoat it. He didn't even try to hide behind any veneer when he spoke to the American people. He said: "Our patience is wearing thin."

This five-word expose of the President's thinking is deeply troubling. It is not the kind of sentiment you ever want expressed within a Free Republic, not from the Chief Executive.

To say "our patience is wearing thin" might be something that you say of a foreign adversary. It might be something you say of a subordinate within government, someone who reports up to the President. It is not something you say of the people—the people who, in our system, collectively, are the sovereign.

It is only by the consent of the governed that our government has its legitimacy, and to denigrate the American people that way is not consistent with who we are. It is not consistent with our form of government.

So I find that five-worded mission of how he views the American people worrying in its own right. But I find it nothing short of horrifying that he—as if acting as some sort of omnipresent nanny state disciplinarian executive is now set to plunge even more deeply into everyday lives of the American people.

We are here today to remove one of the options from the unconstitutional buffet of strong-armed Executive tactics used by President Biden in connection with COVID-19. Requiring proof of vaccination for interstate travel would create millions of second-class Americans. And it would make all Americans subject to a form of government and a type of power to which we are not accustomed. And that is really ill-suited for our Constitution structure.

The Constitution itself protects Americans from this type of action. The Privileges and Immunities Clause and the Fourteenth Amendment grants Americans the right to freely travel between the States. There is no precedent for the Federal Government requiring anything like vaccination before traveling domestically. There is no precedent because there is no legitimate Federal power in this area to begin with.

It is important to remember that the Federal Government doesn't have what we call general police powers. These are the basic powers of government that are there to protect life, liberty, and property and to focus on things like health, safety, and welfare.

You see, State governments retain this general police power. Remember that James Madison, in Federalist No. 45, described the powers given to Congress as few and defined and those reserved to the States as numerous and indefinite.

The Founding Fathers understood what general police powers were. They deliberately, consciously, intentionally, and with very good reason did not give those powers to the Federal Government.

So as a result, the Federal Government doesn't possess, under the Constitution, the ability to pass laws or regulations of this sort. No, in our system of government—our national government—this Federal Government has to pass only those laws that are within these powers that are few and defined, those enumerated in the Constitution.

The President of the United States, under our Constitution, does not, moreover, have any kind of unilateral lawmaking authority whatsoever. So the power is not Federal in the first place. And even if it were a proper Federal power, which it is not, it is a legislative power that he is trying to wield here. Only we can give him that. Only we can enact legislation.

Article I, section 7, makes it very clear that if you are going to change the legal status quo, if you are going to establish policy at the Federal level that will carry the force of generally applicable Federal law, you have to be acting within one of Congress's enumerated powers.

But more importantly here, under article I, section 7, you have to have passage in the House; you have to have passage in the Senate of the same legislative vehicle, followed by presentment to the President of the United States. That formula hasn't been followed here. We have no Federal law on this as a result of that. We, thankfully, got rid of a King back in 1776. We have never gone back—never looked back and longed for the Union Jack. We shouldn't be anxious to convert the Presidency into a type of monarchy, even if it is a mini monarchy.

Beyond the constitutional problems, requiring vaccine passports for domestic travel within the United States would place a huge burden on not only the American people, but also on airlines and on other businesses that are already hard hit by the pandemic. Multiple major airlines have already expressed their concerns with a vaccine passport mandate.

Look, the last thing the American people need is more mandates and restrictions preventing them from making their own reasonable decisions. Americans deserve to be able to make a living and to be able to engage in interstate commerce and to travel interstate without mandates making them choose between providing for their families and undergoing a medical procedure against their will.

That is why I am fighting President Biden's existing mandate and fighting against future intrusions by the executive branch into the lives of Americans.

The bill offered by my friend and colleague, the Senator from Florida, would ensure that Federal Agencies cannot attempt to impose vaccine requirements for interstate travel or commerce. I am proud to be here in support of this bill. I am proud to defend Americans and their constitutional rights. I hope we can protect millions of our fellow citizens and the American way of life by passing this bill.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, under no circumstances should the Federal Government attempt to mandate these vaccines and require proof of vaccination in order to conduct business.

Small business owners who are trying to restart their businesses, families trying to take vacations, and truckers who are getting back to work shouldn't have to choose between living their

lives and meeting President Biden's demands.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—RECOGNIZING THE 25TH ANNIVERSARY OF RADIO FREE ASIA AND ITS MISSION TO PROVIDE AN INDEPENDENT SOURCE OF NEWS TO CLOSED SOCIETIES IN ASIA

Mr. COONS (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 394

Whereas, after the 1989 Tiananmen Square Massacre, a bipartisan group of Senators and Members of the House of Representatives, led by then-Senators Joseph R. Biden and Jesse Helms, came together and sponsored legislation to create Radio Free Asia, a news outlet with a congressionally-mandated mission to provide unbiased, independent, and domestic journalism for audiences in China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam, whose people do not fully enjoy freedom of expression;

Whereas Radio Free Asia—

(1) was established by United States law as part of the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.);

(2) was incorporated as a private, nonprofit corporation on March 11, 1996; and

(3) made its inaugural broadcast in Mandarin to the Chinese people on September 29, 1996;

Whereas Laos, Vietnam, China, and North Korea rank amongst the worst 9 countries in the world for media freedom in the 2021 World Press Freedom Index, as based on an evaluation of pluralism, independence of the media, quality of legislative framework, and safety of journalists;

Whereas Radio Free Asia delivers programming and content using many media platforms, including radio, television, and the internet, in the languages of Mandarin, Korean, Burmese, Tibetan, Uyghur, Khmer (Cambodian), Cantonese, Lao, and Vietnamese, and through English translations and content on the website and social media of Radio Free Asia;

Whereas Radio Free Asia launched BenarNews in 2015, an online news affiliate that publishes news and content for audiences in Indonesia, Bangladesh, Malaysia, Thailand, and the Philippines that is focused on the consequences of extremism and contributes to coverage by Radio Free Asia of the influence of the People's Republic of China in Southeast Asia and the expanded military presence of the People's Republic of China in the South China Sea;

Whereas Radio Free Asia in 2020 launched online brand, WHYNOT/WAINAO, engaging younger Chinese Mandarin-speaking audiences around the world, who are often skeptical of pervasive Chinese government narratives, fostering an open dialogue on banned or under-covered topics through probing independent-thinking journalism, features, and content;

Whereas Radio Free Asia, consistent with its congressional mandate of editorial independence, works to ensure that its journalists and services adhere to the highest journalistic standards and ethics, without influence or interference by the United States Government or any Administration;

Whereas the Uyghur Service of Radio Free Asia has served a vital role by providing an

independent source of information on the repression and mass detention of Uyghurs and members of other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region of the People's Republic of China;

Whereas the documentation of abuses in the Xinjiang Uyghur Autonomous Region by Radio Free Asia has helped inform the policies of the Congress and the Executive Branch, including a determination by the State Department that the Chinese government, under the direction of the Chinese Communist Party, is engaged in genocide against Uyghurs and members of other ethnic and religious minority groups;

Whereas Radio Free Asia has documented the rapid deterioration of autonomy and democratic freedoms in Hong Kong by the Chinese central government, including restrictions on freedom of speech and the press and crackdowns on activists, journalists, and protesters;

Whereas Radio Free Asia has been a primary source of information on Tibetan regions in the People's Republic of China, including on the March 2008 Lhasa Uprising and ensuing security crackdown, the spate of Tibetan self-immolations, and restrictions on Tibetan language, education, religious practice, and the display of images of the Dalai Lama;

Whereas, in March 2020, Radio Free Asia reported that the Chinese government was under-reporting the number of coronavirus fatalities in Wuhan province, which was later verified by leaked internal Chinese documents obtained by other news outlets;

Whereas Radio Free Asia has provided the Burmese people with continuous coverage of the 2021 military-led coup that deposed the elected government and ended 10 years of democratic reforms and growth of civil society;

Whereas, in 2017, Radio Free Asia documented the human rights abuses against and expulsion of Rohingya from Burma, whose plight Radio Free Asia affiliate BenarNews has continued to cover in refugee camps in Bangladesh;

Whereas Radio Free Asia has done in-depth reporting on the behavior of the North Korean government, including the use of forced labor, political prisoner camps, activities at nuclear testing sites, and internal acknowledgments of the presence of COVID-19 in the country;

Whereas high-level defectors and refugees from North Korea have credited reports by Radio Free Asia as a factor in their decision to leave the country and seek their future beyond the North Korean borders;

Whereas the Lao, Khmer (Cambodian), and Vietnamese services of Radio Free Asia have reported on high-level corruption of officials and leaders, silencing of independent voices and journalists, and the struggles of civil society, as well as activities by China that affect the flow of the Mekong River;

Whereas the journalism by Radio Free Asia has earned recognition among its peers, is cited by respected international and regional media outlets, and has won numerous awards for its investigative reporting and exclusive features from journalistic and human rights groups;

Whereas Radio Free Asia has been unjustly targeted by repressive regimes, with its websites blocked, its radio signals jammed, and its journalists put at risk;

Whereas Nguyen Tuong Thuy, Truong Duy Nhat, and Nguyen Van Hoa, contributors to the Vietnamese Service of Radio Free Asia, have been unjustly jailed and detained;

Whereas Uon Chhin and Yeang Sothearin, who have both worked as journalists for the Khmer (Cambodian) Service of Radio Free Asia, continue to face unsubstantiated charges; and

Whereas Chinese authorities have detained and harassed family members of the Uyghur Service of Radio Free Asia in a campaign of intimidation. Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Radio Free Asia on its 25th anniversary as an independent news organization chartered and funded by Congress with a mission to bring uncensored, accurate news to people living in closed societies in Asia;

(2) honors the dedication and courage of the former and current journalists of Radio Free Asia in the face of threats and adversity from foreign governments and rising risks for press freedom in Asia and across the globe; and

(3) commends the continued effectiveness and success of Radio Free Asia in its pursuit of independence and credible journalism.

