



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, MONDAY, OCTOBER 4, 2021

No. 174

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 5, 2021, at 9 a.m.

Senate

MONDAY, OCTOBER 4, 2021

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

PRAYER

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

Let us pray.

King of the Earth, we worship You. Your majesty and might sustain us. As we meditate upon Your grace and mercy, increase our faith.

Lord, guide us until we reach the destination You desire for us. Today, provide our lawmakers with Your peace. Snatch them from the powers of evil as You fill their hearts with gratitude for Your blessings. May they honor You with their thanksgiving.

Lord, stagger the enemies of freedom with Your power and permit Your purposes to prevail.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

The PRESIDENT pro tempore. The Senator from Hawaii.

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

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

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Madam President, let me say at the outset that I will yield the floor if either leader comes. I know they are busy in their offices, and I would be prepared to give them whatever opportunity they need.

NOMINATION OF LAUREN J. KING

Mr. DURBIN. Madam President, this week, the Senate will consider Lauren King's nomination for the U.S. District Court for the Western District of Washington.

Ms. King is an incredibly qualified jurist with experience as a lawyer and a judge. If confirmed, she will make history—the first Native American Federal judge to serve in Washington's Western District, which is home to more than 25 federally recognized Tribes.

Ms. King received her undergraduate degree from the University of Washington, her law degree from the University of Virginia, and for more than 12 years, she has been a litigator in private practice. She has handled cases involving intellectual property, commercial contract disputes, construction litigation, and Tribal hunting and fishing rights.

In addition to her work in private practice, Ms. King has served the public as an appellate court judge in the Northwest Intertribal Court System. She has also advocated for her community as a member of the Seattle Indian Health Board, which provides care to

Native Americans and Alaskan Natives.

Ms. King has long been recognized as a leader in the legal community. She served on the board of the Northwest Tribal Court Judges Association, has chaired both the Federal Bar Association's Indian Law Section Conference and the Washington State Bar Association's Indian Law Section.

How is she rated by the American Bar Association? "Well qualified."

Ms. King has the strong support of her home State Senators, MURRAY and CANTWELL, and bipartisan support in our Judiciary Committee, with Ranking Member GRASSLEY and Senator GRAHAM joining us in supporting her nomination.

Her nomination has been endorsed by dozens of Tribes and Tribal organizations throughout the United States, including the National Congress of American Indians, the Native American Rights Fund, and the Midwest Alliance of Sovereign Tribes. Ms. King has given back to her community every step of her career.

With her confirmation, the Members of the Senate can continue the vital work of building the Federal judiciary that really reflects the diversity of this Nation.

I urge my colleagues to support her nomination.

U.S. SUPREME COURT

Mr. DURBIN. Madam President, today is the first Monday in October. It is the date that marks the start of a new term for the U.S. Supreme Court.

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



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All indications are this term will be of major consequence. The Court has chosen to take up a number of cases that have the potential to dramatically change America as we know it. For example, the Court has decided to hear cases in which it is being asked to overturn *Roe v. Wade*, as well as strike down State laws regarding the carrying of weapons in public places. These are among the momentous issues on the Court's first term.

Madam President, I would yield the floor to the leader.

Mr. SCHUMER. Take your time. I am going to get settled.

Mr. DURBIN. He has asked me to carry on for a little bit here.

Back to my statement.

These are among the momentous issues on the Court's merits docket this term.

But the Court has been also very active on another docket, the "shadow docket." Most are not familiar with that term and don't know what it means. We learned in the Senate Judiciary Committee. It refers to decisions issued by the Supreme Court outside of the regular routine merits docket. These decisions are often rendered on a very short timetable without full briefing, public deliberation, detailed explanation, or signed opinions.

Historically, shadow docket orders were mostly noncontroversial. They typically involved routine or procedural questions, such as establishing deadlines for parties to file briefs. But that has changed in recent years. Not only have the orders from the Supreme Court shadow docket become more substantive and controversial, they have also been taking an increasingly clear, ideological bent.

Consider the weeks leading up to the start of this new October term. The Court's conservative majority used the shadow docket to block the Biden administration's COVID eviction moratorium and to reinstate the Trump administration's cruel "Remain in Mexico" policy that, unfortunately, blocked families and children fleeing persecution.

The Court's majority also used the shadow docket last month to allow Texas law S.B. 8 to take effect, a law that effectively bans abortion after 6 weeks, directly violating the constitutional protections the Court recognized half a century in *Roe v. Wade*.

These and other shadow docket orders from the Court's conservative Justices are having profound consequences for millions of Americans.

Last week, the Senate Judiciary Committee, which I chair and the Presiding Officer has joined as a member, held a hearing on the Court's use of the shadow docket.

We heard from a number of experts about the increased use of the docket and the increasing ideological nature of its use. They pointed out, for example, that President Trump's Justice Department, in 4 years, requested the Court take emergency action on their

shadow docket a recordbreaking 36 times in 4 years. The Court granted 28 of those requests.

What about previous Presidents? In contrast, the Justice Department only requested emergency relief eight times total—eight times—in 16 years of George W. Bush and Barack Obama, and on only four occasions was the shadow docket approved—the request was approved.

At this point, I am going to yield the floor and ask unanimous consent that when I return to the floor, I be able to resume these remarks. But I want to yield to the majority leader.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Madam President, I thank my dear friend, our majority whip and the senior Senator from the State of Illinois, as well as someone who was my roommate for, well, decades, I guess.

INFRASTRUCTURE AND BUILD BACK BETTER AGENDA

Mr. SCHUMER. Madam President, on the day that this majority commenced its work, I promised that this Chamber would meet the challenges that face our Nation "not with timid solutions but with boldness and [with] courage." Now the 117th Congress stands at a pivotal moment in our pursuit of this goal.

Over the past few months, both Chambers have dedicated themselves to passing two transformative, once-in-a-generation pieces of legislation: the bipartisan infrastructure bill and the Build Back Better agenda.

Doing big things in Congress is always hard, but we didn't choose elected office just to pursue the easy things. In the days and weeks to come, Senate Democrats will remain focused on passing the agenda we promised no matter how hard the task.

All last week, I held extensive talks with the Speaker, the President, and my Senate colleagues to bring us closer to a final agreement on our Build Back Better agenda. We made important progress, but there is more work to do.

So, this week, I will continue meeting with my colleagues in an effort to produce a bill that all of us can get behind.

Last Friday, President Biden spoke to House Democrats about the path forward for passing our ambitious agenda into law. His message was simple: If we stick together, if we work to find a legislative sweet spot that we can all support, then we will succeed.

He is right, and that is exactly what we are going to do.

As I explained this morning in my "Dear Colleague," our new legislative goal must be to get both the infra-

structure bill and the Build Back Better agenda done by the end of October.

The reason is simple: The infrastructure bill, for all its historic investments, is also a reauthorization of the highway trust fund. We passed a 30-day patch over the weekend to keep vital programs going. But as it stands, the trust fund is set to run out of money by the end of October.

If we are going to meet this deadline, Democrats must arrive at a final agreement on the details of the Build Back Better agenda as soon as possible, preferably within a matter of days, not weeks. It is the only way we can give committees enough time to draft legislation to ensure its privileged status in our Chamber and complete the reconciliation process before the end of the month.

Now, none of this is going to be easy. It will require sacrifice, compromise, and finding common ground. Nobody is going to get everything they want.

But no matter what, our final proposal will deliver the core promise we made to the American people: We will take bold action on climate change, while creating millions of jobs; we will expand healthcare opportunities and lower costs for working Americans; and we will cut taxes for the working and middle class, while asking the wealthy to pay their fair share.

I am confident we will be proud of the end result: a bill that will dramatically improve the lives of every single American not just for today but for generations; a bill that will rebuild ladders for working people to get to the middle class, help people stay in the middle class who are there already, and rekindle—rekindle—that sunny American disposition so central to our national identity but seems to be fading a bit in the last while.

This is worth a couple of hard days. This is worth many hard days. Again, we didn't come to Washington to take the easy way out. We came here committed to work every day, to reward the faith that the American people have placed in us. We came here to get big things done, and that is exactly what we will do in the weeks ahead.

DEBT CEILING

Mr. SCHUMER. Madam President, now, on the debt ceiling, before the end of this week, the Senate must—must—get a bill to the President's desk to address the acute crisis of the debt limit.

President Biden was crystal clear in his speech this morning. If Republicans don't get out of the way and let the Senate take action now, our government will in all likelihood enter default for the first time ever.

Sadly, the Republican position as the party of default has now become so extreme that they have blocked every single attempt to prevent a default from happening, putting our country in serious, serious danger. They have gone so far as rejecting their own requests for how the debt ceiling should be

raised. Their own requests for putting those in action—they are now saying no. Why do you think? Why do you think?

Now the Republican leader has repeatedly stated that the Democrats must raise the debt ceiling on our own, and he has directly cited precedents of 2003, 2004, and 2006 when the Senate voted to raise the debt ceiling by a majority vote. But what he conveniently and repeatedly ignores—and he knows better—he ignores that in each of those examples, the minority allowed an up-or-down vote without—without—a partisan filibuster. In other words, the other side said: Get us to 50 votes, and we won't make you get to 60.

That is just what we are asking for now. We are proposing the same offer now, which Leader MCCONNELL has cited. Let us vote to raise the debt ceiling without a partisan filibuster. In fact, this was the thrust of my consent request last week, which would have resolved this Republican-driven default crisis with an up-or-down vote. Republicans could have gotten their chance to vote no, and we could all have put an end to this needless impasse. But given the easiest way out of the mess, the Republicans still refuse to take “yes” for an answer. Now our country is on the brink of a crisis whose consequences will reverberate around the world.

The bottom line is, this Chamber must pass legislation to avoid a default. Accordingly, I will soon file cloture on the House-passed proposal that will suspend the debt limit until December of 2022. We aren't asking Republicans to support it when it comes time for a vote; we only ask that they get out of the way as Democrats pass it on our own, just as the majority party did in the early 2000s. It is really that simple. If Republicans want to vote to stop payments from going to Social Security recipients or veterans, then be my guest, but they ought to get out of the way and let the legislation pass the Senate.

The fact is, we don't have the luxury of waiting until October 18 to extend the debt ceiling. Even a near miss can have dramatic consequences. Every single day we delay taking action, we increase the chances of doing irreversible damage to our global financial system, our economic recovery, and trust in our country's ability to pay its debts.

So, again, we will need to get a bill extending the debt ceiling to the President's desk by the end of this week. We aren't asking Republicans to vote yes even though it is debt that they incurred; we are simply asking that they get out of the way.