SENATE RESOLUTION 395—RECOGNIZING SEPTEMBER 28, 2021, AS “NATIONAL VOTER REGISTRATION DAY”

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. DURBIN, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. WICKER, Mr. BENNET, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. CARDIN, Mr. BLUMENTHAL, Ms. SMITH, Mr. REED, Mr. WYDEN, Mr. COONS, Mr. BOOKER, Ms. BALDWIN, Mrs. SHAHEEN, Mr. WARNOCK, Mr. CASEY, Mr. KELLY, Mr. PADILLA, Mr. KING, Ms. DUCKWORTH, Mr. BROWN, Mr. MARKEY, Ms. HIRONO, Mr. WARNER, Ms. ROSEN, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:.

S. RES. 395

Resolved, That the Senate—

(1) recognizes September 28, 2021, as “National Voter Registration Day”; and

(2) encourages each voting-eligible citizen of the United States—

(A) to register to vote;

(B) to verify with the appropriate State or local election official that the name, address, and other personal information on record is current; and

(C) to go to the polls on election day and vote if the voting-eligible citizen would like to do so.

SENATE RESOLUTION 396—COMMEMORATING THE CENTENNIAL OF THE DEDICATION OF THE TOMB OF THE UNKNOWN SOLDIER IN ARLINGTON NATIONAL CEMETERY

Mr. MORAN (for himself, Mr. TESTER, Mr. INHOFE, Mr. REED, Mr. COTTON, Mr. BRAUN, and Mr. WARNOCK) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas Congress, in the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), directed the Secretary of Defense to take appropriate action in observing the centennial of the Tomb of the Unknown Soldier as a historical event to commemorate the 100th anniversary of the selection and burial of an unknown soldier from the United States, who fell in France during World War I, and honoring the service and sacrifice of millions of veterans;

Whereas, the Society of the Honor Guard, Tomb of the Unknown Soldier has been preparing for the commemoration of the centennial of the Tomb of the Unknown Soldier for

several years working alongside Arlington National Cemetery, veteran service organizations, foreign allies, civic associations, Congressional partners, and private citizens to commemorate and educate the United States about the Tomb of the Unknown Soldier;

Whereas the Tomb of the Unknown Soldier was intended to represent more than just a single conflict, serving as a focal point for the United States regardless of race, creed, or politics where the people of the United States can come together as a single Nation to mourn and honor the fallen soldiers from the United States;

Whereas it is essential to remember and renew the legacy of Veterans Day, which was established to pay tribute to individuals who have served and sacrificed on behalf of the United States in times of war or armed conflict, and their families;

Whereas greater strides must be made to demonstrate appreciation of those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

Whereas each citizen of the United States has a responsibility to raise awareness of and respect for the national heritage of the United States and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

Whereas, on October 24, 1921, in accordance with an act of Congress, the World War I Unknown Soldier was selected in Chalons-sur-Marne, France;

Whereas the World War I Unknown Soldier was protected, honored, and revered by the people of France who presented their nation's highest award for valor upon this unknown warrior from the United States;

Whereas, on October 25, 1921, the World War I Unknown Soldier began the final difficult journey home aboard the historic USS Olympia through the remnants of 2 hurricanes;

Whereas, on November 9, 1921, the World War I Unknown Soldier arrived at the historic Washington Navy Yard in Washington, D.C. and lay in state at the United States Capitol;

Whereas, on November 11, 1921, the World War I Unknown Soldier was finally laid to rest in Arlington National Cemetery in the Tomb of the Unknown Soldier after being conferred the Medal of Honor and other medals of valor from allies of the United States;

Whereas, on May 15, 1958, the Korean War Unknown Soldier was selected at the National Memorial Cemetery of the Pacific in Hawaii, to represent all of the fallen and missing from that war;

Whereas, on May 26, 1958, the World War II Unknown Soldier was selected at sea aboard the USS Canberra off of the coast of the State of Virginia, to represent all of the fallen and missing from that war;

Whereas, on May 30, 1958, the World War II and Korean War Unknown Soldiers were buried in individual crypts next to the Tomb of the Unknown Soldier after having the Medal of Honor conferred upon them;

Whereas, on May 17, 1984, the Vietnam War Unknown Soldier was designated at Pearl Harbor, Hawaii to represent all of the fallen and missing from that war;

Whereas, on May 28, 1984, the Vietnam War Unknown Soldier was buried in an individual crypt, between the World War II and Korean War Unknown Soldier, next to the Tomb of the Unknown Soldier after being conferred the Medal of Honor;

Whereas, on May 14, 1998, the Vietnam War Unknown Soldier was disinterred and later identified as Captain Michael J. Blassie, and buried under his own name at the Jefferson

Barracks National Cemetery in St. Louis, Missouri;

Whereas on National POW/MIA Recognition Day on September 17, 1999, the empty Vietnam War Unknown Soldier crypt was rededicated to "Honoring and Keeping Faith with America's Missing Servicemen" as a reminder of the commitment of the Armed Forces to fullest possible accounting of missing service members;

Whereas the United States Army has provided Sentinels at the Tomb of the Unknown Soldier since March 25th, 1926, and maintained a constant 24-hour vigil since midnight July 2nd, 1937; and

Whereas the Guards at the Tomb of the Unknown Soldier are responsible for maintaining the highest standards of the military of the United States while keeping a constant vigil at this national shrine, and have a special duty to prevent any desecration or disrespect directed towards the Tomb of the Unknown Soldier: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Society of the Honor Guard, Tomb of the Unknown Soldier on leading the commemoration of the Centennial of the Tomb of the Unknown Soldier;

(2) encourages all people of the United States to participate in fitting acts of remembrance such as designating special places in their gardens as "Never Forget" gardens which will serve as living tributes to all of the veterans of the United States and their families, observing a 2-minute period of silence in commemoration, the playing of taps, or attending commemoration events with allies of the United States on October 24 and 25, 2021 in France or in Washington, D.C. on November 9 and 11, 2021; and

(3) encourages the attendance of Veterans' Day ceremonies, visitation of veteran cemeteries and memorials, and the honoring of the American Flag.

SENATE RESOLUTION 397—RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Mr. WARNER (for himself, Mr. RUBIO, and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas, in an effort to improve the imagery intelligence, mapping, and geodesy capabilities of the United States, the National Imagery and Mapping Agency, the predecessor of the National Geospatial-Intelligence Agency (in this preamble referred to as the "NGA"), was founded on October 1, 1996, with the enactment of the National Defense Authorization Act for Fiscal Year 1997;

Whereas the NGA derives from legacy agencies, including the Defense Mapping Agency, the Central Imagery Office, the Defense Dissemination Program Office, the National Photographic Interpretation Center, and parts of the Defense Intelligence Agency, the National Reconnaissance Office, and the Defense Airborne Reconnaissance Office, which played vital roles in the defense of the United States in conflicts dating back to World War II and modernized the discipline of geospatial intelligence (in this preamble referred to as "GEOINT") through imagery analysis and mapping production;

Whereas, with military and civilian employees serving at NGA headquarters in Springfield, Virginia, the NGA West Campus in St. Louis, Missouri, and additional locations throughout the United States, and personnel deployed worldwide, totaling more than 200 locations in more than 25 countries, NGA produces timely and relevant mapping,

charting, geomatics, and intelligence products to warfighters, first responders, civil authorities, policymakers, and the maritime and aviation communities;

Whereas, throughout its 25-year history, the NGA has provided world-class GEOINT support to policymakers and military commanders of the United States, in times of peace and conflict, during significant national security, humanitarian assistance, and disaster relief efforts, including—

(1) the operation that resulted in the killing of former al Qaeda leader Osama bin Laden;

(2) operational GEOINT support in the space warfighting domain;

(3) safety of navigation support for mariners and pilots;

(4) support to search and rescue, response, and recovery efforts for hurricanes, cyclones, wildfires, and other humanitarian disasters domestically and internationally;

(5) countering drug trafficking and other illicit activities by transnational criminal organizations; and

(6) continued mission support to forward-deployed members of the Armed Forces across the globe;

Whereas, since the terrorist attacks of September 11, 2001, the men and women of the NGA have worked diligently to deter, detect, and prevent acts of terror by providing GEOINT support to United States and coalition forces in support of global counterterrorism and counterinsurgency operations;

Whereas the NGA continues to support national security requirements against the strategic competitors and potential adversaries of the United States, using new intelligence, surveillance, and reconnaissance sensors;

Whereas the topographic mission of the NGA traces its lineage to the year 1777 with the Office of the Geography in the Continental Army;

Whereas NGA continues to provide integrated geographic data, products, and services in support of the national security objectives of the United States Government by—

(1) maintaining more than 51,000 topographic maps in support of global combat operations, humanitarian assistance, disaster relief, and military training;

(2) serving as the official geographic names steward for the United States Government, providing customers with more than 13,000,000 names;

(3) assisting in the understanding and resolution of sovereignty issues by providing international land and maritime boundaries in coordination with the Department of State;

(4) generating human geography data that informs a global understanding of the human environment; and

(5) producing unclassified geospatial information in support of national and partner efforts in the Arctic and to enable scientific research in the Arctic region;

Whereas the NGA is the primary organization responsible for developing, maintaining, and enhancing the World Geodetic System 84 (including the Terrestrial Reference Frame, Earth Gravity Model, and World Magnetic Model), the foundation of all positioning, navigation, and timing systems supporting the Department of Defense, including the Global Positioning System;

Whereas the NGA spearheaded an international project with the National Aeronautics and Space Administration to acquire radar data to create the first near-global, homogeneous set of land elevation data;

Whereas, during an 11-day mission in February 2000, the Shuttle Radar Topography Mission flew aboard the space shuttle Endeavour and collected radar data on more

than 80 percent of the land surface of the Earth at 30-meter resolution;

Whereas the NGA carries on the proud legacy of this project with the evolution to full 3-dimensional-elevation modeling;

Whereas the Maritime Safety Office of the NGA, which traces its lineage to the year 1830, collects and analyzes data for and publishes the Notices to Mariners to provide government, civilian, and international mariners with vital, up-to-date maritime safety information that helps ensure safe navigation all over the world;

Whereas the NGA also supports military and commercial vessels worldwide with navigational products and warning messages;

Whereas, in addition to legacy paper charts, NGA provides worldwide digital nautical charts that ensure safety of navigation to a broad base of users;

Whereas the Aeronautical Navigation Office of the NGA, which traces its lineage to the year 1943, produces timely, relevant, and accurate aeronautical GEOINT to support more than 13,000 Department of Defense airplanes and their crew members, allowing them to safely navigate around the world every day;

Whereas the NGA has converted from paper maps to downloadable digital maps and content, reducing the gear that pilots need to carry while also ensuring that the Department of Defense meets global airspace mandates for performance-based navigation;

Whereas the NGA continues to innovate, pursuing new methods of intelligence collection and analysis to inform, complement, and add to the support of warfighter and policymaker requirements by—

(1) embracing innovative cost-sharing and risk-sharing constructs with the commercial electro-optical satellite industry;

(2) engaging commercial technology providers, including small satellite companies and geospatial data analytics companies, that hold the promise of rapid technological innovation and potential significant future cost savings to the taxpayers of the United States;

(3) leveraging emerging technologies, such as artificial intelligence, automation, and augmentation to enable advanced computational and intelligence capabilities;

(4) discovering, assessing, and integrating new commercial geospatial data types and services that bring value to solving the complex intelligence problems of the United States and supporting disadvantaged and underserved users operating in austere environments; and

(5) investing in breakthrough technologies and capabilities that will strengthen strategic warning, mission forecasting, and military intelligence and improve the means of navigation for NGA customers;

Whereas the NGA maintains United States GEOINT supremacy and hold the adversaries of the United States at bay by giving primacy to the core missions of the United States, serves as the world's premier GEOINT force, and pursues a whole-of-enterprise approach focused on—

(1) recruiting and training the world-class workforce of the NGA to lead the GEOINT community;

(2) collaborating with both foreign and domestic partners on co-production of GEOINT;

(3) leading the GEOINT community through the implementation of governance, standards, and enterprise services; and

(4) supporting the national security interests of the United States by delivering to NGA customers persistent, accurate, secure, and timely GEOINT data, products, and services; and

Whereas, throughout the years, the mission and commitment of the NGA has remained the same: to show the way by—

(1) delivering trusted GEOINT for decision advantage;

(2) protecting the United States by reducing strategic surprises; and

(3) elevating the understanding of the United States of the world and space to anticipate potential threats: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the women and men of the National Geospatial-Intelligence Agency on the occasion of the 25th anniversary of the Agency;

(2) honors the professional women and men, past and present, of the National Geospatial-Intelligence Agency for their selfless service and dedication to the United States; and

(3) expresses gratitude to all the women and men of the National Geospatial-Intelligence Agency for their past and continued efforts to provide timely and accurate geospatial-intelligence support to deliver overwhelming advantage to warfighters, defense planners, and defense and national security policymakers in the defense and security of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3830. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 5305, making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes; which was ordered to lie on the table.

SA 3831. Mr. MARSHALL (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 5305, supra; which was ordered to lie on the table.

SA 3832. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5305, supra; which was ordered to lie on the table.

SA 3833. Mr. COTTON (for himself, Mr. PORTMAN, Mr. GRASSLEY, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5305, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3830. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 5305, making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Extending Government Funding and Delivering Emergency Assistance Act”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short Title

Sec. 2. Table of Contents.

Sec. 3. References.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2022

DIVISION B—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2022

DIVISION C—AFGHANISTAN SUPPLEMENTAL APPROPRIATIONS ACT, 2022

DIVISION D—OTHER MATTERS

Title I—Extensions, Technical Corrections, and Other Matters

Title II—Budgetary Effects

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2022

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2022, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2021 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2021, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2021 (division A of Public Law 116-260), except section 799D, and including title IV of division O of Public Law 116-260.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021 (division B of Public Law 116-260), except the proviso in section 541 and sections 542 and 543.

(3) The Department of Defense Appropriations Act, 2021 (division C of Public Law 116-260).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2021 (division D of Public Law 116-260), except the last proviso under the heading “Department of Energy—Energy Programs—Science”, the last two provisos under the heading “Department of Energy—Energy Programs—Title 17 Innovative Technology Loan Guarantee Program”, and the two provisos under the heading “Department of Energy—Energy Programs—Advanced Technology Vehicles Manufacturing Loan Program”.

(5) The Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116-260), except the matter under the heading “Presidential Transition Administrative Support” in title II, the matter under the heading “General Services Administration—Expenses, Presidential Transition” in title V, the proviso and the amount specified in such proviso under the heading “District of Columbia—Federal Funds—Federal Payment for Emergency Planning and Security Costs in the District of Columbia” in title IV, and title IX.

(6) The Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116-260), except section 538, and including sections 101 through 103 and section 105 of title I of division O of Public Law 116-260.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021 (division G of Public Law 116-260).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021 (division H of Public Law 116-260), except sections 118 and 533.

(9) The Legislative Branch Appropriations Act, 2021 (division I of Public Law 116-260), except sections 211 and 213, and including section 7 of Public Law 116-260.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations

Act, 2021 (division J of Public Law 116-260), except sections 514, 515, and 517.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116-260), except title IX other than sections 9001 and 9002 and the matter preceding the first proviso and the first proviso under the heading “Consular and Border Security Programs”.

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (division L of Public Law 116-260), except sections 420 and 421.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2021 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2021 funds; or

(3) The initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2021.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2021.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2022, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2022 without any provision for such project or activity.

(3) December 3, 2021.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to

waive any other provision of law governing apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2022 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2021, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2021, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2021 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2021, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress as an emergency requirement pursuant to section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, or as being for disaster relief pursuant to sections 4004(b)(6) and 4005(f) of such concurrent resolution, respectively.

(b) All references to sections 251(b)(2)(B), 251(b)(2)(B)(i)(III), 251(b)(2)(C), 251(b)(2)(C)(ii), 251(b)(2)(E)(i)(II), 251(b)(2)(F), and 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) shall be treated for each amount incorporated by reference in this Act in the Senate as references to sections 4004(b)(1), 4004(b)(1)(B)(i), 4004(b)(3), 4004(b)(3)(B), 4004(b)(4), 4004(b)(4)(B), 4004(b)(5), 4004(b)(5)(B), respectively, of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022,

and in the House of Representatives as references to sections 4005(a), 4005(a)(2)(A), 4005(c), 4005(c)(2), 4005(d), 4005(d)(2), 4005(e), 4005(e)(2)(A), respectively, of such concurrent resolution.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 22, 2021, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Notwithstanding section 101, amounts are available to the Department of Agriculture for “Rural Business—Cooperative Service—Rural Microentrepreneur Assistance Program” for gross obligations for the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s) not to exceed \$25,000,000.

SEC. 118. (a) In carrying out the Special Supplemental Nutrition Program for Women, Infants, and Children for the first quarter of fiscal year 2022, the Secretary of Agriculture shall increase the amount of a cash-value voucher to an amount recommended by the National Academies of Science, Engineering and Medicine and adjusted for inflation for women and children participants.

(b) Amounts made available by section 101 to the Department of Agriculture for “Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” shall be apportioned at the rate for operations necessary to accommodate the increase described in subsection (a).

SEC. 119. Notwithstanding sections 102 and 104, in addition to amounts otherwise provided by section 101, amounts are provided to

the Department of Defense for “Procurement—Other Procurement, Air Force” at a rate for operations of \$885,000,000, for the procurement of equipment for the Strategic Microelectronic Supply program, and such amounts may be apportioned up to the rate for operations necessary to carry out such procurements.