I yield the floor, and I thank my colleague for his courtesy.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

DEBT CEILING

Mr. MCCONNELL. Madam President, I want to begin today with a quotation:

Because this massive accumulation of debt was predicted, because it was foreseeable, because it was unnecessary, because it was the result of willful and reckless disregard for the warnings that were given and for the fundamentals of economic management, I am voting against the debt limit increase.

Now, Madam President, that was then-Senator Joe Biden in March of 2006, right before every single Democratic Senator voted against raising the debt limit and made a unified Republican government do it alone.

Here is another quote:

Today's fiscal mess . . . is the inevitable outcome of policies that consistently ignored evidence and experience. My symbolic vote against raising the debt limit would have been a protest of the policies that have brought us to this point, and a demand that we change course.

Well, that same speaker, then-Senator Biden, 2 years earlier in 2004.

As Senate Republicans have made clear since last July and as I reminded the President in a letter just this morning, his sentiments then are our sentiments now. His sentiments then are our sentiments now.

For the last few weeks, Washington Democrats tried to forget that they lined up to oppose debt limit increases during unified Republican government. They pretended these votes are always bipartisan. Well, that was simply not true.

So now our colleagues have moved on to yet another new argument that is equally flimsy. Now they claim they would be perfectly happy to handle this responsibility with 51 votes done one way, but they would rather risk the Nation's credit than doing it with 51 votes a slightly different way—two different ways to achieve 51 votes. I am not kidding. This is the position they are taking. The President said it today.

The reconciliation procedure would be slightly more inconvenient, they said—a few more days, a few more votes they would rather duck. The Democratic leaders running America are saying with a straight face that the entire U.S. economy should live or die based on the procedural convenience—convenience—of Washington Democrats.

Now, they have got no problem using the party-line process over and over and over to spend trillions and transform the country, but now, for this purpose only, they suddenly and mysteriously find it unappealing.

Democrats could not be more capable of handling this on their own. Just months ago, the Democratic leader won new powers to reuse reconciliation over and over. They don't even need our consent to set a vote at 51 instead of 60. They need even less help raising the debt limit than majorities needed in the past. So trust me, Madam President—if Republicans were sitting on a hidden veto power to stop reconciliation bills, you would have heard about

it way back in the springtime. The majority doesn't need our votes. They just want a bipartisan shortcut around procedural hurdles that they can actually clear on their own, and they want that shortcut so they can pivot right back to partisan spending as fast as possible. They want a bipartisan shortcut to get right back to more partisan hardball. And Republicans have spent 2½ months—this is no surprise; 2½ months ago—explaining that this is the way they needed to go forward on the debt ceiling.

This unified Democratic government is having trouble governing. They couldn't even pass the bipartisan infrastructure bill which the President negotiated and the Speaker of the House promised would pass last week.

The majority needs to stop sleepwalking toward yet another preventable crisis. Democrats need to tackle the debt limit. We gave them a roadmap and 3 months' notice. I suggest that our colleagues get moving.

INFLATION

Mr. MCCONNELL. Madam President, now on an obviously related matter, speaking of Democrats' reckless taxing and spending, this unified government is behind closed doors brainstorming ways to make inflation even more painful for American families. Their next reckless taxing-and-spending spree is packed with radical, leftwing policies and the biggest tax hike on the American people in half a century.

So far, the bill is more than 2,400 pages long, but it can be summarized in just four words: hurts families and helps China. Hurts families and helps China.

Wasting trillions and trillions of dollars on socialism would be a bad idea any day, but it is a uniquely bad idea at a time when American families are already being hammered by inflation and soaring costs.

The government's own data continue to indicate that the historic and painful inflation that began to take hold of our economy this spring isn't going anywhere anytime soon. The Chairman of the Federal Reserve acknowledged last week that rising prices have become an increasingly broad and structural problem. Last week, the Commerce Department reported that inflation has continued to rise faster than at any time since 1991. The Democrats' inflation is so bad that even though the average American worker has gotten a multiple-percentage-point pay raise over the last year, their actual purchasing power has actually been cut. Their paychecks have gone up, but their buying power has gone down.

Wholesale inflation just marked the steepest 12-month jump on record. Even dollar stores are having to raise their prices. Just ask any American family about the last few trips to the supermarket, the gas station, or the toy store. Heaven forbid if they have had to participate in the housing market or the auto market anytime lately.

And the Democrats are uniting around yet another multitrillion-dollar taxing-and-spending spree? I guess our colleagues think they can inflate their way out of inflation. That is going to be an extraordinarily painful experiment for the middle-class families of our country.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

PROMOTING PHYSICAL ACTIVITY FOR AMERICANS ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 1301, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 1301, a bill to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

Pending:

Schumer motion to concur in the amendment of the House to the bill.

Schumer motion to concur in the amendment of the House to the bill, with Schumer amendment No. 3835, to change the enactment date.

Schumer amendment No. 3836 (to amendment No. 3835), of a perfecting nature.

Schumer motion to refer the bill to the Committee on Finance, with instructions, Schumer amendment No. 3837, to change the enactment date.

Schumer amendment No. 3838 (to (the instructions) amendment No. 3837), of a perfecting nature.

Schumer amendment No. 3839 (to amendment No. 3838), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask consent to speak as if in morning business.

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

DEBT CEILING

Mr. DURBIN. Madam President, I listened closely to the speech by the Republican Senate leader, and I have heard statements made over the weekend on television. I think this is a moment where we might consider for just a minute or two a lesson on Senate 101 so there is an understanding of where we are and why we are at this place.

There are 100 Members of the Senate. Currently, there are 50 Democrats and 50 Republicans. Under the ordinary course of business, which has become extraordinary in this Chamber, a majority rules, so 51 votes will pass an amendment or a bill in most cases.

However, there is a creature in the Senate known as a filibuster, and the filibuster requires that 60 votes be found in order to prevail on a motion or a measure.

The filibuster raises the requirement from a simple majority to 60 votes. The Senator from Kentucky knows that as well as I do, he has been here longer than I have, that filibuster makes all the difference in the world. So to argue “The Democrats have the majority; why don’t they just take this majority and do their business?” is to ignore the obvious.

What the Republicans have decided to do is, for the first time perhaps ever—I don’t want to say that without checking the record for sure—but certainly in modern history, to require that when we pass the debt ceiling, we need to have 60 votes on the floor of the Senate. Well, it is no great revelation that with 50 Democrats, we would need 10 Republicans, and the Senate Republican leader has made it clear: He ain’t giving us a vote, not one. So we have come to a standstill.

We are 2 weeks away from a default. For the first time in the history of the United States that we would default on our debt, it is as if America had a big home and a big mortgage and decided one month not to pay on the mortgage. Well, let’s hope the day would come when the payment would be made, but in the meantime, there is a serious question then raised about the credit reputation of the United States, and that is exactly the fire that the Republicans are playing with by imposing a filibuster on this simple measure. They know that they can stop us as long as 60 votes are needed and they give none.

One of our colleagues, Senator WHITEHOUSE, made an interesting observation in our caucus lunch last week. I hope he will forgive me if I try to paraphrase it. He said: Many people argue that we need a filibuster because it really encourages bipartisanship. We have to come together. We have to look for compromise.

Well, how do you compromise when the debt ceiling question is whether you do it or don’t do it? And that is what is at stake here. Are we going to acknowledge the debt of the United States to its creditors far and wide and continue the business of this economy and this government? Republicans say: No, we would rather play fire with it. But they leave out that one element that is so critical: It is their decision, their filibuster that stops this.

I believe that Senator SCHUMER and the Democrats will offer them this opportunity again this week. Senator SCHUMER said as much. But it really troubles me that we are at a point in our history, recovering from this pandemic, businesses getting back on their feet, employees need to go back to work—and the Republicans have taken this strategy of defaulting on the national debt.

As far as the characterization of what reconciliation will do, Senator

MCCONNELL continues to come to the floor repeatedly and say: “It will hurt families.” Well, one of the provisions in the reconciliation bill, which I hope survives our compromise negotiation, will help families find affordable, quality daycare.

When you look at the fact that the vast majority of those who are not returning to work are women, you understand the circumstances. Many of them question whether or not school is going to be in person or by Zoom. They question whether or not they can find affordable daycare in any direction, and they question whether they can afford it once they find it.

If we took that worry off the family plate and said “We are going to make sure that you have accessible, affordable childcare for your children,” think of the relief it would give and the fact that many would return to the workplace.

According to the Senator from Kentucky, Senator MCCONNELL, that hurts families. Hurts them? It helps them in ways that many of us don’t even understand. Can you imagine frantically leaving a child at home in the care of someone you don’t quite trust because you have no alternative but to go to work and try to earn a paycheck to feed that child and pay the rent? I wouldn’t want to be in that desperate situation. I wouldn’t want anyone in family to face it. To say that hurts families, to do that, is certainly wrong. It would help them if reconciliation includes that measure.

We also have a pre-K program to give kids who struggle a helping hand and a fresh start. We know the Head Start Program—it was created I guess almost 60-plus years ago—has had positive results in preparing people to go to college. Yes, Head Start Programs when they are young children—3, 4, and 5 years old—can make difference in their lives, how they learn, and what they do. So we want to make that the official policy of this country, that we have 2 years of pre-K education available to families. I think they will thank us for it, and in the future, generations that are helped with this will thank us as well.

The notion of extending the school year from K-12 through K-14, to put 2 years of community college without cost for families, is an extraordinary commitment.

There was a time in the turn of the 19th to the 20th century when America decided to make a big, bold experiment. It was called high schools. Up until that point, most families were lucky to get kids through eighth grade. The rich families, the ones well-positioned, would take them to high school. Well, we decided to make high school a universal, national experience in America. So you wouldn’t quit at the 8th grade; you would finish in the 12th grade. Did it result in anything good for us? Take a look at the 20th century. With an educated, motivated workforce, America led the world. It is

no accident that extending education brought us to that moment.

Now, Joe Biden and many of us agree the 21st century is a brandnew set of challenges and putting 2 more years that you don't have to worry about going deep in debt affording on to a person's education gives them a better chance. Some will go to college. Some will develop skills that they need to get into the workforce and succeed. Some will have an experience that will change their lives. That is what this additional 2 years will be.

Senator MCCONNELL thinks an additional 2 years of free higher education hurts American families. What is he thinking? I don't know what it is like in the Commonwealth of Kentucky, but just north of it, in Illinois, we appreciate education and how it liberates, motivates, and educates young people to be part of the future.