SEC. 120. Amounts made available by section 101 to the Department of Defense for “Procurement—Procurement, Defense-Wide” may be apportioned up to the rate for operations necessary for the procurement of Military Global Positioning System User Equipment Increment 1 Application Specific Integrated Circuits.

SEC. 121. Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for “Research, Development, Test and Evaluation—Research, Development, Test and Evaluation, Air Force” may be apportioned up to the rate of operations necessary for the acquisition of real property by the United States Government.

SEC. 122. During the period covered by this Act, the limitation at section 2208(1)(3) of title 10, United States Code, shall not apply with respect to advance billing for orders for relief efforts related to the COVID-19 pandemic.

SEC. 123. (a) Funding provided in prior Acts making appropriations for energy and water development and related agencies for fiscal years 2019, 2020, and 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4007 of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the construction, pre-construction, or study of the North-of-the-Delta Off Stream Storage (Sites Reservoir Project), the Los Vaqueros Reservoir Phase 2 Expansion Project, the B.F. Sisk Dam Raise and Reservoir Expansion Project, and the Del Puerto Canyon Reservoir.

(b) Funding provided in the Energy and Water Development and Related Agencies Appropriations Act, 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4009(a) of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the North Pleasant Valley Desalter Facility, the Mission Basin Groundwater Purification Facility Well Expansion and Brine Minimization Project, the Los Robles Desalter Project, and the Regional Brackish Water Reclamation Program.

(c) Funding provided in the Energy and Water Development and Related Agencies Appropriations Act, 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4009(c) of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the El Paso Aquifer Storage and Recovery Using Reclaimed Water Project, the Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project, the North San Diego Water Reuse Coalition Project, the Pure Water Oceanside Project, the City of Santa Fe Reuse Pipeline Project, the Replenish Big Bear Project, the Central Coast Blue: Recycled Water Project, the Harvest Water Program, the East County Advanced Water Purification Program: Phase Two, the Ventura Water Pure Program, and the San Juan Watershed Project.

SEC. 124. (a) During the period covered by this Act, title I of Public Law 108-361 (the CalFed Bay-Delta Authorization Act) (118

Stat. 1681), as amended by section 4007(k) of Public Law 114-322, shall be applied by substituting “2022” for “2021” each place it appears.

(b) During the period covered by this Act, section 9106(g)(2) of Public Law 111-11 (Omni-bus Public Land Management Act of 2009) shall be applied by substituting “2022” for “2021”.

(c) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting “2022” for “2021”.

(d) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting “2022” for “2021”.

SEC. 125. (a) Notwithstanding section 101, section 506 of division D of Public Law 116-260 shall be applied by substituting “\$841,000,000” for “\$291,000,000”.

(b) Amounts provided by this Act for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(c) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (b).

SEC. 126. Notwithstanding section 101, amounts are provided for “Executive Office of the President and Funds Appropriated to the President—The White House—Salaries and Expenses” at a rate for operations of \$60,000,000.

SEC. 127. Notwithstanding section 101, amounts are provided for “General Services Administration—Allowances and Office Staff for Former Presidents” at a rate for operations of \$5,000,000.

SEC. 128. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 129. Notwithstanding section 101, amounts are provided for “District of Columbia—Federal Funds—Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia” at a rate for operations of \$249,754,000: *Provided*, That the second proviso under such heading in title IV of division E of Public Law 116-260 shall be applied by substituting “\$70,574 000” for “\$66,743,000”.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2021 (title IV of division E of Public Law 116-260) at the rate set forth in the Fiscal Year 2022 Local Budget Act of 2021 (D.C. Act 24-173), as modified as of the date of enactment of this Act.

SEC. 131. Section 330(e)(3) of title 11, United States Code, is amended by striking “in that fiscal year” at the end of the paragraph.

SEC. 132. In addition to amounts otherwise provided by section 101, an amount is provided to the Department of Homeland Security for “U.S. Citizenship and Immigration Services—Operations and Support” for application processing, the reduction of backlogs within asylum, field, and service center offices, and support of the refugee program at a rate for operations of \$250,000,000: *Provided*, That such amounts shall be in addition to any other funds made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That prior to the obligation of such resources, U.S. Citizenship and Immigration Services shall provide to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan that identifies backlog reduction metrics and quarterly reports on the execution of such plan.

SEC. 133. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 134. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”.

(b) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

SEC. 135. Amounts made available by section 101 for “Department of the Interior—National Park Service—National Recreation and Preservation” for heritage partnership programs may be used to provide financial assistance to any national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district established as of September 1, 2021, notwithstanding any statutory sunset provision terminating the Secretary’s authority to provide assistance to any such area and notwithstanding any limitation on amounts authorized to be appropriated with respect to any such area: *Provided*, That the Commission sunset provision in section 804(j) of division B of H.R. 5666 (Appendix D), as amended, as enacted into law by 13 section 1(a)(4) of Public Law 106-554, shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”: *Provided further*, That the authority in section 295D of Public Law 109-338, as amended, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 136. Notwithstanding subsection (c)(2)(B) of section 200303 of title 54, United States Codes, during the period covered by this Act amounts made available from the Land and Water Conservation Fund for fiscal year 2022 pursuant to subsection (a) of such section of such title shall be allocated by the Secretary of the Interior or the Secretary of Agriculture, as appropriate, only for the following agencies and accounts, for the purposes specified, and in the amounts specified multiplied by the percentage of fiscal year 2022 covered by this Act:

(1) “Department of the Interior—Bureau of Land Management—Land Acquisition”, \$7,500,000, for Acquisition Management;

(2) “Department of the Interior—United States Fish and Wildlife Service—Land Acquisition”, \$17,000,000, for Land Acquisition Management;

(3) “Department of the Interior—National Park Service—Land Acquisition and State

Assistance”, \$14,500,000, for Acquisition Management;

(4) “Department of the Interior—Office of the Secretary—Departmental Operations”, \$19,000,000, for Management Services, Appraisal and Valuation Service Offices—Federal Lands;

(5) “Department of Agriculture—Forest Service—State and Private Forestry”, \$6,400,000, for Administrative Funds; and

(6) “Department of Agriculture—Forest Service—Land Acquisition”, \$12,000,000, for Acquisition Management.

SEC. 137. (a) In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Services” at a rate for operations of \$22,080,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2021 and 2022, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Facilities” at a rate for operations of \$2,261,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2021 and 2022, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 138. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health”, there is appropriated \$1,500,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022, for the Vessel Sanitation Program.

SEC. 139. (a) Funds made available in Public Law 114-113 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2016 and were obligated for multi-year research grants shall be available through fiscal year 2022 for the liquidation of valid obligations incurred in fiscal year 2016 if the Director of the National Institutes of Health determines the project suffered an interruption of activities attributable to COVID-19.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

SEC. 140. In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health” at a rate for operations of \$77,621,000 for an additional amount for carrying out section 520E-3 of the Public Health Service Act (42 U.S.C. 290bb-36c), and such amounts may be apportioned up to the rate for operations necessary to operate and maintain the National Suicide Prevention Lifeline program.

SEC. 141. In addition to amounts otherwise provided by this Act, for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, there is appropriated \$2,500,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2024, to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008: *Provided*, That not later than November 1, 2021, the Secretary of Health and Human Services shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report detail-

ing steps taken and planned to be taken by the Department to phase out the use of emergency intake sites and a detailed plan for ending the use of emergency intake sites, including a timeline of major milestones and projections for delivered online bed capacity by facility type: *Provided further*, That such report shall include an aligned spend plan for estimated fiscal year 2022 obligations by major category: *Provided further*, That the Secretary shall submit monthly reports during fiscal year 2022 to the Committees on Appropriations on all obligations and expenditures incurred by the Department for carrying out such sections 462 and 235: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 142. Amounts made available by section 101 for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be apportioned up to the rate for operations necessary to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and up to the rate for operations necessary for activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980.

SEC. 143. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through fiscal year 2022, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on (1) the total number of children that the Office of Refugee Resettlement has released to sponsors living in the United States, disaggregated by State, and (2) the number of children that the Office of Refugee Resettlement has released to sponsors living in the United States for whom the Office of Refugee Resettlement has successfully conducted safety and welfare checks, and provided post-release services as appropriate, for the most recent quarter such data are available.

SEC. 144. Not later than 10 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate, and disclose on a publicly available website, on all transfers made for carrying out section 462 of the Homeland Security Act of 2002 or section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 during fiscal year 2021. This report shall include: (1) a list of the source of funds transferred by public law; (2) the program, project, or activity funds were transferred from and the corresponding amount that was transferred; (3) date of transfer; (4) the number of children referred to the Office of Refugee Resettlement (ORR) by month for fiscal year 2021; and (5) the age distribution of the children referred to ORR by month for fiscal year 2021: *Provided*, That the report shall be updated every 30 days throughout fiscal year 2022.

SEC. 145. During the period covered by this Act, for services furnished under the Community Services Block Grant Act (“CSBG Act”) with funds made available by this Act, by the Consolidated Appropriations Act, 2021 (Public Law 116-260), or by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), States may apply the last sentence of section 673(2) of the CSBG Act by substituting “200 percent” for “125 percent”.