So I would say to Senator MCCONNELL: Understand Senate 101. Your filibuster is stopping the extension of the debt ceiling, and stopping the extension is going to jeopardize our credit rating, raise interest rates, and cost 6 million American jobs, according to the best economists. Why would we do that to America at this moment in history? We should be doing just the opposite, helping everybody we can.

Madam President, I ask unanimous consent to return to my statement that I was making earlier when I voluntarily surrendered the floor.

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

U.S. SUPREME COURT

Mr. DURBIN. Madam President, I noted that the shadow docket in the Supreme Court was a subject of the Senate Judiciary Committee last week. It is one of those esoteric subjects you wonder if anybody will even notice. We thought it was important enough to talk about it in light of the Texas abortion statute.

We noted the fact that in the last 4 years, there were 36 times when the Trump administration asked for the shadow docket to be used. The Court granted 28 of those Trump Justice Department administration requests. In the previous years, under George W. Bush and Barack Obama: 16 years; 8 requests; 4 were granted—4 versus 28 out of 36.

You can tell that something is happening in the Court. The day after our hearing, someone happened to notice. That person was Justice Samuel Alito. He made headlines for a speech he gave at Notre Dame Law School criticizing lawmakers—I suppose that is myself and the Presiding Officer—journalists, and scholars who raised concern about the Court's use of the shadow docket.

There doesn't appear to be a publicly available transcript or video of the full speech given by Justice Alito, so I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article from The Hill newspaper entitled "Alito bristles over criticism of Supreme Court's 'shadow docket'."

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

[From The Hill, Sept. 30, 2021]

ALITO BRISTLES OVER CRITICISM OF SUPREME COURT'S SHADOW DOCKET

(By John Kruzel)

Justice Samuel Alito on Thursday bristled over recent criticism of the Supreme Court's handling of emergency matters under its so-called "shadow docket," a phrase the justice said plays into a warped portrayal of the court as a "dangerous cabal."

The staunchly conservative 71-year-old justice said he welcomes substantive debate over the court's rulings, but takes exception to what he characterized as a distorted depiction commonly found in media reports on the court's emergency activity.

"The catchy and sinister term 'shadow docket' has been used to portray the court as having been captured by a dangerous cabal that resorts to sneaky and improper methods to get its ways," Alito told students during a speech at Notre Dame Law School.

"And this portrayal feeds unprecedented efforts to intimidate the court or damage it as an independent institution," he said.

The phrase "shadow docket," originally coined by University of Chicago Law School professor William Baude, has come to refer to the court's use of a truncated process to issue rulings on an emergency basis. The procedure departs from the court's regular operations by forgoing a comprehensive set of paper briefs and oral arguments in favor of ruling quickly on an emergency application.

Although Alito's speech Thursday gave the impression that the principal critics of the court's shadow docket were observers and politicians, three of his fellow justices have criticized the shadow docket's recent use as a vehicle for rulings of major significance.

In recent weeks, the court's three more liberal justices—Stephen Breyer, Sonia Sotomayor and Elena Kagan—have either individually criticized the procedure's use or joined a dissenting opinion that did so.

The liberal jurists denounced the majority's use of the shadow docket in August to block an eviction freeze put in place by the Centers for Disease Control and Prevention (CDC) to shield cash-strapped renters from the coronavirus pandemic. Likewise, a 5-4 majority court refused to block Texas' six-week abortion ban from taking effect earlier this month.

Kagan took direct aim at the practice in a dissent from the majority's Texas ruling that was joined by her two fellow liberals.

"[T]he majority's decision is emblematic of too much of this Court's shadow docket decisionmaking—which every day becomes more unreasoned, inconsistent, and impossible to defend," Kagan wrote.

The shadow docket itself is nothing new. But the Supreme Court had previously used the abbreviated process only sparingly to render decisions of major consequence, according to a report by The Economist, which found the practice became more common during the Trump administration.

Alito conceded in his Thursday speech that the emergency docket has seen an increase in activity.

"Now it is true that we have issued more emergency rulings in recent years, but there is a simple reason for that and it's not part of a nefarious strategy: it's because we had been receiving more emergency applications," he said.

"We would much prefer to have days or weeks or months to think about these matters before we have to do anything," he added. "But we don't have that luxury. The world will not sit still while we cogitate."

Mr. DURBIN. In his speech, Justice Alito reportedly zeroed in on our Senate Judiciary Committee hearing last week and criticized one of the experts who testified, University of Texas law professor Steve Vladeck. He also reportedly criticized an article by a respected journalist who writes about the Court frequently for a major magazine.

Justice Alito derided the phrase "shadow docket" as a "catchy and sinister term" meant to convey something "sneaky and dangerous." In fact, the phrase "shadow docket" was coined by a University of Chicago law professor, William Baude, who, incidentally, clerked for Chief Justice Roberts and has spoken more than 30 times in Federalist Society events.

Justice Alito dismissed concerns about the shadow docket. He said:

The media and political talk about the shadow docket is not serious criticism.

What he failed to mention, however, is that some of the strongest warnings about the Court's changing use of the shadow docket have come not from politicians like ourselves or journalists but from Justice Alito's colleagues on the Court.

Our hearing in the Judiciary Committee highlighted how Justices Kagan, Sotomayor, Breyer, and even Chief Justice Roberts sounded the alarm about the Supreme Court's shadow docket ruling on the Texas abortion ban.

Justice Sotomayor said of the Court's shadow docket decision on the Texas law:

The Court's order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand.

That is from Justice Sotomayor.

How about Justice Kagan? Justice Kagan expressed alarm that the Court's shadow docket decisionmaking "every day becomes more unreasoned, inconsistent, and impossible to defend."

The Justices made it clear that the Court's shadow docket handling of S.B. 8 in Texas raises urgent concerns that American people should be aware of. That is why we had the hearing. Chief Justice Roberts noted that Texas has now created "a model for action," in his words, showing how States can undermine constitutional rights by using a bounty hunter enforcement scheme that avoids judicial scrutiny, thanks to the shadow docket. Lawmakers in a number of States are eyeing this procedure to try to copycat Texas's enforcement model. That ought to trouble anyone who cares about our Constitution.

With its order on the Texas abortion ban, the Court's majority has also shown its willingness to use the shadow docket to allow "flagrantly unconstitutional" laws, in the words of Justice Sotomayor, to take effect, at least when the laws align with the majority's ideological beliefs. As a result,

millions of Texans have had their constitutional rights stripped away, and the rights of all Americans are less secure. That is a major change that demands serious discussion.

Justice Alito may bristle at perceived criticism of the Court's practices, but that doesn't mean the Court should be immune from scrutiny from the American people, a free press, even legislative branch of government.

Historically, Congress has played an important and essential role in debates over the proper functioning of the courts.

First and foremost is the Senate's advise and consent role that results in the appointment of men and women to the Supreme Court. In addition, many aspects of the Supreme Court's operation, including the starting date of the Court's fall term, are established by an act of Congress. In fact, much of the Court's jurisdiction is set by Congress.

Congress is asked regularly by the Judicial Conference to pass new legislation governing the operations of the judiciary, and Justices have routinely come before Congress to discuss the requests and a wide range of other matters. In March 2019, for example, Justice Kagan testified before the House Appropriations Committee about such topics as whether the judicial code of conduct should apply to the Supreme Court. With her that day was none other than Justice Alito.

The Senate Judiciary Committee has frequently and appropriately been the forum for many debates over the Supreme Court's operations. I remember in 2011 when Justices Scalia and Breyer appeared before the Judiciary Committee for a wide-ranging discussion of the role of judges under the Constitution.

Our committee also has robust debates about the appropriate degree of transparency for the Court's operation. Earlier this year, the committee approved bipartisan legislation to allow cameras in the Supreme Court so that all Americans can see what is going on.

We are going to continue this debate in the Judiciary Committee over the shadow docket. It is not politicizing the Court to do so. And Republicans have no standing to accuse Democrats of politicizing the Court, especially after their unprecedented, politically motivated blockade of President Obama's Supreme Court nominee in 2016 and their haste to confirm a third Trump Justice mere weeks before the 2020 election—both acts of raw, political power.

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

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

AFGHANISTAN

Mr. TUBERVILLE. Madam President, in the winter of 2010, American intelligence picked up the chatter of Afghan fighters in Pakistan.

"Why are you back?" asked the Taliban leaders. "You are supposed to be fighting the Americans."

"Yes," one of the fighters said, "but the Americans run toward the bullets."

That story captures the American fighting spirit. If you ever find yourself questioning the greatness of this country, I encourage you to go talk to one of our young servicemembers.

I am not talking about our older generals or warhorses you often see on TV or around here on Capitol Hill. They won't renew your faith in America. They may even worry you.

I am talking about the young people. It is the door kickers, the tank drivers, the trigger pullers. Some of them are still just kids. I am talking about the ones fresh out of college; ones hoping to pay for college by signing up for our great military. These young people are America's future.

They are the Americans who fought so hard for us in Afghanistan over the last 20 years, and they are the ones so disappointed today of how we abandoned our mission in Afghanistan.

Many of them did not remember the bright blue morning on September 11, 2001, when evil itself boarded four planes here on the east coast and took the lives of 2,977 of our fellow Americans in just a matter of hours.

They were just infants when President Bush demanded the Taliban hand over Osama bin Laden and shut down the terrorist training camps that littered Afghanistan. And when the Taliban refused, the United States and our most loyal ally, Great Britain, invaded Afghanistan.

We were soon joined by 46 other nations. It was the first time Article 5 of NATO had been invoked, which states: An attack on one is an attack on all.

America, in her righteous might, launched Operation Enduring Freedom and rained hell on the Taliban on October 7, 2001. We lost 12 brave American soldiers that year, but by December 17, we controlled a country few Americans could have found on the map months before.

To call Afghanistan in 2001 "stone age" would be an insult to the rocks on the ground. We saw diseases only found in textbooks. Eighty-five percent of the population was illiterate. No girls were allowed to attend school. Cell phones and computers were nonexistent.

We were not there to conquer. We didn't want to nation build. Our presence was needed because we wanted to keep Afghanistan from yet again becoming a training sanctuary for every would-be terrorist on Earth.

After all, the United States and our politicians of the 1990s looked the other way and failed to recognize Afghanistan as a threat. Thirty years ago, Afghanistan was a training ground for some 10 to 20,000 terrorists.

From Afghanistan, al-Qaida attacked the World Trade Center in 1993; two of our Embassies in Africa; and bombed the USS Cole, a ship that was docked.

The Clinton administration thought it could handle al-Qaida and their terrorist threat with over-the-horizon capabilities. September 11 showed us that strategy doesn't work. But, unfortunately, the Biden administration has forgotten those lessons of our past.

During World War II, my father landed at Normandy and fought the Nazis in Europe. Hitler and Germany had the will to win, but, thank God, America and our allies had more will.

From the time my dad landed at Normandy to when he reached Berlin, he earned five Bronze Stars and a Purple Heart. He was lucky. More than 400,000 other Americans would never return home. Their blood, sweat, and tears saved Europe and the free world.

Yet the work of the Greatest Generation didn't end on May 8, 1945. Americans stayed in Germany. We stayed to prosecute Nazi leadership. We stayed to build and rebuild their businesses and banks.

If you drive a BMW today, it is because America worked to change the behavior of millions of Nazis who were still living in Germany after the war. And we are, today, still in Germany.

It is the same success story in Japan and in South Korea. America's commitment to freedom and democracy didn't end when the shooting stopped. Today, Germany, Japan, and South Korea are some of our most vibrant economies and democracies across the world. Those nations are also among our closest allies.

That, ladies and gentlemen, was our hope for Afghanistan. Every American wants to see war come to an end. War is ugly. War is brutal. War robs lives and destroys property. But freedom is certainly worth fighting for.

Like World War II, our war in Afghanistan was completely justified. We took the end fight to the enemy who started it: the Taliban and al-Qaida.

Our war in Afghanistan ended in 2014. Operation Enduring Freedom transitioned to a supporting role called Operation Resolute Support.

That support trained the Afghan Army, intelligence, and police forces to fend for themselves. It allowed for greater educational opportunities for young boys and girls all throughout Afghanistan.

And as the Afghan security forces became increasingly capable, America withdrew her forces. By January 2021, we had reduced our presence to just 2,500 from a high of 98,000 in 2011.

President Trump also wanted to go to zero, but his military advisers said it would be unwise. So President Trump listened and maintained troop levels at 2,500.

President Biden claims he doesn't remember his generals telling him to keep 2,500 troops in Afghanistan. Yet the President's principal military adviser, General Mark Milley, says he

wanted to see 2,500 troops in Afghanistan. The top commander for the Middle East, General Frank McKenzie, said he wanted to see 2,500 troops remain in Afghanistan. The top, longest-serving, and most decorated commander in Afghanistan, General Scott Miller, wanted to see 2,500 troops in Afghanistan.

They clearly told President Biden that, to remain stable and protect the U.S. and our allies, Afghanistan needed a small American presence of 2,500 troops.

So when the President says he doesn't recall or he doesn't remember, is he telling the truth?

Well, I don't know. But what I do know is that President Biden didn't listen to his military advisers. He didn't listen to troops on the ground. He ignored military advice and, instead, made a political decision.

You can't run a war from Washington with an 8,000-mile-long screwdriver. If you do, you will screw it up—85 billion in equipment captured by the Taliban; valuable air bases abandoned in the middle of the night; American citizens still left behind enemy lines to this day; journalists and aid workers abandoned; innocent Afghan partners and allies left to the will of our enemy; chaos and disorder at Kabul airport; desperate Afghans falling from our aircraft, as people across our Nation and the world watched in horror; 13 American soldiers dead.

None of this should have ever happened. But now we must reckon with the worst foreign policy decision ever made. Our credibility has been eroded and respect from our allies has been destroyed.

America must return to the peace-through-strength leadership that has guided us throughout history. It has made our enemies fear us, our allies value us and what it means to have us as a partner on the world stage.

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.

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

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

TRIBUTE TO LEE GREENWOOD

Mrs. BLACKBURN. Madam President, many artists and entertainers have staked their claim to fame by bending the rules and changing the conventional wisdom that defines their craft. But not many can claim to have made an impact on American culture that is at once musical, political, and spiritual.

This month, my friend and fellow Tennessean Lee Greenwood is enjoying some well-deserved recognition for doing just that. Next week, he will celebrate the 40th year of one of the most significant and successful careers in country music history.

On behalf of the entire Tennessee delegation, I want to thank Lee for his ar-

tistry, his patriotism, and his belief in the power of a song to heal our deepest wounds.

We thank him for his friendship, for his commitment to our great State of Tennessee, and we wish him even greater successes in his career.

GOVERNMENT FUNDING

Madam President, over the weekend, my Democratic colleagues put on a terrific show for the American people, arguing over which multitrillion-dollar spending bill they wanted to pass first—not if they were going to pass one, but which one they wanted to pass first. And from what I am hearing in Tennessee, they are saying: We don't want either of these. None of this should ever be passed and signed into law.

Those that I spoke with also wanted me to pass on a message. It doesn't matter if they were Democrat, Republican, Independent, Libertarian. They said what happened here in Washington over the weekend was just about the most tone-deaf and disrespectful thing that they had seen take place in Washington in a long time.

All year, Tennesseans have been asking themselves why is it that the Democrats are pushing so hard to spend more than a trillion dollars on a so-called infrastructure package that really isn't about infrastructure? Why are they fighting so hard for a multi-trillion-dollar social spending package that prioritizes all the wrong things?

Tennesseans have caught on to this insanity. They know with absolute certainty that every time Joe Biden's government steps in to take control over an aspect of their lives, the goal is not to make their lives easier. The goal is to complicate their lives. The goal is to take away some of their individual freedom, some of their choice.

There is no other explanation as to why they would do this in the face of some of the issues that we have, like serious supply chain vulnerabilities, unsustainable inflation—no, it is not temporary—and levels of divisiveness and mistrust that have made even the most unplugged, apolitical people that I know sit up and speak out.

The fact that more people are paying attention is really a problem for my Democratic colleagues. They know that there is no chance that the majority of the American people will just go along with what it is that they are proposing.

As I said, it doesn't matter if they are Democrat, Republican, Independent, Libertarian. They are looking at this and they are saying: Hey, wait a minute. These guys that are over there, every one of them—what are they trying to do? They are trying to drive this socialist agenda, tear down our institutions, and build it back as a socialist state—which is exactly why the Democrats are opting for a power grab rather than an honest debate.

By seizing that control and taking away that freedom, they are slowly but surely setting themselves up to rede-

fine the relationship between the people and the government. Eventually, this will allow the Democrats to destroy our most important institutions and remake them in the image of the grand socialist future that they are so desperate to build.

If you can't beat them—and the Democrats haven't been able to beat the people—then what do you do? They go about—the Democrats—and they just move the goalpost.

They have shown this intent time and again over the course of decades, but let's start with more recent events. The Federal healthcare takeover destroyed the concept of the doctor-patient relationship and replaced it with layers of bureaucracy and, now, rationing.

Over the past 3 years, my Democratic colleagues have tried multiple times to force through an election takeover bill that would federalize voting. That is right—not local control like we have had but federalizing elections, intentionally exposing conservative voters to an unhinged and violent opposition and making the ballot box vulnerable to fraud. That is what they are trying to do.

Earlier this year, we discovered that the Democrats thought that opening up everyone's pocketbook for scrutiny by the IRS would be an acceptable way to pay for their so-called infrastructure package. It is a neat trick. It is also completely and utterly despicable, and people are not buying what the Democrats are selling. They do not want socialism ruling their life. They do not want the United States of America to be a socialist nation.

The majority in this Chamber have accused the Republicans in this Chamber of many things, and most of them untrue. But what is true is that we are indeed getting in the way of this reckless, destructive agenda. That is because it is our duty to protect this country and to protect our freedoms.

Joe Biden and the Democratic Party control the entire U.S. Government. That is right. We had an election, and you are in charge. That government has already made it clear that—mandate or no mandate—they have their eye on the prize. And that prize is to take away your freedom, give that over to the government, and leave you living in a socialist nation. All it would cost is all of your money, all of your principles, all of your freedom. That is right.

That is the future that they, the Democratic Party, envision for you and your family—they, the Democratic Party, making all the decisions; they, the Democratic Party, winning all the elections because they federalize them and they let the Federal Government decide who wins, with them in charge.

If the Democrats wish to make those sacrifices, they are more than welcome to go about trying to do it, because the American people are not buying the agenda that they are pushing.

Every day I talk to Tennesseans. What do they want? Freedom—balanced freedom that allows them to experience their version of the American dream, that allows their children to dream big dreams and then live in a country where they can work to make those dreams come true. Preserving that is a worthy fight.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—H.R. 5323

Mr. MENENDEZ. Madam President, in May of this year, terrorist groups in Gaza launched more than 4,000 rockets at innocent Israelis. For 11 days, Hamas and others fired off thousands of various rocket systems with little guidance into heavily populated areas across Israel with no regard, indeed, likely with the intention of killing civilians.

In the face of this barrage, once again, Israel deployed the Iron Dome missile defense system, which intercepted 90 percent of these incoming attacks. Because of this purely defensive system, Israel is able to protect its own citizens and also direct its response to more carefully target those in Gaza who are responsible for launching these brutal attacks.

Now, I have been clear: We should all mourn the loss of innocent Israelis and Palestinians who were killed during this conflict. Beyond a lack of regard for innocent Israeli civilians, Hamas further endangers Palestinians by hiding their stockpiles and themselves in densely populated areas.

But I am not here today to relitigate thousands of years of conflict; I am here to point out two simple facts: Hamas is a terrorist organization that routinely threatens innocent civilians; Iron Dome, a purely defensive system that protects civilians. It saves lives, regardless of religion or ethnicity, period.

Furthermore, by saving those lives, Iron Dome also preserves diplomatic space for deescalation, communication, and further negotiations about Israeli and Palestinian long-term security and the future of a negotiated two-State solution.

There is no conceivable reason why anyone in this Chamber, on either side of the aisle, should stand in the way of U.S. support for this lifesaving defense to be fully ready for the next attack.

I strongly urge my colleagues on both sides of the aisle to join the House of Representatives in passing this funding on a broadly bipartisan effort.

So, therefore, Madam President, I ask unanimous consent that at a time to be determined by the majority lead-

er, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 140, H.R. 5323; that there be up to 2 hours for debate; that upon the use or yielding back of time, the bill be considered read a third time and the Senate vote on passage of the bill without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Madam President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I join the chairman of the Foreign Relations Committee in being supportive of Iron Dome, but I think it should be paid for.

I think the American taxpayer dollars that pay for it should come from money that could go to the Taliban. There is a fund with over \$6 billion in it that was designated for the Afghan Government, and that money, I think, could be spent on the Taliban if we do not rescind that money.

The justification for my proposal for paying this is simple: Only an economically strong United States can be a militarily strong ally of Israel.

I support Israel. I voted for hundreds of millions of dollars to support Iron Dome. I am glad the United States has a strong bond with Israel. But the United States cannot give money it does not have, no matter how strong our relationship is.