SEC. 146. For purposes of annual leave accumulated in fiscal year 2021, the authority provided in section 2106 of division C of Public Law 116-159 shall apply to such leave by substituting “2021” for “2020” in subsections (a) and (d).

SEC. 147. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2021, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 148. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”.

SEC. 149. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied through the date specified in section 106(3) of this Act by substituting “2022” for “2021”.

SEC. 150. Notwithstanding section 101, section 116 of division J of Public Law 116-260 shall be applied during the period covered by this Act by substituting “fifth fiscal year” for “fourth fiscal year”.

SEC. 151. During the period covered by this Act, the Secretary of Veterans Affairs may transfer up to \$193,500,000 of the unobligated balances from amounts made available for fiscal year 2021 under the heading “Veterans Health Administration—Medical Services” in title II of division F of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), or in section 8002 of title VIII of the American Rescue Plan Act of 2021 (Public Law 117-2) to the following accounts of the Department in the amounts specified:

(1) “Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration”, up to \$178,000,000;

(2) “Departmental Administration—Board of Veterans Appeals”, up to \$5,800,000; and

(3) “Departmental Administration—Information Technology Systems”, up to \$9,700,000: *Provided*, That the transferred amounts shall be used, in addition to any other amounts available for such purposes, for personnel costs and other expenses to implement the interim final rule entitled “Presumptive Service Connection for Respiratory Conditions Due to Exposure to Particulate Matter”, published on August 5, 2021 (86 FR 42724), and any revisions to such rule.

SEC. 152. Amounts made available by section 101 to United States Government-funded entities for “Related Agency—United States Agency for Global Media—International Broadcasting Operations”, “Related Programs—The Asia Foundation”, “Related Programs—United States Institute of Peace”, and “Related Programs—National Endowment for Democracy” may be apportioned up to the rate for operations necessary to support the evacuation of Afghan journalists and other Afghan employees of such entities, following consultation with the Committees on Appropriations.

SEC. 153. Section 21009 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 154. Amounts made available by section 101 to the United States International Development Finance Corporation for “Corporate Capital Account” and paid to the “Program Account” shall be available for the costs of modifying loans and loan guarantees transferred to the Corporation pursuant to section 1463 of the BUILD Act of 2018 (division F of Public Law 115-254): *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 155. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2021”.

SEC. 156. Notwithstanding section 101, amounts are provided for “Department of Transportation—Office of the Secretary—Payments to Air Carriers” at a rate for operations of \$247,700,000, and such amounts may be apportioned up to the rate for operations necessary to maintain Essential Air Service program operations.

SEC. 157. Amounts made available by section 101 to the Department of Housing and Urban Development in the third paragraph under the heading “Public and Indian Housing—Native American Programs” may be apportioned up to the rate for operations necessary to accommodate demand for guaranteed notes and other obligations as authorized by title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

This division may be cited as the “Continuing Appropriations Act, 2022”.

DIVISION B—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, \$10,000,000,000, which shall remain available until December 31, 2023, for necessary expenses related to losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2020 and 2021, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including a polar vortex, smoke exposure, quality losses of crops, and excessive moisture occurring in calendar years 2020 and 2021 under such terms and conditions as determined by the Secretary: *Provided*, That, with respect to smoke tainted wine grapes, the loss (including a quality loss) of such crop during the coverage period due to wildfire, as determined by the Secretary, is considered a qualified loss: *Provided further*, That losses due to drought shall only be eligible under this heading in this Act if any area within the county in which the loss occurs was rated by the U.S. Drought Monitor as having a D2 (Severe Drought) for eight consecutive weeks or a D3 (Extreme Drought) or higher level of drought intensity during the applicable calendar years: *Provided further*, That of the amounts provided under this heading in this Act, the Secretary shall use \$750,000,000 to provide assistance to producers of livestock, as determined by the Secretary of Agriculture, for losses incurred during calendar year 2021 due to drought or wildfires: *Provided further*, That at the election of a processor eligible for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) or a cooperative processor of dairy, the Secretary shall make payments for losses in 2021 to such processors (to be paid to producer members, as determined by such processors) in lieu of payments to producers and under the same terms and conditions as payments made to processors pursuant to title I of the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20) under the heading “De-

partment of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary”, as last amended by section 791(c) of title VII of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94: *Provided further*, That notwithstanding section 760.1503(j) of title 7 of the Code of Federal Regulations, in the event that a processor described in the preceding proviso does not elect to receive payments under such clause, the Secretary shall make direct payments to producers under this heading in this Act: *Provided further*, That of the amounts provided under this heading in this Act, not more than one percent of the funds provided herein may be used for administrative costs, including for streamlining the application process and easing the burden on county office employees, to carry out the matter under this heading in this Act: *Provided further* That, except as otherwise provided under this heading in this Act, the Secretary shall impose payment limitations consistent with section 760.1507 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act: *Provided further*, That, in the case of specialty crops or high value crops, as determined by the Secretary, the Secretary shall impose payment limitations consistent with section 760.1507(a)(2) of title 7, Code of Federal Regulations (as in effect on January 1, 2019) *Provided further*, That, with respect to the payment limitations described under this heading in this Act, the Secretary shall apply separate payment limits for each of 2020 and 2021: *Provided further*, That the total amount of payments received under this heading in this Act and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Non-insured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) (minus any premiums or fees paid for such coverages) shall not exceed 90 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading in this Act for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading in this Act, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years and producers receiving payments under this heading in this Act shall be required to purchase coverage under NAP where crop insurance is not available in the next available crop years, as determined by the Secretary: *Provided further*, That not later than 120 days after the end of fiscal year 2021, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory.

FARM PRODUCTION AND CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations” for necessary expenses for the Emergency Watershed Protection Program, \$275,000,000, to remain available until expended, which shall

be in addition to amounts otherwise available for such purposes.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for “Scientific and Technical Research and Services” for necessary expenses to carry out investigations of building failures pursuant to the National Construction Safety Team Act of 2002 (15 U.S.C. 7301), \$22,000,000, to remain available until September 30, 2023.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to the consequences of hurricanes and of wildfires in calendar years 2020 and 2021, \$92,834,000, to remain available until September 30, 2023, as follows:

- (1) \$4,709,000 for repair and replacement of observing assets, real property, and equipment;
- (2) \$3,425,000 for marine debris assessment and removal;
- (3) \$4,700,000 for mapping, charting, and geodesy services;
- (4) \$35,000,000 to improve: (A) hurricane intensity and track forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; and (B) precipitation and flood prediction, forecasting, and mitigation capabilities;
- (5) \$20,000,000 to improve wildfire research, prediction, detection, forecasting, monitoring, data management, and communication and engagement; and
- (6) \$25,000,000 for Title IX Fund grants as authorized under section 906(c) of division O of Public Law 114-113:

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction” for necessary expenses related to the consequences of hurricanes and of wildfires in calendar years 2020 and 2021, \$52,205,000, to remain available until September 30, 2024, as follows:

- (1) \$2,205,000 for repair and replacement of observing assets, real property, and equipment; and
- (2) \$50,000,000 for improvements to operational and research weather and climate supercomputing and dissemination infrastructure, observing assets, and satellites, along with associated ground systems, used for hurricane intensity and track prediction; precipitation and flood prediction, forecasting, and mitigation; and wildfire research, prediction, detection, forecasting, and monitoring:

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, \$200,000,000, to remain available until expended: *Provided*, That such funds shall be used for mitigating the effects of commercial

fishery failures and fishery resource disasters declared by the Secretary of Commerce, including those declared by the Secretary to be a direct result of hurricanes in calendar years 2020 and 2021.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricanes Zeta and Ida, \$321,400,000, to remain available until expended: *Provided*, That up to 15 percent of such amount may be transferred to “Exploration” for necessary expenses related to flight hardware, tooling, production and schedule delays caused by Hurricane Ida: *Provided further*, That except as provided in the preceding proviso, the amounts appropriated under this heading in this Act shall not be available for transfer under any transfer authority provided for the National Aeronautics and Space Administration in an appropriation Act for fiscal year 2022.

NATIONAL SCIENCE FOUNDATION

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for “Major Research Equipment and Facilities Construction” for necessary expenses related to the National Science Foundation Regional Class Research Vessel construction impacted by Hurricane Ida, \$25,000,000, to remain available until expended.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of hurricanes, wildfires, other extreme weather, and earthquakes that occurred during calendar years 2020 and 2021, \$40,000,000, to remain available until September 30, 2022: *Provided*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2021 and 2022, respectively, and except that sections 501 and 503 of Public Law 104-134 (referred to by Public Law 105-119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this Act, the Legal Services Corporation shall be considered an agency of the United States.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$565,000,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of severe storms, straight-line winds, flooding, tornadoes, earthquakes, wildfires, and hurricanes occurring in calendar years 2020 and 2021.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$330,000,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Winter Storm Uri occurring in calendar year 2021.

GENERAL PROVISION—THIS TITLE

SEC. 1301. Notwithstanding any other provision of law, funds provided by this title shall only be for the purposes specified, and shall not be subject to any transfer authority provided by law.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies that are currently authorized or that are authorized after the date of enactment of this Act, to reduce risk from future floods and hurricanes, at full Federal expense, \$100,000,000, to remain available until expended: *Provided*, That funds made available under this heading in this Act shall be for high-priority studies of projects in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading in this Act, beginning not later than 60 days after the date of enactment of this Act.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses, \$3,000,000,000, to remain available until expended, to construct flood and storm damage reduction, including shore protection, projects that are currently authorized or that are authorized after the date of enactment of this Act, and flood and storm damage reduction, including shore protection, projects that have signed Chief’s Reports as of the date of enactment of this Act or that are studied using funds provided under the heading “Investigations” if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable: *Provided*, That of such amount, \$1,500,000,000 shall be available for such projects in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to the construction of projects, including initial construction or periodic nourishment, completed using funding under this heading in this Act: *Provided further*, That the completion of ongoing construction projects receiving funding provided under this heading in this Act shall be at full Federal expense with respect to such funds: *Provided further*, That for any projects using funding provided under this heading in this Act, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided fur-*

ther, That up to \$65,000,000 of the amounts made available under this heading in this Act shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funding appropriated under this heading in this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That of the amounts made available under this heading in this Act, such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities Program shall be derived from the general fund of the Treasury: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, \$868,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That of the amounts made available under this heading in this Act, \$500,000,000 shall be available to construct flood and storm damage reduction projects that are currently authorized or that are authorized after the date of enactment of this Act in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to the construction of projects, including initial construction or periodic nourishment, completed using funding under this heading in this Act: *Provided further*, That to the extent that ongoing construction projects are constructed using funding provided under this heading in this Act, such construction shall be at full Federal expense: *Provided further*, That for any projects using funding provided under this heading in this Act, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That any projects using funding appropriated under this heading in this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United

States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$887,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, \$826,000,000, to remain available until expended: *Provided*, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

EXPENSES

For an additional amount for “Expenses” for necessary expenses to administer and oversee the obligation and expenditure of amounts provided in this Act for the Corps of Engineers, \$30,000,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$10,000,000 to be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, to remain available until expended, for expenses necessary in carrying out fire remediation activities for wildfires.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$210,000,000, to remain

available until expended: *Provided*, That of such amount, \$200,000,000 shall be available for activities to address drought, as determined by the Secretary of the Interior: *Provided further*, That of the amount made available under this heading in this Act, \$10,000,000 shall be for fire remediation and suppression emergency assistance related to wildfires: *Provided further*, That the Commissioner shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

For an additional amount for “Strategic Petroleum Reserve”, \$43,300,000, to remain available until expended, for necessary expenses related to damages caused by natural disasters.

TITLE V

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,189,100,000, to remain available until expended: *Provided*, That up to \$620,000,000 may be transferred to and merged with “Salaries and Expenses” for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for “Federal Assistance”, \$50,000,000, to remain available until September 30, 2022, for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

GENERAL PROVISION—THIS TITLE

SEC. 1601. (a) Repayments of the remaining balances of all loans, as of September 30, 2021, by the Federal Emergency Management Agency under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) are hereby cancelled.

(b) Of the unobligated balances available to the Department of Homeland Security for “Federal Emergency Management Agency—Disaster Relief Fund”, such sums as are necessary may be transferred to the Disaster Assistance Direct Loan Program Account for carrying out subsection (a).

(c) Each amount repurposed or transferred by this section that was previously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b), or as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f), respectively, of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

TITLE VII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, \$1,192,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$58,227,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$229,472,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, \$26,284,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

BUREAU OF SAFETY AND ENVIRONMENTAL

ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL

ENFORCEMENT

For an additional amount for “Offshore Safety and Environmental Enforcement”, \$223,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020 and 2021 wildfires, hurricanes and natural disasters.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for “Construction”, \$452,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for necessary expenses related to wildfires: *Provided*, That of the amounts provided under this heading in this Act, \$55,000,000 shall be for hazardous fuels management activities: *Provided further*, That of the amounts provided under this heading in this Act, \$45,000,000, shall be for burned area recovery.

RELATED AGENCIES DEPARTMENT OF

AGRICULTURE

FOREST SERVICE

FOREST SERVICE OPERATIONS

For an additional amount for “Forest Service Operations”, \$105,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research”, \$25,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry”, \$50,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, \$710,000,000, to remain available until expended: *Provided*, That of the amounts provided under this heading in this Act, \$535,000,000 shall be for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters, including no less than \$175,000,000 for high priority post-wildfire restoration for watershed protection, critical habitat, and burned area recovery: *Provided further*, That of the amounts provided under this heading in this Act, \$175,000,000 shall be for hazardous fuels mitigation.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance”, \$470,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

GENERAL PROVISION—THIS TITLE

SEC. 1701. (a)(1) If services performed by the designated employees under paragraph (2) of this subsection at the Department of the Interior or the Department of Agriculture during 2021 are determined by the Secretary of the Interior or the Secretary of Agriculture, as applicable, to be primarily related to emergency wildland fire suppression activities, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a biweekly or calendar year basis. Any services during 2021 that generate payments payable in 2022 shall be disregarded in applying this subsection.

(2) The premium pay waiver under paragraph (1) of this subsection shall apply to individuals serving as wildland firefighters and as fire management response officials, including regional fire directors, deputy regional fire directors, agency officials who directly oversee fire operations, and fire management officers, and individuals serving on incident management teams (IMTs), at the National Interagency Fire Center (NIFC), at Geographic Area Coordinating Centers (GACCs), and at Operations centers.

(3) The Departments of the Interior and Agriculture shall provide a report to Congress detailing the number of positions, including by occupation, grade, and the aggregate pay by type of pay for each individual who receives pay authorized under subsection (a)(1).

(b) Any overtime pay for services described in subsection (a) that is payable under an authority outside of title 5, United States Code, shall be disregarded in calculating any annual limit on the amount of overtime pay payable in 2021.

(c) Any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of applying the limitation in section 5307 of title 5, United States Code, during 2021.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a po-

sition at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, “premium pay” means the premium pay paid under the provisions of law cited in section 5547(a).

(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

(4) For the purpose of applying this subsection, “basic pay” includes any applicable locality-based comparability payment under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar provision of law.

(e) This section shall take effect as if enacted on January 1, 2021.

(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code, or other similar provision of law.

(g) Not later than 45 days after the date of enactment of this Act, the Secretary of the Interior and Secretary of Agriculture shall jointly provide to the Committees on Appropriations of the House of Representatives and the Senate, the Senate Committee on Agriculture Nutrition and Forestry, the House of Representatives Committee on Agriculture, the Senate Committee on Energy and Natural Resources, the House of Representatives Committee on Natural Resources, Senate Committee on Homeland Security and Governmental Affairs, and the House of Representatives Committee on Oversight and Reform, a framework to modernize the wildland firefighting workforce beginning in fiscal year 2022.

TITLE VIII

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for “Facilities and Equipment”, \$100,000,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricane Ida.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the “Emergency Relief Program” as authorized under section 125 of title 23, United States Code, \$2,600,000,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$5,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to

disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation, in the most impacted and distressed areas resulting from a major disaster that occurred in 2020 or 2021 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That amounts made available under this heading in this Act shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate, using the best available data, an amount equal to the total estimate for unmet needs for qualifying disasters under this heading in this Act: *Provided further*, That any final allocation for the total estimate for unmet need made available under the preceding proviso shall include an additional amount of 15 percent of such estimate for additional mitigation: *Provided further*, That of the amounts made available under this heading in this Act, no less than \$1,610,000,000 shall be allocated for major declared disasters that occurred in 2020 within 30 days of the date of enactment of this Act: *Provided further*, That the Secretary shall not prohibit the use of amounts made available under this heading in this Act for non-Federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading in this Act, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of drawing funds for any activity other than general administration, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with amounts made available under this heading in this Act, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary shall act in accordance with section 1210 of Public Law 115-254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): *Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, including grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading in this Act shall not be

considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs related to a major disaster under this heading in this Act and for the same purposes in prior and future Acts and such amounts shall be available for any eligible administrative costs without regard to a particular disaster: *Provided further*, That in administering the amounts made available under this heading in this Act, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading in this Act that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary or a State may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading in this Act if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register or on the website of the Department any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That the Secretary is authorized to approve the use of amounts made available under this heading in this Act or a prior or future Act for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to unmet recovery needs in the most impacted and distressed areas resulting from a major disaster in this Act or in a prior or future Act to be used interchangeably and without limitation for the same activities in the most impacted and distressed areas resulting from other major disasters assisted under this Act or a prior or future Act when such areas overlap and when the use of the funds will address unmet recovery needs of both disasters: *Provided further*, That, until the Secretary publishes a Federal Register Notice establishing the requirements for the previous proviso, grantees that received grants under the same heading for 2017, 2018 or 2019 disasters may submit for approval revised plans for the use

of funds related to those major disasters to expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by disasters in 2020 or 2021: *Provided further*, That of the amounts made available under this heading in this Act, up to \$7,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement, to support States, units of general local government, or Indian tribes, and subrecipients that receive allocations for disaster recovery pursuant to the authority under this heading in this Act and allocations for disaster recovery in any prior or future Acts: *Provided further*, That of the amounts made available under this heading in this Act, up to \$5,500,000 shall be transferred to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available under the heading “Community Development Fund” in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading.

TITLE IX

GENERAL PROVISIONS—THIS ACT

SEC. 1901. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1902. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1903. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 1904. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the “Disaster Relief Supplemental Appropriations Act, 2022”.

DIVISION C—AFGHANISTAN SUPPLEMENTAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$50,000,000, to remain available until September 30, 2022, for investigative activities associated with Afghan resettlement operations.

TITLE II

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$2,200,000,000, to remain available until September 30, 2023, for support of Operation Allies Welcome by the Department of Defense.

GENERAL PROVISIONS—THIS TITLE

SEC. 2201. Not later than 30 days after the date of enactment of this Act, and every 30

days thereafter through fiscal year 2022, the Secretary of Defense shall provide a written report to the congressional defense committees describing the execution of funds provided in this title, including the amounts obligated and expended, in total and since the previous report; the nature of the costs incurred or services provided by such funds; and any reimbursements or funds transferred by another Federal agency to the Department of Defense which relates to the purpose of the funds provided by this title.

SEC. 2202. Notwithstanding any other provision of law, funds provided by this title shall only be for the purposes specified, and shall not be subject to any transfer authority provided by law.

SEC. 2203. The Inspector General of the Department of Defense shall carry out reviews of the activities of the Department of Defense to transport and care for Afghans, including but not limited to, the humane treatment and living conditions of Afghans at any Department of Defense facility; the use of funds by the Department of Defense to support such persons, including the monitoring of potential waste, fraud, or abuse of such funds; and any related issues that the Inspector General may direct: *Provided*, That the Inspector General shall provide to the congressional defense committees periodic updates on such oversight efforts and a written report to such committees not later than 60 days after the date of enactment of this Act.

SEC. 2204. Title IX of division C of Public Law 116-260 is amended under the heading “Afghanistan Security Forces Fund” by inserting the following before the penultimate proviso: “*Provided further*, That the Secretary of Defense may obligate and expend funds made available under this heading for costs associated with the termination of contracts previously funded with amounts provided under this heading in prior Acts, and to pay valid invoices in satisfaction of liabilities under such contracts for which the applicable prior appropriation cannot be identified.”.

SEC. 2205. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Service Secretaries and the Commander of United States Central Command, shall submit to the congressional defense committees a report regarding the disposition of United States property, equipment, and supplies, including property, equipment, and supplies provided to the Afghanistan National Security Forces, which were destroyed, taken out of Afghanistan, or remain in Afghanistan in connection with the United States military withdrawal: *Provided*, That such report shall include information on the future plans of the Department of Defense regarding any such items.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for “CDC—Wide Activities and Program Support”, \$21,500,000, for support of Operation Allies Welcome, to remain available until September 30, 2022, for medical support, screening, and other related public health activities related to Afghan arrivals and refugees.

ADMINISTRATION FOR CHILDREN AND FAMILIES REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$1,680,000,000, to remain available until September 30, 2023, for support of Operation Allies Welcome for carrying out refugee and entrant assistance activities in support of citizens or nationals of

Afghanistan paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act and citizens or nationals of Afghanistan for whom such refugee and entrant assistance activities are authorized: *Provided*, That amounts made available under this heading in this Act may be used for grants or contracts with qualified non-profit organizations to provide culturally and linguistically appropriate services, including wrap-around services during temporary housing and after resettlement, housing assistance, medical assistance, legal assistance, and case management assistance: *Provided further*, That the Director of the Office of Refugee Resettlement, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$7,773,000, to remain available until September 30, 2022, for support of Operation Allies Welcome for necessary administrative expenses to carry out refugee and entrant assistance activities in support of citizens or nationals of Afghanistan.

GENERAL PROVISION—THIS TITLE

SEC. 2301. (a) Not later than 45 days after the date of enactment of this Act, the Secretary of Health and Human Services, the Secretary of State, and the Secretary of Homeland Security shall jointly submit a strategy on Afghan evacuee resettlement to the appropriate congressional committees and leadership describing agency roles and responsibilities, vetting, immigration status of each Afghan, and anticipated costs associated with implementing such strategy.

(b) DEFINITION OF AFGHAN EVACUEE.—In this section, the term “Afghan evacuee” means a person whose evacuation from Afghanistan to the United States, or a location overseas controlled by the United States, was facilitated by the United States as part of Operation Allies Refuge.

TITLE IV

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for “Emergencies in the Diplomatic and Consular Service”, \$276,900,000, to remain available until expended, for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and to reimburse the account under this heading in prior acts making appropriations for the Department of State, foreign operations, and related programs for obligations previously incurred.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$400,000,000, to remain available until expended, to address humanitarian needs in Afghanistan and the region impacted by the situation in Afghanistan.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$415,000,000, to remain available until expended, to address humanitarian needs in, and to assist refugees from, Afghanistan.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, \$1,076,100,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)), of which \$976,100,000 is for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and \$100,000,000 is to respond to other unexpected and urgent humanitarian emergencies.

GENERAL PROVISIONS—THIS TITLE

SEC. 2401. During fiscal years 2022 and 2023, notwithstanding any applicable restrictions on the ability of the Department of State and the United States Agency for International Development to enter into personal services contracts, including section 704 of the Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116-260) as continued by section 101 of division A of this Act (and any successor provision in a subsequently enacted appropriations Act), the authorities of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)), section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)), and section 5(a)(6) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605(a)(6)) may be exercised, without regard to the geographic limitations referenced therein, particularly to enter into, extend, and maintain contracts with individuals who have served as locally employed staff of the United States mission in Afghanistan.

SEC. 2402. The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations, not later than 45 days after the date of enactment of this Act, a report on the proposed uses of funds appropriated by this title under the headings “Emergencies in the Diplomatic and Consular Service” and “United States Emergency Refugee and Migration Assistance Fund”, by program, project, and activity, for which the obligation of funds is anticipated: *Provided*, That such report shall be updated (including any changes in proposed uses from the initial plan) and submitted to the Committees on Appropriations every 45 days until September 30, 2023.

SEC. 2403. Not later than 45 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other relevant Federal agencies, shall submit to the Committees on Appropriations a report on the status of the Priority 2 (P-2) designation granting United States Refugee Admissions Program (USRAP) access for certain at risk Afghan nationals and their eligible family members that was announced by the Department of State on August 2, 2021: *Provided*, That such report shall include the approximate number of Afghan nationals and their eligible family members who have been referred to the program, the number of Afghan nationals who have contacted a Resettlement Support Center to begin processing of their P-2 referral, the estimated time for processing such applications, an assessment of the obstacles facing P-2 eligible individuals seeking to leave Afghanistan, and a plan for augmenting personnel needed for refugee processing or humanitarian parole: *Provided further*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

SEC. 2404. None of the funds appropriated in this title and made available for assistance

for Afghanistan may be made available for direct assistance to the Taliban.

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 2501. In addition to amounts otherwise made available, there is appropriated for “U.S. Citizenship and Immigration Services—Immigration Examinations Fee Account”, \$193,000,000, to remain available until expended, for necessary expenses in support of Operation Allies Welcome, to be deposited and used as provided in section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)): *Provided*, That such amounts shall be in addition to any other amounts made available for such purposes and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That amounts provided in this section shall only be for the purposes specified, and notwithstanding any other provision of law are not available for non-expenditure transfer or reprogramming: *Provided further*, That within 15 days of the date of enactment of this Act, U.S. Citizenship and Immigration Services shall provide to the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives an expenditure plan for the funds provided under this paragraph, and every 30 days thereafter shall provide updated execution data to such Committees for such funds: *Provided further*, That the reporting requirement in the previous proviso shall end on September 30, 2026.

SEC. 2502. (a) IN GENERAL.—Notwithstanding any other provision of law, a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for the benefits described in subsections (b) and (c) if—

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between July 31, 2021, and September 30, 2022; or

(B) paroled into the United States after September 30, 2022, and—

(i) is the spouse or child (as such term is defined under section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b))) of an individual described in subparagraph (A); or

(ii) is the parent or legal guardian of an individual described in subparagraph (A)

(A) who is determined to be an unaccompanied child under 6 U.S.C. 279(g)(2); and

(2) such individual’s parole has not been terminated by the Secretary of Homeland Security.

(b) BENEFITS.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) until March 31, 2023, or the term of parole granted under subsection (a), whichever is later;

(2) services described under section 412(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)), subject to subparagraph (B) of such section, if such individual is an unaccompanied alien child as defined under 6 U.S.C. 279(g)(2); and

(3) a driver’s license or identification card under section 202 of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note), notwithstanding subsection (c)(2)(B) of such Act.

(c) EXPEDITIOUS ADJUDICATION OF ASYLUM APPLICATIONS.—With respect to an application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) filed by an individual described in subsection

(a), the Secretary of Homeland Security shall—

(1) conduct the initial interview on the asylum application not later than 45 days after the date on which the application is filed; and

(2) in the absence of exceptional circumstances, issue a final administrative adjudication on the asylum application within 150 days after the date the application is filed.

(d) CLARIFICATION.—Notwithstanding any other provision of law, nothing in this act shall be interpreted to—

(1) preclude an individual described in subsection (a), from applying for or receiving any immigration benefits to which such individual is otherwise eligible; or

(2) entitle a person described in subsection (a) to lawful permanent resident status.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act, and every 3 months thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit a report to Congress detailing the number of individuals described in subsection (a); the number of individuals receiving benefits in subsection (b), including their eligibility for benefits as refugees notwithstanding this Act; and any other information deemed relevant by the Secretary.

REPORTING REQUIREMENT

SEC. 2503. (a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter through September 30, 2023, the Secretary of Homeland Security, in coordination with the head of any other applicable Federal agency, shall submit to Congress a report that includes the elements described in subsection (b).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A summary of the status of Afghan evacuees, including—

(A) the number of the Afghan evacuees present in the United States, located at overseas bases of the United States Armed Forces, or located in third countries who are not located at such a base including—

(i) the number who are U.S. lawful permanent residents;

(ii) the number who are Special Immigrant Visa holders;

(iii) the number who are Special Immigrant Visa applicants;

(iv) the number who are in possession of a valid nonimmigrant visa to enter the United States;

(v) the number who are employees of a U.S. Government agency;

(vi) the number who are employees of a U.S. funded partner organization, media, or non-profit;

(vii) the number of Priority 1 refugee referrals;

(viii) the number of Priority 2 refugee referrals;

(ix) the number who have been relocated from the United States to a third country, and the country to which they were relocated; and

(x) the number who do not fall into any of the above categories;

(B) the number of Afghan evacuees at overseas bases or other official staging areas who have been flagged as potential security concerns or risks or included on the United States no-fly list and who were therefore denied clearance to enter the United States; and

(C) the number of the Afghan evacuees who have been paroled into the United States—

(i) the number whose parole was terminated; and

(ii) the number whose parole has been extended.

(2) The number of Afghan evacuees who have been interviewed by U.S. Citizenship and Immigration Services in connection with an application or petition for immigration benefits, including—

(A) the number of such interviews conducted since the United States withdrawal;

(B) the rate at which individuals were granted or refused the benefits that formed the basis for such interviews;

(C) the number of individuals who did not appear at a scheduled interview; and

(D) a description of the procedures for screening for and detecting child marriage, human trafficking, gender-based violence, and marriages entered into or relationships as fiancée or fiancé claimed for the sole purpose of securing evacuation.

(3) For each Federal department and agency involved in Operation Allies Welcome—

(A) as of the date of the report, the costs incurred; and

(B) an identification of the source of appropriated or other funds used to fund the effort.

(c) DEFINITION OF AFGHAN EVACUEE.—In this section, the term “Afghan evacuee” means a person whose evacuation from Afghanistan to the United States, or a location overseas controlled by the United States, was facilitated by the United States as part of Operation Allies Refuge.

SEC. 2504. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 2505. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 2506. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 2507. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the “Afghanistan Supplemental Appropriations Act, 2022”.

DIVISION D—OTHER MATTERS

TITLE I—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

SEC. 3101. EXTENSION OF AUTHORITY TO MAKE CERTAIN APPOINTMENTS FOR NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812(c)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(c)(4)(B)) is amended by striking “September 30, 2021” and inserting “December 3, 2021”.

SEC. 3102. EXTENDING CERTAIN WAIVER AUTHORITIES.

(a) NATIONAL SCHOOL LUNCH PROGRAM REQUIREMENT WAIVERS ADDRESSING COVID-19.—Section 2202(e) of the Families First Coronavirus Response Act (Public Law 116–127; 42 U.S.C. 1760 note) is amended by striking “September 30, 2021” and inserting “June 30, 2022: *Provided*, That such waivers shall only apply to school year 2021–2022”.

(b) FUNDING.—There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

SEC. 3103. EXTENSION OF ADDITIONAL SPECIAL ASSESSMENT.

Section 3014(a) of title 18, United States Code, is amended by striking “September 30, 2021” and inserting “December 31, 2021”.

SEC. 3104. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of

the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act (as amended by Public Law 117–12) is amended by striking “October 22, 2021” and inserting “January 28, 2022”.

SEC. 3105. EXTENDING THE INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR TERRITORIES.

(a) IN GENERAL.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by striking “September 30, 2021” and inserting “December 3, 2021”; and

(2) in paragraph (3), by striking “September 30, 2021” and inserting “December 3, 2021”.

(b) GAO REVIEW.—Not later than November 15, 2021, the Comptroller General of the United States shall review the determination of the allotment for Puerto Rico for fiscal year 2022 under section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)), and include in the review the legal opinion of the Comptroller General on the most plausible plain reading of how such fiscal year 2022 allotment level should be calculated.

SEC. 3106. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$165,000,000” and inserting “\$69,000,000”.

TITLE II—BUDGETARY EFFECTS

SEC. 3201. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SA 3831. Mr. MARSHALL (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill H.R. 5305, making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division D, insert the following:

SEC. —. PROHIBITION ON FUNDING FOR COVID-19 VACCINE MANDATES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available under this Act may be obligated or expended to implement or enforce a COVID–19 vaccine mandate, including the promulgation of any rule

or regulation with respect to such a mandate or the enforcement of such a rule or regulation.

(b) DEFINITIONS.—In this section:

(1) COVID-19 VACCINE MANDATE.—The term “COVID-19 vaccine mandate” means—

(A) any requirement that a person (other than a Federal employee or an individual performing work on or in connection with a contract with the Federal Government) receive a COVID-19 vaccine, including a requirement that such a person either receive such a vaccine or be subject to COVID-19 testing; or

(B) any requirement that an employer require an employee or independent contractor to receive a COVID-19 vaccine, including by requiring such employee or independent contractor to either receive such vaccine or be subject to COVID-19 testing.

(2) EMPLOYER.—The term “employer” means a person engaged in a business affecting commerce who has employees or independent contractors. Such term includes a State or political subdivision of a State but does not include the United States.

SA 3832. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5305, making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—NO BUDGET, NO PAY

SEC. 4101. SHORT TITLE.

This division may be cited as the “No Budget, No Pay Act”.

SEC. 4102. DEFINITION.

In this division, the term “Member of Congress”—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 4103. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

SEC. 4104. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 4105.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 4105, at any time after the end of that period.

SEC. 4105. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 4103 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section 4103; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 4103 and whether Members of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under section 4103; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 4106. EFFECTIVE DATE.

This division shall take effect on September 29, 2023.

SA 3833. Mr. COTTON (for himself, Mr. PORTMAN, Mr. GRASSLEY, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5305, making continuing appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 80, strike line 6 and all that follows through page 83, line 4, and insert the following:

SEC. 2502. (a) IN GENERAL.—Notwithstanding any other provision of law, a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for the benefits described in subsections (b) and (c) if—

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between July 31, 2021, and September 30, 2022; or

(B) paroled into the United States after September 30, 2022, and—

(i) is the spouse or child (as defined in section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b))) of an individual described in subparagraph (A); or

(ii) is the parent or legal guardian of an individual described in subparagraph (A) who is determined to be an unaccompanied child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))); and

(2) such individual's parole has not been terminated by the Secretary of Homeland Security.

(b) BENEFITS.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) until March 31, 2023; and

(2) services described in section 412(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)), subject to subparagraph (B) of such section, if such individual is an unaccompanied alien (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))).

(c) EXPEDITIOUS ADJUDICATION OF ASYLUM APPLICATIONS.—With respect to an application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) filed by an individual described in subsection (a)—

(1) the initial interview on the asylum application shall occur not later than 15 days after the date on which such application is filed; and

(2) in the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed not later than 150 days after the date on which such application is filed.

(d) CLARIFICATION.—Notwithstanding any other provision of law, nothing in this Act may be interpreted—

(1) to preclude an individual described in subsection (a) from applying for or receiving any immigration benefit to which such individual is otherwise entitled;

(2) to entitle a person described in subsection (a) to adjustment of status to lawful permanent resident; or

(3) to preclude a person described in subsection (a) from applying for a driver's license or identification card for which such person is eligible under State law.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, and every 3 months thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit a report to Congress detailing—

(1) the number of individuals described in subsection (a);

(2) the number of individuals receiving benefits under subsection (b), including those who are eligible for benefits as refugees; and

(3) any other information that the Secretary considers relevant.

(f) EMERGENCY REQUIREMENT.—Each amount provided by this section is designated by Congress as being for an emergency requirement pursuant to subsections (a)(1) and (b) of section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, at 9:30 a.m., to conduct a classified members briefing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, at 2 p.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, September 29, 2021, from 2:30 p.m.

to 4:30 p.m., to conduct a closed briefing.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 395, S. Res. 396, and S. Res. 397.

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

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

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

The resolution (S. Res. 395) was agreed to.

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

The resolutions (S. Res. 396 and S. Res. 397) were agreed to.

The preambles were agreed to.

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

ORDERS FOR THURSDAY,
SEPTEMBER 30, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 30; further, that following the

prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to the consideration of H.R. 5305, as provided under the previous order; further, that upon disposition of H.R. 5305, the Senate proceed to executive session to resume consideration of the Chopra nomination; finally, that if any nominations are confirmed on Thursday, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

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

There being no objection, the Senate, at 8:12 p.m., adjourned until Thursday, September 30, 2021, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 2021:

DEPARTMENT OF THE INTERIOR

ROBERT T. ANDERSON, OF WASHINGTON, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF STATE

JESSICA LEWIS, OF OHIO, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).