The United States is approaching \$30 trillion in debt. Our out-of-control spending added \$3 trillion to this debt just in this fiscal year.

A day of reckoning is coming, sooner than you think. Interest on the debt will be larger than what we spent on national defense in just a few years. If the debt weakens us to the point where we have difficulty funding our own military needs, how can the United States continue to be a reliable ally to Israel?

Getting our fiscal house in order does not mean that we are failing to support Israel—far from it. The billion dollars under consideration today is on top of the more than \$1.6 billion the United States has already given for Iron Dome, and that is not all.

The United States provides Israel with just under \$4 billion in aid annually. To date, the United States has provided over \$146 billion in aid to Israel. In addition to Iron Dome, the United States has helped Israel fund other missile defense systems as well. We spent \$2 billion on David's Sling and \$3.7 billion on Arrow programs. That means the United States has contributed \$7 billion to Israel's missile defense systems.

Iron Dome is an indispensable defensive tool that not only saves Israeli lives but Palestinian lives. I want an Israel strong enough so that it does not have to rely on American support. But if we are here to add an additional billion dollars in aid, all I ask is that we make sure that it is paid for.

My amendment would rescind \$6 billion in Afghanistan reconstruction money that otherwise might go to the Taliban. Secretary Blinken said as recently as 2 weeks ago that this money may well go to the new Taliban government.

Under this arrangement, we would devote \$1 billion to Israel's Iron Dome and return the rest to Treasury. This is clear to all of the Republicans. So it needs to be very clear today that Republicans support paying for Iron Dome, and they support paying for Iron Dome with taking away money that would go to the Taliban.

I hope my colleagues will work with me to strengthen Israel, strengthen the United States, and strengthen our alliance.

UNANIMOUS CONSENT REQUEST—PAUL
AMENDMENT

Madam President, I ask unanimous consent that the Senator modify his request so that instead of his proposal, the Senate proceed to the immediate consideration of Calendar No. 140, H.R. 5323; further, that the only amendment in order be my substitute amendment, which is at the desk. I further ask that there be 2 hours of debate, equally divided between the two leaders or their designees, and upon the use or yielding back of the time, the Paul substitute amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time, and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

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

Mr. MENENDEZ. Reserving the right to object. While I respect the Senator from Kentucky's consistent approach to foreign aid spending, his substitute to H.R. 5323 is problematic for the following reasons: This amendment would unleash an array of adverse consequences for our broader foreign policy and national security objectives.

This amendment ultimately proposes to rescind funds from the Departments of State and Defense. And this amendment would not reallocate funds that would allegedly go to the Taliban, as the Senator from Kentucky suggests. The reality is that U.S. dollars are not going to the Taliban, nor will they.

Let me be clear and echo what the administration has said: No U.S. foreign aid will go to a Taliban-controlled Afghan Government. This does not mean that we remain any less committed to supporting the Afghan people. On the contrary, U.S. humanitarian aid could be routed through highly vetted partners, like the World Food Programme that we trust to put the interests of the Afghan people first.

So let me be clear. Senator PAUL's amendment would actually raid the funding that delivers lifesaving humanitarian aid to the Afghan people. And they need it more than ever.

Secondly, Afghanistan is in the grips of a dire humanitarian crisis. The economy has collapsed. One in three Afghans do not know where their next

meal will come from. People are afraid to leave their homes.

And so for those reasons, as well as the following—this amendment would also slash refugee assistance being used at this very moment to evacuate and resettle the U.S. allies and partners who served alongside Americans in the War on Terror.

Likewise, Senator PAUL is proposing we rescind the funding that supports important bipartisan priorities like promoting regional security, countering Chinese influence, and ending this pandemic.

And that is not all. The amendment also jeopardizes funds being used to recover and secure U.S. military equipment.

We may no longer be funding the Afghan National Army, but we still urgently need these repurposed funds to keep American equipment out of the wrong hands.

In short, Senator PAUL's amendment could undermine U.S. national security; it would abandon the Afghan people in their darkest hour; and it would betray the American people's commitment to supporting our Afghan allies.

Finally, let me just say that this body overwhelmingly supports the swift passage of Iron Dome. Despite what others may have said, even on this floor, Democrats in the Senate are not holding up this critical funding. In the House, there may have been a very small handful of bipartisan opposition. And the only reason it is being held up in this body is because of this amendment. He is not a member of the Democratic caucus.

This is a defensive, lifesaving system built on years of cooperation with our ally Israel. I am disappointed we are in this situation. But because of all of these reasons, I must object to the Senator's substitute amendment.

The PRESIDING OFFICER. Objection to the modification is heard.

Mr. PAUL. Madam President.

The PRESIDING OFFICER. Is there objection to withdrawing the request?

Mr. PAUL. Madam President, reserving the right to object, I think it is very clear, and very important that it be very clear, that I have offered to fully pay for the Iron Dome system with an extra billion dollars. The objection is coming from the Democrat side. They are objecting to it being paid for.

We have offered this fund of \$6 billion. We have offered to modify it and make it less so there will still be some remaining money in this system. We have offered other funds. We have offered a basically open invitation to the other side that we just think it ought to be paid for. So the objection from the other side is to paying for Iron Dome, to paying for the billion dollars.

Interestingly, aid is already going to Afghanistan while the Taliban is in charge. Now, allegedly, that aid is going to charitable organizations. But the history of the Taliban has been to withhold, control, manipulate, and corrupt charitable organizations as well.

I think it is a mistake to have money already flowing into the new government under the Taliban and to charitable organizations because it basically makes their job easier. It will make the public more pacified if they are being fed by the Western world. They wouldn't be as happy if the money is destroyed in this chaos. So, really, in some ways, you do help to stabilize the Taliban by sending more money there.

But Secretary Blinken was asked this very question in committee by myself: Can you guarantee the \$6 billion will not be released at any time to the Taliban?

And he said no; the implication being that if the Taliban behaves, he sees this \$6 billion going to the Taliban. I think it is a big mistake.

This is a big issue. Iron Dome is a big issue, but it is also a big issue whether we send money to the Taliban. They already have \$80 billion worth of our weapons. I think it will be a real big mistake to send money indirectly or directly to the Taliban so I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MENENDEZ. Madam President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Let me just simply say, this is a figleaf.

We could have, today, passed Iron Dome as the House of Representatives passed it, send \$1 billion, and make sure that Israelis and Palestinians would be safer as a result of the terrifying actions that Hamas and others take. There is no reason for this.

I know my colleague has not been particularly supportive on foreign aid in general, and in this case in particular, but the reality is that we have an opportunity here.

Now, I am convinced that Iron Dome will get done. We will get the resources to our allies, the State of Israel. But it is a shame that we have to have the uncertainty that is pending as a result of the objection that has been had.

We don't need to find a pathway in this particular way, which, you know, is only going to undermine our own national security interests as it relates to Afghanistan.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I request that I am able to make my remarks prior to the vote.

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

NOMINATION OF JONATHAN EUGENE MEYER

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

Mr. Meyer understands the unique challenges facing DHS, and he has the legal and management experience and vision needed to succeed in this important role. Throughout the confirmation process, Mr. Meyer has demonstrated that he understands the complex legal

issues facing DHS and the importance of ensuring 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. Mr. Meyer is an accomplished lawyer and dedicated public servant who is well qualified to serve as the Department's chief legal officer.

I urge my colleagues to join me in supporting the confirmation of Jonathan Meyer to be general counsel for DHS.

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

VOTE ON MEYER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Meyer nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Arizona (Mr. KELLY) are necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 403 Ex.]

YEAS—51

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

NAYS—47

Barrasso	Cruz	Kennedy
Blackburn	Daines	Lankford
Blunt	Ernst	Lee
Boozman	Fischer	Lummis
Braun	Graham	Marshall
Burr	Grassley	McConnell
Cassidy	Hagerty	Moran
Collins	Hawley	Murkowski
Cornyn	Hoeben	Risch
Cotton	Hyde-Smith	Romney
Cramer	Inhofe	Rounds
Crapo	Johnson	Rubio

Sasse	Sullivan	Tuberville
Scott (FL)	Thune	Wicker
Scott (SC)	Tillis	Young
Shelby	Toomey	

NOT VOTING—2

Feinstein	Kelly
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. HEINRICH). 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 actions.

The majority leader.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 340.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 340, Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

Charles E. Schumer, Brian Schatz, Benjamin L. Cardin, Robert Menendez, Tammy Duckworth, Christopher A. Coons, Kirsten E. Gillibrand, Jacky Rosen, Patrick J. Leahy, Mazie Hirono, Margaret Wood Hassan, Jack Reed, Sheldon Whitehouse, Tammy Baldwin, Richard J. Durbin, Chris Van Hollen, Tina Smith.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. SCHUMER. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 1301, an act to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans, and for other purposes.

Charles E. Schumer, Angus S. King, Jr., Gary C. Peters, Tammy Baldwin, Christopher A. Coons, Chris Van Hollen, Elizabeth Warren, Patrick J. Leahy, Michael F. Bennet, Richard J. Durbin, Brian Schatz, Benjamin L. Cardin, Sheldon Whitehouse, Debbie Stabenow, Tim Kaine, Martin Heinrich, Jacky Rosen.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motions filed today, October 4, be waived.

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

ORDER FOR STAR PRINT—S. Res. 357

Mr. SCHUMER. Mr. President, I ask unanimous consent that S. Res. 357 be star printed with the changes at the desk.

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

MORNING BUSINESS

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 21-0C. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-37 of May 3, 2019.

Sincerely,

HEIDI H. GRANT,
Director.

Enclosures.

TRANSMITTAL NO. 21-0C

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Prospective Purchaser: Government of the United Arab Emirates.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 19-37; Date: May 3, 2019; Implementing Agency: Army; Funding Source: National Funds.

(iii) Description: On May 3, 2019, Congress was notified by Congressional certification transmittal number 19-37 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of up to four hundred fifty-two (452) Patriot Advanced Capability 3 (PAC-3) Missiles Segment Enhanced (MSE). Also included are tools and test equipment, support equipment, publications and technical documentation, personnel training and training equipment, spare and repair parts, facility design, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics, sustainment and program support. The estimated cost was \$2.728 billion. Major Defense Equipment (MDE) constituted \$2.7 billion of this total.

This transmittal reports the inclusion of an additional five hundred ten (510) Patriot Advanced Capability 3 (PAC-3) Missiles Segment Enhanced (MSE) (includes 10 fly-to-buy missiles). The following non-MDE items will also be included: tools and test equipment, support equipment, publications and technical documentation, personnel training and training equipment, spare and repair parts, facility design, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics, sustainment and program support. The total cost of the new MDE articles is \$2.728 billion. The total notified cost of MDE will increase to \$5.428 billion, and the total notified case value will increase to \$5.90 billion.

(iv) Significance: The proposed articles and services will support the United Arab Emirates' ability to maintain a reserve stock of PAC-3 MSE missiles to ensure adequate capability to defend their homeland from regional threats. The proposed sale will also improve the UAE's Air Force and Air Defense's (AFAD's) ability to defend population centers, friendly forces, infrastructure, and other critical assets in support of combined contingency operations, and to promote regional security.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE has been, and continues to be, a vital U.S. partner for political stability and economic progress in the Middle East.

(vi) Sensitivity of Technology: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

(vii) Date Report Delivered to Congress: September 28, 2021.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, and consistent with section 7019(e) of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2020 (Div. G, P.L. 116-94) and the accompanying Joint Explanatory Statement, 165 Cong Rec H11431 (December 17, 2019), we are forwarding Transmittal No. 0F-21. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-63 of November 19, 2019.

Sincerely,

HEIDI H. GRANT,
Director.

Enclosures.

TRANSMITTAL NO. 0F-21

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(b)(5)(A), AECA)

(i) Prospective Purchaser: Government of Morocco.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 19-63.

Date: November 19, 2019.

Military Department: Army.

Funding Source: National Funds.

(iii) On November 19, 2019, Congress was notified by Congressional certification transmittal number 19-63, of the possible sale under Section 36(b)(1) of the Arms Export Control Act of the possible sale to the Kingdom of Morocco of thirty-six (36) AH-64E Apache attack helicopters (24 new, 12 optional); seventy-nine (79) T700-GE-701D engines (72 installed, 6 spares); thirty-six (36) AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensors (M-TADS/PNVIS); eighteen (18) AN/APG-78 Fire Control Radars (FCR) with Radar Electronic Units (REU); eighteen (18) AN/APR-48B Modernized—Radar Frequency Interferometers

(MRFI); five hundred fifty-one (551) 114AGM-114R Hellfire missiles (441 new, 110 optional); sixty (60) AGM-114L Hellfire missiles; seventy-two (72) M36E9 Hellfire Captive Air Training Missiles (CATM); five hundred eighty-eight (588) Advanced Precision Kill Weapon System (APKWS) kits (478 installed, 110 optional); seventy-eight (78) Embedded Global Positioning Systems with Inertial Navigation (EGIs) (72 installed, 6 spares); thirty-nine (39) AAR-57 Common Missile Warning Systems (CMWS) (36 installed, 3 spares); and two hundred (200) AIM-92H Stinger missiles. Also included were twenty-one (21) Manned-Unmanned Teaming-2 (MUMT-2) video receivers (18 installed, 3 spares); thirty-nine (39) Manned-Unmanned Teaming-2 (MUMT-2) air-air-ground kits (36 installed, 3 spares); thirty-nine (39) AN/APR-39D(V)2 radar signal detecting sets (36 installed, 3 spares); thirty-nine (39) AN/AVR-2B laser detecting sets (36 installed, 3 spares); thirty-nine (39) AN/APX-123 or AN/APX-123A common transponders (36 installed, 3 spares); thirty-nine (39) IDM-401 Improved Data Modems (36 new, 3 spares); six (6) Link-16 terminals; thirty-nine (39) Improved Countermeasure Dispensing System (ICMD) (36 installed, 3 spares); thirty-nine (39) AN/ARN-149 (V)3 automatic direction finders (36 installed, 3 spares); thirty-nine (39) Doppler ASN-157 Doppler radar velocity sensors (36 installed, 3 spares); thirty-nine (39) AN/APN-209 radar altimeters (36 installed, 3 spares); thirty-nine (39) AN/ARN-153 Tactical Air Navigation (TACAN) sets (36 installed, 3 spares); four (4) TACAN ground stations; thirty-six (36) Very High Frequency Omni-Directional Range/Instrument Landing Systems (VOR/ILS) (36 installed, 3 new); twelve (12) AN/PYQ-10(C) simple key loader (12 new); thirty-six (36) M230E1 + M139 AWS automatic gun (36 new); eighty-one (81) M261 rocket launchers (72 new, 9 spares); seventy-eight (78) M299 missile launchers (72 new, 6 spares); fifty-three (53) Stinger Air-to-Air launchers (53 new); twenty-nine (29) Stinger Captive Flight Trainers (CFT) (29 new); eight (8) Stinger Aerial Handling Trainers (AHT) (8 new); five thousand two hundred sixteen (5,216) 2.75-inch rockets (3,896 new, 1,320 optional); ninety-three thousand (93,000) 30mm rounds (65,500 new, 27,500 optional); secure voice radios; training devices; communication systems; helmets; simulators; generators; transportation and organization equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor technical assistance, technical and logistics support services; and other related elements of logistics support. The total estimated program cost was \$4.25 billion. Major Defense Equipment (MOE) constituted \$3 billion of this total.

This transmittal reports the inclusion of fifty-two (52) AN/ARC-231A (RT-1987) radios. The total estimated value of these additional items is \$9 million, resulting in a revised MDE total of \$3.1 billion. The total estimated case value will remain \$4.25 billion.

(iv) Significance: This proposed sale of defense articles and services supports Morocco's ongoing effort to modernize its armed forces and increase the Army's capacity to detect threats and control its borders, contributing to the maintenance of regional stability and security. This will contribute to the Morocco Royal Armed Forces' effort to update their capabilities and enhance interoperability with the United States and other strategic allies.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO ally that continues to be an important force for

political stability and economic progress in North Africa.

(vi) Sensitivity of Technology: The AN/ARC-231A is a multi-mode software defined radio providing line of sight VHF/UHF secure/non-secure voice and data communications over the 30,000-941,000 MHz frequency and Satellite Communications (SATCOM) beyond line of sight secure/non-secure voice and data including Demand Assigned Multiple ACCESS (DAMA) communications from 240-320 MHz frequency on manned and unmanned aviation platforms. ARC-231A includes improved type-1 cryptographic algorithm and processing capabilities, Civil Land Mobile Radio, Single Channel Ground and Airborne Radios System (SINGARS) capabilities, HAVE QUICK (HQ), Second Generation Anti-Jam Tactical UHF Radio for NATO (SATURN) wave form, 8.33 kHz channel spacing for Global Air-Traffic Management (GATM) compliance, and capability for Mobile User Objective System (MUOS) waveform through possible future hardware and software updates. The highest level of information required to furnish the equipment, training, and data associated with this proposed sale is UNCLASSIFIED.

(vii) Date Report Delivered to Congress: September 28, 2021.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 21-0L. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-36 of August 18, 2017.

Sincerely,

JEDIDIAH P. ROYAL,
Deputy Director.

Enclosures.

TRANSMITTAL NO. 21-0L

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), (AECA))

(i) Purchaser: Government of Romania.
Sec. 36(b)(1), AECA Transmittal No.: 17-36;
Date: August 18, 2017; Military Department: Army.

Funding Source: National Funds.

(iii) Description: On August 18, 2017, Congress was notified by Congressional certification transmittal number 17-36 of the possible sale under Section 36(b)(1) of the Arms Export Control Act of 54 High Mobility Artillery Rocket Systems (HIMARS) Launchers, 81 Guided Multiple Launch Rocket Systems (GMLRS) M31A1-Unitary, 81 GMLRS M30A1-Alternative Warhead, 54 Army Tactical Missile Systems (ATACMS) M57 Unitary, 24 Advanced Field Artillery Tactical Data Systems (AFATDS), 15 High Mobility Multipurpose Wheeled Vehicles (HMMWV), Utility-Armored, M1151A1 and 15 HMMWVs, Armor Ready 2-Man, M1151A1. Included: 54 each M1084AIP2 HIMARS Resupply Vehicles (RSVs), 54 M1095 MTV Cargo Trailer with RSV kit, and 10 each M1089A1P2 FMTV Wreckers 30 Low Cost Reduced Range (LCRR) practice rockets. Also included repair parts, training and U.S. Government support. The estimated total cost was \$1.25 billion. Major Defense Equipment (MDE) constituted \$900 million of this total.

On March 12, 2019, 19-08 notified the addition of: forty-eight (48) Advanced Field Artillery Tactical Data Systems (AFATDS) (MDE); forty-five (45) M1152A1 HMMWVs—Armor Ready 2-Man (MDE); fifty-four (54) M1084AIP2 HIMARS Resupply Vehicles (MDE); and support and communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, United States Government and contractor engineering and logistics personnel services (non-MDE). The additional MDE items were valued at \$24.42 million, resulting in a new MDE value of \$924.42 million, and additional non-MDE items were valued at \$225.574 million, resulting in a total program increase of \$250 million. The total case value increased to \$1.5 billion.

On June 3, 2020, 20-0F notified the addition of: six (6) AN/TPQ-53 Radar Systems (MDE); three hundred eighty-four (384) 120MM High Explosive (HE) Cartridges (MDE); and support and communications equipment, vehicles, ammunition, transportation, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, United States Government and contractor engineering and logistics personnel services. (nonMDE). The additional MDE items were valued at \$175 million, resulting in a new MDE value of \$1.1 billion, and additional non-MDE items were valued at \$75 million, resulting in a total program increase of \$250 million. The total program value increased to \$1.75 billion.

(iv) This transmittal notifies the addition of:

1. Three (3) High Mobility Multipurpose Wheeled Vehicles (HMMWV), Armor Ready 2-Man, M1152A1 (MDE); and
2. Eighteen (18) Army Tactical Missile Systems (ATACMS) M57 Unitary (MDE).

The additional MDE items are valued at \$45 million, resulting in a new MDE value of \$1.145 billion. The total program value will increase to \$1.795 billion.

(v) Significance: This proposed sale of defense articles and services supports Romania's ongoing effort to modernize its armed forces and increase the Army's capacity to counter threats posed by potential attacks. This will contribute to the Romanian's Armed Forces effort to update their capabilities and enhance interoperability with the U.S. and other allies.

(vi) Justification: This proposed sale will support the foreign policy and national security

of the United States by helping to improve the security of a NATO ally in developing and maintaining a strong and ready self-defense capability. This proposed sale will enhance U.S. national security objectives in the region.

(vii) Sensitivity of Technology: The statement contained in the original AECA 36(b)(1) applies to the MDE items reported here.

(viii) Date Report Delivered to Congress: September 29, 2021.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-58, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$125 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDIDIAH P. ROYAL,
Deputy Director.

Enclosures.

TRANSMITTAL NO. 21-58

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

(i) Prospective Purchaser: Government of Australia.

- (ii) Total Estimated Value:
Major Defense Equipment* \$75 million.
Other \$50 million.
Total \$125 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Australia has requested to buy a United States Navy (USN) EA-18G aircraft. The USN EA-18G aircraft will then be modified into a Royal Australian Air Force (RAAF) EA-18G aircraft configuration.

Major Defense Equipment (MDE):

One (1) EA-18G Growler Aircraft (Lot 38 or later).

Non-MDE: Also included is engineering and modification; verification and validation

flight test efforts; maintenance and storage; U.S. Government and contractor engineering/technical assistance; related studies and analysis support; and other related elements of programmatic, technical and logistics support.

(iv) Military Department: Navy (AT-P-SCM).

(v) Prior Related Cases, if any: AT-P-SCI, AT-P-LEN.

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

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

(viii) Date Report Delivered to Congress: September 30, 2021.

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

POLICY JUSTIFICATION

Australia—EA-18G Growler Aircraft and
Related Defense Services

The Government of Australia has requested to buy a United States Navy (USN) EA-18G aircraft. The USN EA-18G aircraft will then be modified into a Royal Australian Air Force (RAAF) EA-18G aircraft configuration. The sale would include one (1) EA-18G Growler aircraft (Lot 38 or later) and engineering and modification; verification and validation flight test efforts; maintenance and storage; U.S. Government and contractor engineering/technical assistance; related studies and analysis support; and other related elements of programmatic, technical and logistics support. The total estimated value is \$125 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

This proposed sale will allow Australia to effectively maintain its current force projection capability that enhances interoperability with U.S. forces well into the future and maintain their original primary level of aircraft authorized. This aircraft would replace Australia's EA-18G A46-311 aircraft lost in an accident at Nellis Air Force Base. Australia currently employs the EA-18G and will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this aircraft and follow-on support will not alter the basic military balance in the region.

These aircraft will be provided from U.S. Navy stock. There are no known offset agreements proposed in connection with this potential sale.

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

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

TRANSMITTAL NO. 21-58

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The EA-18G is a derivative of the two-seat F/A-18F Super Hornet that performs an

array of airborne electronic attack (AEA) missions. The EA-18G integrates the capabilities of an advanced AEA system, as well as other complementary systems to provide one of the most capable AEA platforms in the world.

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

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

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

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

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0P-21. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 21-31 of March 19, 2021.

Sincerely,

JEDIDIAH P. ROYAL,
Deputy Director.

Enclosures.

TRANSMITTAL NO. 0P-21

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

(i) Purchaser: Republic of Korea.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 21-31; Date: March 19, 2021; Military Department: Army.

(iii) Description: On March 19, 2021, Congress was notified by Congressional certification transmittal number 21-31, of the possible sale under Section 36(b)(1) of the Arms Export Control Act of two hundred eighty-eight (288) AGM-114R Hellfire missiles. Also included were AGM-114R spare parts; U.S. Government and contractor engineering, technical, and logistics support services; repair and return; storage; and other related elements of logistical and program support. The estimated total cost was \$36 million. Major Defense Equipment (MDE) constituted \$33 million of this total.

This transmittal reports a value increase due to a decrease in global requests for Hellfire missiles, which negatively impact Hellfire production economies of scale. The estimated total increase in MDE value is \$9 million, resulting in a new MDE total of \$42 million. The total notified case value will increase to \$47 million.

(iv) Significance: This notification is being provided as the pricing for the original notification was outdated and requires an increase.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States by meeting the legitimate security and defense needs of one of the closest allies in the INDO-PACOM Theater. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to U.S. national interests to assist the ROK in developing and maintaining a strong and ready self-defense capability.

(vi) Sensitivity of Technology: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

(vii) Date Report Delivered to Congress: October 1, 2021.

ADDITIONAL STATEMENTS

REMEMBERING JUSTICE CORNELIA A. "CONNIE" CLARK

• Mrs. BLACKBURN. Mr. President, it is with a heavy heart that I take these next few moments to honor the life and legacy of and my personal friendship with Justice Cornelia A. "Connie" Clark. We lost Connie last month to a short battle with cancer.

Justice Clark was a trailblazer in the Tennessee judiciary. Her public service spanned more than four decades and culminated in a long and happy tenure on the Tennessee Supreme Court, where she served as chief justice from 2010-2012. In the days since we lost Connie, her friends on the bench have shared fond memories of a woman who was cheerful, humble, diligent, and strong in her faith, and who approached her role as a jurist with grace and equanimity.

Over the course of her distinguished career, Justice Clark prioritized ensuring access to justice. As a result of her compassionate advocacy, the once-cluttered path to the courthouse is clear for the thousands of men and women who climb its steps each year. She was an early and fierce advocate for women in the legal profession, throwing open doors for her peers and serving as a powerful role model for

young women and girls. In 2005, she helped usher in a new era for the bench when she became the fourth woman to serve on the Tennessee Supreme Court. Since 2008, the Court has boasted a female-majority bench.

On behalf of the entire Tennessee congressional delegation, I offer prayers and condolences to Connie's family and friends.

Rest in peace, Connie, and thank you for dedicating your life to the relentless pursuit of justice for all Tennesseans.●

RECOGNIZING CITY LIMITS BREW PUB

• Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month, I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor City Limits Brew Pub in Wallace as the Idaho Small Business of the Month for October 2021.

Nestled in the beautiful north Idaho town of Wallace, City Limits is a restaurant and brewery known for its extensive selection of beer, food, and amenities. For years, founder and current brewmaster Mark Burmeister brewed beer as a hobby while working in the oil industry. After retiring, he continued working and set out to establish his own beer brewing business. In 2008, he obtained a brewery license and opened a microbrewery in his garage. Equipped with a 10-gallon brewing system, he crafted an assortment of micro brews and distributed them to local businesses and taps. People loved the microbrews, and demand soared.

With growing sales and the need to expand, a group of partners joined in and purchased a new building and an adjacent RV park in Wallace in 2010. Led by partner Don Hoffman, the group remodeled the building and opened the business under its new name, City Limits Pub. They installed a new 217-gallon brewing system along with a new bathroom facility and log cabins to the RV site. The business formally changed its name to City Limits Brew Pub in 2015 and has become a thriving restaurant, pub, and attraction for thousands of locals and visitors every year.

City Limits Brew Pub is beloved in the Silver Valley. The business provides tours of the brewery, provides local drinks, and serves family-friendly food options for guests. City Limits is also heavily involved in the Wallace community. The business hosts several community events like its Oktoberfest celebration and its biennial Welcome Back to Summer Town BBQ, where local businesses showcase their upcoming summer events. City Limits also supports local community causes and has contributed to several charities over the years. The small business looks forward to continuing to serve guests and the community well into the future.

Congratulations to City Limits Brew Pub and its employees on being selected the Idaho Small Business of the Month for October 2021. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on October 2, 2021, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. BROWN) had signed the following enrolled bill:

H.R. 5434. An act to provide an extension of Federal-aid highway, highway safety, and transit programs, and for other purposes.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bill was signed on October 2, 2021, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 4, 2021, she had presented to the President of the United States the following enrolled bill:

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.

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-2299. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metalaxyl; Pesticide Tolerances" (FRL No. 8785-01-OCSP) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2300. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777a; to the Committee on Armed Services.

EC-2301. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Evaluation of the TRICARE Program; Fiscal Year 2020 Report to Congress"; to the Committee on Armed Services.

EC-2302. A communication from the Acting Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Senegal; to the Committee on Banking, Housing, and Urban Affairs.

EC-2303. A communication from the Acting Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC-2304. A communication from the Senior Congressional Liaison, Legislative Affairs, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled "College credit card agreements, Annual report to Congress (September 2021)"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2305. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12879 with respect to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-2306. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act" ((RIN2060-AV17) (FRL No. 8458-01-OAR)) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2307. 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; Approval of Missouri Air Quality Implementation Plans; Revisions to St. Louis 2008 8-Hour Ozone Maintenance Plan" (FRL No. 8707-02-R7) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2308. 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; Approval of Missouri Air Quality Implementation Plans; Revisions to St. Louis 1997 PM2.5 Maintenance Plan" (FRL No. 8708-02-R7) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2309. 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; Restriction of Emissions From Batch-Type Charcoal Kilns" (FRL No. 8754-02-R7) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2310. 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; Control of Emissions from Batch Process Operations" (FRL No. 8755-02-R7) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2311. 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; Ohio; Infrastructure SIP Requirements for the 2015 Ozone NAAQS; Correction" (FRL No. 8823-03-R5) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2312. 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; South Carolina; Updates to Ambient Air Quality Standards" (FRL No. 8968-02-R4) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2313. 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 and Operating Permit Program; KY; Public, Affected State, and EPA Review" (FRL No. 8976-02-R4) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2314. 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; Illinois; Infrastructure SIP Requirements for the 2012 PM2.5 and 2015 Ozone NAAQS" (FRL No. 9056-02-R5) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2315. 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; Louisiana; Regional Haze Five-Year Progress Report State Implementation Plan" (FRL No. 8696-02-R6) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2316. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California" (FRL No. 8727-02-R9) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2317. 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 Quality Designations; NC; Redesignation of the Brunswick County 2010 Sulfur Dioxide Unclassifiable Area" (FRL No. 8874-02-R4) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2318. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of State Underground Storage Tank Program Revisions; Nevada" (FRL No. 8977-02-R9) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2319. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Michigan; Partial Approval and Partial Disapproval for Infrastructure SIP Requirements for the 2015 Ozone NAAQS" (FRL No. 8999-02-R5) received in the Office of the President of the Senate on September 28, 2021; to the Committee on Environment and Public Works.

EC-2320. 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; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standards Second Maintenance Plan for the Green County Area" (FRL No. 8686-02-R3) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2321. 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; Imperial County Air Pollution Control District" (FRL No. 8759-02-R9) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2322. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Kansas: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference" (FRL No. 8775-02-R7) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2323. 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; San Diego County Air Pollution Control District" (FRL No. 8797-02-R9) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2324. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Infrastructure requirements for the 2015 Ozone National Air Quality Standards" (FRL No. 8907-02-R2) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2325. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities; New York" (FRL No. 8921-02-R2) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2326. A communication from the Acting Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of

a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey and New York; 1997 Ozone Attainment Demonstrations for the NY-NJ-CT Nonattainment Area" (FRL No. 8928-02-R2) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

EC-2327. 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 28, 2021; to the Committee on Environment and Public Works.

EC-2328. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NUREG-1021, Rev 12, Operator Licensing Examination Standards for Power Reactors" (NUREG-1021) received in the Office of the President of the Senate on September 23, 2021; to the Committee on Environment and Public Works.

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. HASSAN (for herself and Mr. CRAMER):

S. 2924. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to transmit certain information to personnel of Vet Centers of the Department of Veterans Affairs regarding members of the Armed Forces transitioning from service in the Armed Forces to civilian life, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. ROSEN (for herself and Mr. CASSIDY):

S. 2925. A bill to provide for a strategic plan for the domestic manufacture of necessary medical supplies or supplies needed to facilitate emergency or medical response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN:

S. 2926. A bill to require certain entities to disclose to the Secretary of Homeland Security ransom payments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOKER:

S. 2927. A bill to amend requirements for awarding the National Medal of Science, the National Medal of Arts, and the National Technology and Innovation Medal, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OSSOFF:

S. 2928. A bill to amend section 245 of title 18, United States Code, to expand protections for election workers, polling places, and other election infrastructure against threats and violence; to the Committee on the Judiciary.

By Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. TILLIS, and Mr. HAWLEY):

S. 2929. A bill to establish a Joint Select Committee on Afghanistan to conduct a full investigation and compile a joint report on the United States withdrawal from Afghani-

stan; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mrs. BLACKBURN, Mr. BRAUN, Mrs. CAPITO, Mr. CRAMER, Mr. DAINES, Mr. HAGERTY, Mr. HAWLEY, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. LANKFORD, Ms. LUMMIS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. WICKER, Mr. YOUNG, and Mr. BAR-RASSO):

S. Res. 407. A resolution designating the week of October 3, 2021, through October 9, 2021, as "Religious Education Week" to celebrate religious education in the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 185, a bill to amend title 31, United States Code, to limit the face value of coins.

S. 535

At the request of Ms. ERNST, the name of the Senator from Delaware (Mr. COONS) 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. 796

At the request of Ms. DUCKWORTH, the names of the Senator from Delaware (Mr. COONS) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 796, a bill to codify maternity care coordination programs at the Department of Veterans Affairs, and for other purposes.

S. 1312

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1312, a bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer and for other purposes.

S. 1404

At the request of Mr. MARKEY, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1404, a bill to award a Congressional Gold Medal to the 23d Headquarters Special Troops and the 3133d Signal Service Company in recognition of their unique and distinguished service as a "Ghost Army" that conducted deception operations in Europe during World War II.

S. 1636

At the request of Mr. MARSHALL, the name of the Senator from Wyoming

(Mr. BARRASSO) was added as a cosponsor of S. 1636, a bill to clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

S. 1670

At the request of Ms. ERNST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1670, a bill to amend the Internal Revenue Code of 1986 to provide a non-refundable credit for working family caregivers.

S. 1779

At the request of Ms. DUCKWORTH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1779, a bill to amend title 38, United States Code, to eliminate copayments by the Department of Veterans Affairs for medicines relating to preventive health services, and for other purposes.

S. 1813

At the request of Mr. COONS, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 2011

At the request of Mr. COONS, the name of the Senator from Indiana (Mr. YOUNG) 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. 2372

At the request of Mr. HEINRICH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. KLOBUCHAR) 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. 2376

At the request of Mr. CRUZ, the names of the Senator from North Dakota (Mr. CRAMER) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 2376, a bill to ensure the parental guardianship rights of cadets and midshipmen consistent with individual and academic responsibilities, and for other purposes.

S. 2634

At the request of Mr. SCHATZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2634, a bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to issue guidance and recommendations for institutions

of higher education on removing criminal and juvenile justice questions from their application for admissions process.

S. 2736

At the request of Mr. BURR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor 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. 2737

At the request of Mr. INHOFE, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2737, a bill to amend the American History and Civics Education program under the Elementary and Secondary Education Act of 1965 to require inclusion of programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

S. 2780

At the request of Mr. MARSHALL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID-19 vaccine.

S. 2843

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2843, a bill to prohibit the imposition of a fine, fee, or taxation on any person for violation of a COVID-19 vaccine mandate issued by the Occupational Safety and Health Administration or any other executive agency, and for other purposes.

S. 2846

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2846, a bill to require Federal agencies to acknowledge, accept, and agree to truthfully present, natural immunity pertaining to COVID-19 pursuant to promulgating certain regulations.

S. 2847

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2847, a bill to prohibit the Federal Government from mandating vaccination against COVID-19 for interstate travel.

S. 2848

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2848, a bill to exempt individuals with a personal health concern from complying with a Federal COVID-19 vaccine mandate, and for other purposes.

S. 2849

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2849, a bill to stipulate that nothing in Federal law provides a Federal agency

with the authority to mandate that an individual be inoculated by a COVID-19 vaccine.

S. 2850

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2850, a bill to exempt individuals from complying with a Federal COVID-19 vaccine mandate on the basis of a personal belief, and for other purposes.

S. 2851

At the request of Mr. LEE, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2851, a bill to require an audit of COVID-19 relief funding.

S. 2853

At the request of Mr. BROWN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 2853, a bill to provide grants to State, local, territorial, and Tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.

S. 2863

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CORNYN) 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. 2866

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2866, a bill to prohibit the Secretary of Health and Human Services from restricting direct access by health care facilities to COVID-19 monoclonal antibody therapies.

S. 2891

At the request of Mr. LEAHY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of 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.

S. 2922

At the request of Ms. DUCKWORTH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2922, a bill to establish a commission to study the war in Afghanistan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—DESIGNATING THE WEEK OF OCTOBER 3, 2021, THROUGH OCTOBER 9, 2021, AS “RELIGIOUS EDUCATION WEEK” TO CELEBRATE RELIGIOUS EDUCATION IN THE UNITED STATES

Mr. GRAHAM (for himself, Mrs. BLACKBURN, Mr. BRAUN, Mrs. CAPITO,

Mr. CRAMER, Mr. DAINES, Mr. HAGERTY, Mr. HAWLEY, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. LANKFORD, Ms. LUMMIS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. WICKER, Mr. YOUNG, and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 407

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right protected by the First Amendment to the Constitution of the United States;

Whereas the United States has long recognized that the free exercise of religion is important to the intellectual, ethical, moral, and civic development of individuals in the United States, as evidenced by Founders of the United States, such as—

(1) Benjamin Franklin, who believed religion to be “uniquely capable of educating a citizenry for democracy”; and

(2) George Washington, who said in his farewell address, “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.”;

Whereas religious education is useful for self-development, because it asks students to consider and respond to questions concerning the meaning and purpose of life, engages students in questions about morality and justice, and enables students to identify their values;

Whereas studies like the one published by the International Journal of Mental Health Systems in 2019 have shown that religious education can be “instrumental to improving adolescent mental health” by helping children learn how to make decisions based on morals, promoting less risky choices, and encouraging connectedness within a community, which can enhance self-esteem and well-being;

Whereas religious education fosters respect for other religious groups and individuals generally by acknowledging a source for human dignity and worth;

Whereas the Supreme Court of the United States found in *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), that the state does not have power “to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”;

Whereas religious instruction can come from a variety of sources, including sectarian schools and released time programs;

Whereas, according to the National Center for Education Statistics, in 2015, 4,350,000 children in the United States attended sectarian elementary and secondary schools where those children received religious education; and

Whereas the Supreme Court of the United States held in *Zorach v. Clauson*, 343 U.S. 306 (1952), that State statutes providing for the release of public school students from school to attend religious classes are constitutional, and, as a result, an estimated 540,000 public school students in the United States take advantage of released time programs each year: Now, therefore, be it

Resolved, That the Senate—

(1) affirms the importance of religious education in the civic and moral development of the people of the United States;

(2) celebrates the schools and organizations that are engaged in religious instruction of the children of the United States to aid those children in intellectual, ethical, moral, and civic development;

(3) calls on each of the 50 States, each territory of the United States, and the District of Columbia to accommodate individuals who wish to be released from public school attendance to attend religious classes; and

(4) designates the week of October 3, 2021, through October 9, 2021, as “Religious Education Week”.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Mr. President, I ask unanimous consent that the following interns in my office be given floor privileges until December 17, 2021: Paris Nguyen and Seth Ricketts.

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

ORDERS FOR TUESDAY, OCTOBER 5, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, October 5; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Adams-Allen nomination, as provided under the previous order; further, that the Senate recess following the cloture vote on the Adams-Allen nomination until 2:15 p.m. to allow for the weekly caucus meetings; that all postcloture debate time on the Adams-Allen nomination expire at 2:15 p.m.; finally, if any nominations are confirmed on Tuesday, 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 10 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 6:51 p.m., adjourned until Tuesday, October 5, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES INVESTOR PROTECTION CORPORATION

CLAUDIA SLACK, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2023, VICE ORLAN JOHNSON, RESIGNED.

DEPARTMENT OF COMMERCE

JED DAVID KOLKO, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE KAREN DUNN KELLEY.

DEPARTMENT OF ENERGY

JOSEPH F. DECAROLIS, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, VICE LINDA CAPUANO.

MARIA DUAIME ROBINSON, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (OFFICE OF ELECTRICITY), VICE BRUCE J. WALKER.

ENVIRONMENTAL PROTECTION AGENCY

HENRY CHRISTOPHER FREY, OF NORTH CAROLINA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE PAUL T. ANASTAS.

DEPARTMENT OF STATE

MICHAEL M. ADLER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BELGIUM.

ERIK D. RAMANATHAN, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWEDEN.

CALVIN SMYRE, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SUSAN HARTHILL, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2027, VICE JAMES J. SULLIVAN, JR., TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2026. (REAPPOINTMENT)

IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR SPACE FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

CHRISTINA N. GILLETTE
D. S. ROGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR SPACE FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be colonel

JAMES W. CROSSLEY
MARK P. HENDERSON
KENNETH F. L. KLOCK

To be lieutenant colonel

NANCY J. CASTRO
STACY H. GODSHALL
EDWARD M. GUTIERREZ
JAMES W. LEE
PATRICK F. MCINERNEY
NICHOLAS R. SHAW
ERIKA M. TEICHERT
ALEXANDER M. VUCEVIC

To be major

MICHAEL J. CABIC
JOHN H. CHAMBERLIN
STEPHANIE K. FLOWERS
THOMAS L. HARRIS
STEPHANIE E. HAYNES
ANDREW S. HINES
ERIC S. KINZBRUNNER
NICHOLAS C. MILANO
JARED D. MYERS
BRENDON P. SMERESKY

CONFIRMATION

Executive nomination confirmed by the Senate October 4, 2021:

DEPARTMENT OF HOMELAND SECURITY

JONATHAN EUGENE MEYER, OF OHIO, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY.