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Senate

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

PRAYER

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

Let us pray.

Everlasting Father, enable us to love You with all our hearts, souls, minds, and strength. Give us humility so we can see Your divine image in the people around us and serve You by serving them. Let this love expressed in service transform our Senators, Nation, and world.

Lord, guide our lawmakers. Make them kind in thought, gentle in speech, and generous in actions. Help them to avoid the arena of combative words and seek a caring community of integrity, respect, and civility.

Lord, teach them that it is better to give than to receive, as You lead them to a humility that seeks great things for others.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATIONS

Mr. SCHUMER. Madam President, the Senate begins this week with votes to confirm two more highly qualified Biden nominees—one to serve in his administration and another to serve on the Federal bench.

First, we will vote to confirm Mr. Douglas Parker to serve as an Assistant Secretary of Labor for OSHA. A veteran of the Labor Department from the Obama administration, Mr. Parker will be the first Senate-confirmed OSHA head since the Obama Presidency.

He has a proven track record of protecting everyday Americans in the workplace—more important now than ever before—and I look forward to his confirmation later today.

The fact that the previous administration left OSHA empty for 4 years shows how little they cared about worker safety and protecting our workers, as many of them often do difficult jobs.

Second, the Senate will also proceed to the confirmation of a truly outstanding judicial nominee, Myrna Perez, to serve as circuit judge for the Second Circuit, which includes my home State of New York. It is a good day for the Second Circuit and for the entire Federal judiciary.

If confirmed, Myrna Perez would be a remarkable, remarkable addition to the bench. She would be the only Hispanic jurist to sit on the Second Circuit and the first since Justice Sonia Sotomayor.

And just as I was proud to support Justice Sotomayor's nomination—I even suggested her name for the Supreme Court to President Obama, a fact I am proud of—I am also, today, proud to champion Myrna's elevation to the bench.

Myrna's life was the embodiment of the American dream. The daughter of Mexican immigrants, she grew up in San Antonio, TX, where her father was an Army veteran who worked as a consultant with Bexar County, while her mother worked in the post office.

As Myrna herself will tell you, growing up in a family of immigrants often meant breaking through linguistic, cultural, and racial barriers. And of all places, perhaps nowhere else did these barriers leave an important imprint on Myrna than when her aunt took her to the polls on election day. It was there where Myrna realized how an election system built from Byzantine rules shut out countless citizens from the political process. This experience instilled in Myrna a thirst for making our democracy work for all, and that has become her life's work.

After graduating from Yale, Harvard, and Columbia, Myrna eventually joined the Brennan Center for Justice, becoming the director of its Voting Rights and Elections Program. Over the course of her career, Myrna has become one of the Nation's top voting rights and elections lawyers, playing a key role in making sure Americans could vote safely in the 2020 election. She also has fought unlawful purges of voting rolls, spoken out against long wait times at polling locations in diverse neighborhoods, and has played major roles preparing six amicus briefs before the Supreme Court, including one for the Shelby case in 2013.

But Myrna's qualifications are not limited to her experience as a voting rights litigator. She is also a brilliant attorney with experience in fair housing law, disability rights, and employment discrimination. In the words of one former colleague, her skills as a lawyer are simply ''off the charts.''

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

The cupboards of the Federal judiciary have long been filled with attorneys who have taken the traditional route on their way to the bench—a big law firm, corporate experience, prosecutorial experience. Many of those jurists have done commendably on the bench, and I have been proud to support many of them over the years. But Myrna Perez represents something different, something wonderfully different: a sorely needed boost in both the personal and professional diversity of the Federal bench.

Especially now, we need more election lawyers in black robes. We need more Federal defenders in black robes. We need more immigrants and civil rights lawyers and diverse candidates assuming positions on the bench. We need, in other words, for our courts to reflect the rich mosaic that is the American people. With Myrna Perez's nomination, I am glad we are taking a step closer to that goal, and I hope she is confirmed later today.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Madam President, now, in addition to Myrna Perez's nomination, I have also filed cloture on five additional judicial nominations, which we will begin working on tomorrow. It is my hope that we can work to process these nominees through the Chamber quickly. They are all outstanding individuals with proven records of fidelity to the rule of law.

As we keep making progress on many pressing issues to help the American people, Senate Democrats will also continue working swiftly to fill judicial vacancies with qualified, mainstream jurists who, again, add to the bench's diversity, both demographic and occupational. All year long, that is precisely what we have done.

This year, the Senate has already confirmed the first Native American and Muslim Americans to the Federal bench, as well as multiple civil rights attorneys, public defenders, voting rights experts, and more. This is how we work to strengthen not only diversity in our judiciary but the public's trust that it truly represents all Americans.

BUILD BACK BETTER

Mr. SCHUMER. Now on Build Back Better, we had a productive weekend as we continue to close in on a final agreement for President Biden's Build Back Better plan.

Yesterday morning, I traveled to Delaware to meet with the President and Senator MANCHIN about our agenda. It was a very good meeting. I thank the President for his leadership, and I also thank my colleagues in both Chambers for their shared commitment to getting this consequential and desperately needed legislation across the finish line.

No one ever said passing transformational legislation like this would be easy, but we are on track to get this done because it is so important and it is what the American people need and what they want. The progress of last week illustrated that if we stick together and work toward finding that legislative sweet spot, then we can get big things done for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Madam President, the biggest tax hikes in 50 years; the biggest peacetime tax hikes ever recorded in American history—that is what Washington Democrats are cooking up. Our Democratic colleagues and President Biden are behind closed doors, dreaming up creative new ways to grab literally historic amounts of the American people's money.

Remember, the same socialist spending plans that Democrats claim cost zero dollars somehow also need staggering new tax hikes to pay for them. So, even with significant inflation, runaway gas prices, and runaway energy costs already hitting American families in their pocketbooks, Washington Democrats have spent months dreaming up new cash grabs for the IRS.

Democrats have talked about massively hiking business taxes, to a level that would leave industries paying more than their competitors in communist China. They have talked about jacking up marginal income tax rates in ways that would hammer small businesses and family businesses that file as passthroughs. They have talked about adding a second death tax to give the IRS an even bigger bite out of family farms. They have even promised something that our country has never seen before: a new IRS surveillance dragnet where the IRS would get to track ordinary citizens' inflows and outflows. Banks and credit unions would be forced to hand over Americans' private information to the IRS. The Democrats are so desperate to shake down the American people for money that they are proposing to essentially treat everybody—everybody—like they are under audit.

For months now, our Democratic colleagues have been toying with one staggering tax increase after another. We have seen one disappointing jobs report after another, one historic inflation report after another, but Democrats are still convinced that the biggest peacetime tax hikes on record in American history are just what the doctor ordered.

As one news report explained, ''the scramble has opened the door to potential tax proposals [that] progressives could only have dreamed of''—just dreamed of—''just a few months ago.''

The far left is officially calling the shots, and that is where the latest new craziness comes into the picture. If public reporting has it right, the Democrats are so desperate to raise taxes that they are now proposing to tax money the American people haven't even made yet. Let me say that again. They are now proposing to tax money the American people haven't even made yet. Yes, you heard me right. So much for the quaint idea that you had to actually make money first before the IRS could tax it. Now Democrats want to tax money you haven't made yet.

There are already capital gains taxes that Americans pay when they cash out an investment, when they sell what they have been holding and realize actual gains. Now Democrats want to go much further and tax certain citizens just because their holdings have gone up in value, regardless of whether they have actually sold them and made any money.

Get this: In parallel with taxing people on hypothetical gains they haven't realized, they apparently also want to hand out tax breaks for hypothetical losses—losses—that people haven't realized. So they want to tax gains they haven't realized and hand out tax breaks for losses people haven't realized.

This harebrained scheme would have the IRS penalizing people who have invested wisely and compensating people who have invested poorly, all independent of whether they have actually made or lost any money. Let's just think of the unintended consequences, like the fact that, in the event of a market crash or financial crisis, the government would be on the hook for massive automatic tax cuts for billionaires or the fact that some experts suggest this new scheme would drive the wealthiest Americans away from stocks and bonds, push them into other tax shelters, and thereby reduce the growth in ordinary Americans' investments that households rely on for college funds and 401(k)s.

Or the fact that new, innovative entrepreneurs whose startups begin to grow in value could now get hit with a crushing tax bill long before their company is actually cash-flow positive. The next visionary startup founder could have to sell away ownership prematurely just to pay Uncle Sam.

Our Democratic colleagues have become so tax hike happy that they are throwing spaghetti at the wall to see what sticks. Now they are talking about rewiring the entire economy

after a couple of days' discussions on the back of an envelope. It is a massive and untested change that has not received any—any—meaningful study or scrutiny.

Even the Democratic chairman of the House Ways and Means Committee is complaining:

It hasn't been marked up, and there's been no vetting of it.

Our Democratic colleague, the senior Senator from Montana, says:

Anytime you get into stuff that's not proven in the tax code, it becomes a bit dangerous.

The senior Senator from Virginia says:

My fear is that we're going to try some innovative new ideas and if we don't have time to develop them . . . we could mess some of this up.

No kidding, Madam President.

This is just the latest saga in this long parade of Democratic tax hikes. Nonpartisan analysts have shown that various aspects of the Democrats' plans would shatter President Biden's promise to leave the middle class alone. I guarantee you, the middle class will get hit.

When Republicans had power, we prioritized giving Americans a big tax cut. We wanted families to keep more of their own money and make American businesses more competitive all around the world.

Democrats want the opposite—historic tax hikes. So families keep less, Washington gets more, and our competitors, like China, can pop the champagne.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Jia M. Cobb, of Virginia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The majority whip.

BUILD BACK BETTER

Mr. DURBIN. Madam President, it is possible—it is just possible—that the Republican Senator from Kentucky, who is the minority leader on the floor, has been sitting in on the revenue negotiations for the reconciliation. But it is possible—I don't rule that out—it is possible that we didn't know it, but he was actually sitting for breakfast in Wilmington, DE, with Schumer, Manchin, and other leaders as they were hammering out the revenue and tax portions, but I doubt it.

I doubt that the Senator from Kentucky has really been in the inner workings and decision process of what is going to be in the revenue package when it comes to the reconciliation bill. I couldn't tell you.

Maybe the Presiding Officer knows more than I do; but it is a matter of negotiation, and it is ongoing, and it has not been agreed to. Yet when you hear the Senator from Kentucky come to the floor, he is announcing what is going to be in the package as if he knows. I don't think he does.

There are a couple of things that we do know for sure. We know what the Republican vision of tax policy in America is because they have shown it to us over and over again. When Donald Trump was elected President, the Republican Senators had a chance to do their reconciliation package, and they devoted it to changing the Tax Code.

And to no one's surprise, they came through with their time-honored approach: cut taxes on the wealthiest people in America and the poor and middle-class people will be happy as clams.

Well, they did it and did it again and added to the deficit in the process. In fact, under their Republican President, Donald Trump, we had the largest increase—36 percent—in the debt than under any President in history.

So when they come talking to us about tax policy, they favor the rich; and the impact on the deficit, they don't pay any attention to it when they have a President of their own party. I think we know that the facts speak for themselves.

Here is what we do know as well: One of the provisions in the American Rescue Plan under President Biden really specifically went after helping working families and lower-income families. And it bears remembering and repeating that not a single Republican was willing to vote for that package in either the Senate or the House. They all voted against it.

One of the things included in it was a tax break for families with kids. How about that? A tax break for families with kids instead of a tax break for the multimillionaires and billionaires which were part of the Republican package 4 years ago.

So it basically came down to kids under the age of 6, parents received $300 a month in a tax break; and those between 6 and 17—I think these figures are correct—received $250 a month. That money flowing to these families with children was the largest tax cut—it really dwarfed anything that the Republicans ever did to help working families. And we are trying to keep it on the books. I am, and I think you are too, and all of us are.

Do you know why? Because we have too darn many families struggling in America, and they are in poverty.

And we talk a lot about it, and we say: ''Isn't it a darn shame in a great country like this? That you can't afford food for your children, you can't afford a roof over your head, you are facing eviction, you can't afford the basics to send them to school, you can't afford new clothes and a new pair of shoes.''

We say, Isn't it a darn shame. But now we have done something about it in the American Rescue Plan without a single Republican vote, not one. So our tax policy helps lower-income families, particularly those with children, and if we can do it—I think we can—we can engineer that tax cut to make it permanent to help families.

I just heard President Biden—he was in New Jersey speaking about infrastructure and Build Back Better, the reconciliation plan. He said that in the State of New Jersey, this child tax credit, which we enacted without a single Republican vote helping us, has reduced child poverty in that State by 36 percent. I will bet you it has done the same thing in my State if it has done it in New Jersey.

So we are getting practical results that help working families. If we have our way in reconciliation, we are going to give the largest tax cut in the history of this country to middle-income and working families, exactly the opposite of what the Senator from Kentucky just said: ''Oh, it'll be the biggest tax increase in history.''

Well, there will be a tax increase, I hope, for those who can afford to pay it, and that means the same people who got a benefit 4 years ago from the Trump Republican tax policy.

A lady named Lydia in my home State of Illinois described what this means to her. She wrote to my office, and she said: ''With the child tax credit, I'll be able to buy my kids their school supplies, clothes, things they need to go back to school,'' and she added, ''be able to buy some groceries.''

Think about the last time that any Senator stopped and thought: I wonder if I will have enough money to buy groceries this week.

Here is a mom in Illinois, with kids, who says that our tax policy—the one that was just criticized by the Senate Republican leader—is helping her.

Well, if the Republicans were in charge, I am afraid they would take that money that Lydia, who wrote to me, is talking about buying groceries and put it right in Jeff Bezos' pocket.

Now, I have nothing against Mr. Bezos. He has done fabulously well. I have talked to him once, maybe twice, a long, long time ago. I am not opposed to people investing in business, being successful, and making money, but I don't believe that his income should be somehow walled off from the Tax Code. I believe he ought to pay his fair share. And if I remember correctly—and I will stand corrected if I am wrong—I don't believe he paid taxes last year.

So we are looking at that and saying: Mr. Bezos, congratulations. Amazon is a big deal. It is making a lot of money, and all of us—most of us—are participating in it, but you ought to pay some taxes. If you can build rockets and

take your friends up for a little shot into space, shouldn't you pay a few bucks in taxes?

I don't think it is unreasonable.

The same thing holds true for these corporations. When we look at the biggest corporations and most profitable in America, too darned many of them pay no Federal taxes.

What is going on here?

We live in a country where success leads to wealth, and wealth leads, I think, to some social responsibility, and that includes paying your taxes.

Under President Biden's Build Back Better agenda, we want to extend the child tax credit, give working families a little breathing room, and reduce child poverty in America. Now, if they want to come up and criticize us for reducing child poverty in America, so be it, but call it for what it is. We are putting our tax policy on the side of families with kids.

For our Republican colleagues who say families like Lydia's don't need any help, they do. And we cannot walk away from them.

Not a single Republican will vote for this reconciliation bill. We know it. They didn't vote for the rescue plan. That is just their choice. I'm sorry to say that we are not going to build back America better unless we change some policy and tax policy to help working families makes a difference.

I mentioned to you how the deficit skyrocketed during the Trump administration. Well, the Senator from Kentucky comes and repeats over and over again: Well, they are going to do it again; they are going to run up the deficit.

We have a plan to pay for the programs that we are talking about, and it means putting a new tax responsibility on people who are wealthy.

The President made it clear: I don't want taxes going up on anybody making less than $400,000 a year.

So any tax policy we have will affect the wealthy and corporations that aren't paying their fair share. That is our approach. It is quite a bit different than the Republican approach.

Building back better is also going to do something about easing long-term inflationary pressure and making life affordable for families. The things we will invest in, in the Build Back Better agenda, are spread over a number of years, and they will pave the way for an enduring economic recovery. These policies will help parents get back to work by making safe, reliable childcare more accessible.

I don't know what the final negotiations will be on Build Back Better. We know the amount of money involved is going to be less than we originally thought. We are going to have to change some things, but I certainly hope that this idea of childcare—affordable, quality, safe childcare—is part of the final package.

It means so much to so many working families, particularly to moms who can't get back to work unless they have peace of mind and have their kids in good hands while they are working.

Everyone, from single mothers to our Nation's economists, can tell you the best way to stabilize the American economy is by supporting working families.

In fact, the report by Moody's concluded that the Republican fearmongering about inflation—and we hear it every day on the floor—Moody's called it ''overdone.'' Moody's is hardly a Democratic publication. But the fear of inflation is one of the reasons Republicans give for not wanting to even talk about changing tax policy in America.

This pandemic has shown us the cracks in our economy. This Build Back Better package will get us to the point where we can start to rebuild it in the right way—give families financial relief, invest in our Nation's economic potential.

The President said in New Jersey—and I couldn't agree with him more—we have never gone wrong in America investing in the people in this country. We have a lot of hard-working people. They do it every single day for their families. Those who come to this country keep up the tradition.

But they need the tools to succeed. One of those tools is education. I hope we can find a way to expand opportunities in education for training for our workers into the 21st century.

Talk about giving the store to the Chinese, if we don't invest in our workers and their training and education in the next generation to make sure that it is smarter than the last, then, we are going to lose ground to the Chinese.

I wanted to say one last word here. I see the Senator from Ohio is here so I am going to be quick about this.

It is easy to overlook—take a look at this chart. It is easy to overlook computer chips, small pieces of silicon. They power so many products and appliances, that we use every day, that we don't pay much attention. They are in our computers, smartphones, life-saving medical equipment, appliances, microwaves, and our cars—dozens even in the cars that we drive.

There is a global shortage of microchips. That is one of the reasons why it has slowed down production of new vehicles and why the market for used vehicles is tighter than usual, because of these little chips. And we have become too reliant on foreign countries to produce them.

In a bill that we considered a few months ago, we put direct investment in America in building microchips. I think that is money well spent. I hope it works. I think it can. If we can provide these microchips, we don't have to wait for some company in Taiwan or China to send us this critical element that is needed to build all of these products.

The global shortage of computer chips and the higher cost to consumers is one example of how we failed to invest in our Nation's resilience. I have to say that education and investment in American production and workers is the best way to get this economy moving again. We need to have a reserve supply of these chips so that we can build the autos and provide for the assembly lines and stabilize prices for everything from toasters to tractors.

It is an important undertaking, and I hope my colleagues will realize that Build Back Better, the reconciliation bill, is dedicated to the same premise.

NOMINATION OF MYRNA PEREZ

Madam President, let me close with reference to a vote that we face today.

We have another qualified nominee, Myrna Perez, for the Second Circuit Court of Appeals. She is really competent and experienced. She has been handling complex civil litigation and will be ready to serve on the Second Circuit on day one.

She has earned degrees from Yale University, Harvard University, and Columbia Law School. After graduating, she clerked for the U.S. District Court for the District of Pennsylvania and the Third Circuit Court of Appeals. She has dedicated her career to defending Americans' right to vote through her work at the Brennan Center for Justice, where she serves as the director of the Voting Rights and Election section. In this capacity, she has led their efforts to defend the Voting Rights Act and to protect, as John Lewis said, this ''precious, almost sacred right.''

Far too few nominees to the Federal bench have significant experience in handling civil rights and voting rights matters. In Ms. Perez, the Senate has the opportunity to confirm a competent judge who will bring this experience to the bench. Importantly, she understands the difference between being an advocate and a judge. I have every confidence she will serve with diligence, fairness, and impartiality.

And she will also bring demographic diversity to the Second Circuit. She will be the first Latina to serve on that court since former Judge Sonia Sotomayor—now Justice Sotomayor.

Ms. Perez's nomination has received broad support—across the spectrum—from national civil rights groups, leaders in law enforcement, academics, faith leaders, as well as Senators from her own State, Senators Schumer and Gillibrand.

One group of police chiefs and sheriffs and prosecutors sent a letter extolling her virtues. I ask unanimous consent to have it printed in the RECORD.

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

JULY 9, 2021.

Re Law Enforcement Support for Nomination of Myrna Pérez to the U.S. Court of Appeals for the Second Circuit.

Hon. CHARLES SCHUMER,
Majority Leader, U.S. Senate, Washington, DC.
Hon. RICHARD DURBIN,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER SCHUMER, MINORITY LEADER MCCONNELL, CHAIRMAN DURBIN, and RANKING MEMBER GRASSLEY: As members of law enforcement, across the political spectrum, we write to express our support for the confirmation of Myrna Pérez to serve on the United States Court of Appeals for the Second Circuit. The undersigned include current and former police chiefs, sheriffs, and federal, state, and local chief prosecutors from jurisdictions throughout the United States.

Ms. Pérez' distinguished legal career includes leading the Brennan Center for Justice's Voting Rights and Election Program, serving as the Civil Rights Fellow at Relman, Dane & Colfax, and clerking for the Honorable Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and Honorable Julio M. Fuentes of the United States Court of Appeals for the Third Circuit. For nearly two decades, Ms. Pérez' primary concern has been honoring the Constitution to ensure that our nation's democracy is inclusive, voting rights are protected, and elections are administered fairly.

As leaders in law enforcement, we are deeply concerned with the rule of law and view public safety as intrinsically linked with the public's confidence and trust in our nation's democracy. Ms. Pérez has spent her entire career as a civil rights attorney and public servant, frequently working alongside the law enforcement community in efforts to restore federal and state voting rights for ex-offenders disenfranchised by a felony conviction. We are confident that Ms. Pérez will bring diversity of thought and experience to the federal bench and that her conviction for what is fair and just will strengthen the integrity of our nation's judiciary.

We respectfully urge the Senate Committee on the Judiciary to swiftly advance Ms. Pérez's nomination and for the Senate to confirm this exceptional nominee without delay.

Sincerely,

Jim Bueermann, Former President, National Police Foundation, Former Police Chief, Redlands, California;

Zachary W. Carter, Former Corporations Counsel, New York, New York, Former U.S. Attorney, Eastern District of New York;

Steve Conrad, Former Police Chief, Louisville, Kentucky;

Barry Grissom, Former U.S. Attorney, Kansas;

Ronald Hampton, Former Executive Director, National Black Police Association;

Peter Holmes, City Attorney, Seattle, Washington;

John Hummel, District Attorney, Deschutes County, Oregon;

James E. Johnson, Former Corporation Counsel, New York, New York, Former Undersecretary for Enforcement, U.S. Department of the Treasury;

Joel Merry, Sheriff, Sagadahoc County, Maine, Former President, Maine Sheriffs Association;

Melba Pearson, Former President, National Black Prosecutors Association, Former Assistant State Attorney, Miami-Dade County, Florida;

Richard Pocker, Former U.S. Attorney, Nevada;

Donald Raley, Former Police Chief, Artesia, New Mexico;

Kathleen O'Toole, Former Police Chief, Seattle, Washington, Former Police Commissioner, Boston, Massachusetts, Former Public Safety Secretary, Massachusetts.

Mr. DURBIN. Several faith leaders also submitted letters, including Rev. Allison DeFoor, who wrote that Ms. Perez is ''an individual of the highest integrity. She is thoughtful and sound in her judgment and committed to principles of justice that transcend politics. She embodies the true meaning of public service and would be an exceptional federal judge.''

Ms. Perez's nomination received bipartisan support in the Judiciary Committee.

In short, she is a seasoned litigator, ready to take on an important job. I hope my colleagues will join me in supporting her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

INFRASTRUCTURE BILL AND GOVERNMENT SPENDING

Mr. PORTMAN. Madam President, I am here on the floor again this evening to talk about the legislation that is before us.

One is the bipartisan infrastructure legislation that passed this Chamber with 69 votes. It is great for America. It addresses real problems we have in upgrading our infrastructure, but it also deals with competitiveness.

My colleague from Illinois just made a good point that we are in a global competition with other countries, including China. One reason we are not doing as well as we should is that the other countries are putting a lot more of their money into infrastructure—because it is good for their economies—and we are not.

As an example, China spends a lot more, as a percent of their GDP, on infrastructure than we do—much more. So bridges and roads and railways and ports—ports are a big problem right now—all of these would be improved and would make our economy, therefore, more efficient. As the economists say, that makes us more productive as a country and allows us to be able to compete globally.

Right now, with these supply chain issues, whether it is freight on the rail system or whether it is our highway system, or whether it is our port system or our waterway system, all of which need help, it would be easier for us to deal with this transition we are going through if we had better infrastructure.

This infrastructure bill, unfortunately, has gotten intertwined with another bill over in the House of Representatives. So, although it passed here on its own merits—standing alone as an infrastructure bill with no new tax increases, no tax increases—when it got to the House of Representatives, the Speaker of the House wanted to combine it with another bill, which is what has been called around here the reconciliation bill, which refers to a process here in the U.S. Senate—a rare process—where, instead of having the normal 60 votes—a supermajority for legislation—under reconciliation, a couple of times a year, you can have something that only needs to get 50 votes, assuming that you have the Presidency in your party because then the Vice President, as the President of the Senate, can come and break the tie to get to 51. So that is the reconciliation process that the Democrats want to use for this other bill.

What is the other bill?

It is a huge tax-and-spend bill.

Just as I believe infrastructure would be good for our country, it is actually counterinflationary based on the economists.

Why?

Because you are doing long-term investments in capital assets. That is good for pushing back against inflation. More spending on social programs, which is what is in the reconciliation bill, would add to inflation at a time when we already have a huge problem there.

Also, the huge amount of spending would be unprecedented. We will talk about that in a minute, depending on how much spending is in there.

So that is one bill, and the infrastructure bill is separate.

I, again, call on my colleagues in the House of Representatives—the leadership over there—to let the infrastructure bill go, allow it to be voted on on its merits. Don't tie it as a political hostage to this reconciliation bill, the tax-and-spend bill, that the Democrats have had a really hard time passing through the system. Infrastructure needs to stand on its own. The American people deserve that. It has been almost 3 months—almost 3 months—since the Senate passed it, and people are waiting, and they deserve the help.

By the way, it helps in a broad range, not just on the roads and bridges and the rail and the ports and the waterways I talked about; it helps with resilience to push back against an actual disaster—something all of our States are experiencing.

It is something that helps with regard to our energy policy—it makes us more competitive—and, yes, it encourages us to use the resources we have but to do so through carbon capture. And it encourages us to move to more electric vehicles; it encourages us to be more competitive on that front as well.

Infrastructure means, also, digital infrastructure. It actually, for the first time ever, provides a huge boost to having high-speed broadband spread all around the country, particularly in our rural areas, like in Ohio, where we have some areas—about a third of our State—that do not have access to it. People can't do the appropriate telehealth that they want to do. They certainly can't do the telelearning they

want to do. It is difficult to even go to school these days and do your homework if you don't have access to the internet. Of course, it helps us back in Ohio, if we have the internet, to be able to start businesses in these rural areas of Ohio.

So this is all in the infrastructure bill. That is why, again, it got 69 votes here in the U.S. Senate. That is not usual around here. It is truly bipartisan. President Biden says he will sign it. Let's pass it. If we pass it in the House, it will be signed into law, and it will begin to help our country at a time when we need the help.

We also could use a little bipartisanship around here, don't you think?

This is one we can agree on.

Why should it be held political hostage to something that is strictly partisan and controversial and, in my view—in my view—would be dangerous to our economy right now?

Now, why do I say that?

Well, this new spending that would be in the bill would be the highest level of spending that we have ever seen in the U.S. Congress. Remember, originally it was $3.5 trillion because originally it was $6 trillion, and then $3.5 trillion. Now there is discussion—I just read a report this afternoon in one of the media sources—saying it may be as low as $2 trillion—$2 trillion. That is two thousand billion dollars in additional spending at a time of record deficits and debt.

Now, people say: Well, that is a lot less than 3.5.

Yes, but it would still be the largest bill ever passed by the U.S. Congress—ever. The $1.9 trillion that was passed in March—not that long ago—which was supposed to be for COVID but most of which is not going for COVID purposes, was the largest ever. This would be $2 trillion—a little larger than that—adding up together to almost $4 trillion of new spending.

Again, when the $1.9 trillion was passed, a lot of people said, including me: This is a risk to our economy right now. We are coming out of the pandemic with a growing economy. Why overheat the economy right now?

But we did, and it caused much of the inflation we are now experiencing.

The Secretary of the Treasury under the Obama administration and an economist in the Clinton administration, Larry Summers, a Democrat, said the same thing, and he continues to say it today because he believes that all of this new spending is going to add to more overheating of the economy and more inflation.

We don't need that right now. We have inflation that is not transitory. It, unfortunately, looks like it is very much permanent in terms of this year and next year, at least.

That is a huge problem because it is the lower-income and middle-income workers who are hurt the worst. It is a tax—a hidden tax. So, for the people who are seeing wage gains this year, those are being eaten up, for the most part, by inflation. The annual inflation right now, based on the last month, is 5.4 percent. So, unless your wage rate is above that, you are in trouble.

Plus, everything is just more expensive. So gasoline, if you go to the pump, is 42 percent higher this year as compared to last year—42 percent. Natural gas is expected to be in about that range, about 40 percent higher.

I did some research recently about pumpkins—you know, we are going into the holiday season this year—for Halloween.

What does a pumpkin cost?

Well, guess what. It costs, on average, 14.7 percent more this year as compared to last year. Groceries, clothes, your utility bills—everything is going up. So it is not the time to pump a lot more stimulus spending into the economy, which, again, people say is going to lead to higher inflation on everything.

Remember, before the pandemic started, back in February of 2020, we had a strong economy. We had the 19th straight month then of wage gains of over 3 percent every month for 19 months. Exactly what we wanted—right?—were wages going up. We had the lowest poverty rate in the history of our country since we started keeping track of it back in the 1950s. We had the lowest unemployment rate ever for certain groups in our economy—Hispanics, Blacks. We had the lowest unemployment ever, overall, for the last 50 years. So things were going pretty well.

Yet, now, when we look at what is happening, we are not seeing these wage increases. In fact, on average, when you take inflation into account, they say that during the Biden years, during the Biden administration over the last several months, wages have gone down an average of 1.9 percent largely because, again, of this inflation.

The legislation also includes big tax increases so it is not just about more spending; it is also about tax increases to pay for the spending. In recent days, it has come out that some of these tax hikes might not be supported by all Democrats, so they might not be able to include them all. I suppose, you know, that would be better for the economy, but as the economy is coming out of the pandemic and growing, the last thing we want to do is to raise taxes. Again, back in 2017, when tax reform occurred, it had a lot of good impacts, including, again, higher wages; we talked about the poverty rate; we talked about unemployment being low.

Another thing that it did on the global competitiveness side, on the international side, is that it actually changed the way our economy worked. Prior to that, you had a number of companies that literally were voting with their feet and leaving the United States of America because of the Tax Code. It drove all of us crazy—Democrats and Republicans alike—that you had companies that were inverting, as they say, and these inversions meant a company that was a U.S. company one day became a foreign company the next day.

This happened in Ohio. We had companies leaving Ohio to become Irish companies, as an example, because they had a lower tax rate, and we had the highest corporate tax rate of any of the developed countries, of the countries in the OECD.

That is a terrible thing. Of course, we wanted to stop that, so we put the reforms in place to say: We are going to lower our rates so our rate is competitive, and we are going to change the way we tax internationally.

And guess what. All of the inversions stopped—all of them.

And now, unbelievably, the administration and the Democratic leadership want to raise those taxes again—once again, to make us uncompetitive globally. And, again, you will see some companies say, when they look at the analysis from, you know, their tax experts: Why are we an American company?

You would hope no company would ever do that, but they were doing it before 2017. During the Obama administration, at the beginning of the Trump administration, they were leaving. So we don't want that to happen again.

In fact, we want our workers and our businesses to be competitive. I say ''workers'' because, when you raise the business taxes, guess who takes the hit. Ask the CBO, the Congressional Budget Office, here. What CBO will tell you, which is a nonpartisan group here in the U.S. Congress, is that their analysis is that about 70 percent of the increase in corporate taxes is borne by workers; about 70 percent of the cut in taxes helps workers—higher wages, higher benefits. The Tax Foundation has the same analysis. The Joint Committee on Taxation, when they look at this legislation before us, the 3.5 trillion that was reported—that was introduced—they said it will raise taxes on middle-income workers, well below 400,000. A lot of that was because of this issue—because, again, the nonpartisan Joint Committee on Taxation up here in Congress looked at it and said: Well, who is going to bear the brunt of this? It is going to be workers. So workers' wages are going to go down if you raise taxes on these individual companies that are global companies.

So that is what we are facing. Now, again, it looks like there are going to be some changes in the legislation. I mentioned that the amount may go down some. I mentioned $2 trillion, still the largest spending bill ever.

I, also, on the tax front, am told that some of the tax hikes may be taken out; some of them may be kept in. One that they are talking about keeping in—that the administration, in particular, seems adamant about keeping in—I just don't get because it, again, makes our companies less competitive globally.

It is a complicated provision in the international tax code. It is called the global intangible low-taxed income, also known as GILTI. What does GILTI say?

Well, when we changed our Tax Code back in 2017, we put in place, in effect, a minimum tax for our companies that do business overseas.

Our competitive countries—countries like ours, developed countries—for the most part, almost all of them do not tax their companies for their foreign income. So if a company—I mentioned Ireland earlier—from Ireland or Germany, whatever, does business over here, their government doesn't tax them on the income they get from the United States. It lets the United States handle that.

And we changed our Tax Code to say, well, we are not going to do that either, but we are going to add a minimum tax no matter what, and that was called the GILTI tax. It was put in place in 2017 as part of, again, a broad and successful group of tax reforms that took bold steps to reassert our competitiveness, and it worked.

They took our rate from 35 percent down to 21 percent, putting it at about the middle of the developed countries. Now it is actually above the middle because other countries have gone below us again.

We went to what is called a territorial-type system. So it all worked.

About over 1.5 trillion was reinvested in America, by the way, from overseas. So it worked in that sense too. We stopped the corporate inversions.

But this GILTI, or the minimum tax on foreign income, was put in place as a way to make sure that foreign income wouldn't be shifted to low-tax jurisdictions.

Right now, this GILTI rate stands at 13.125 percent. So it is 13 percent, roughly, for American companies. Again, most of our competitors don't have it at all, but it is 13 percent.

Treasury Secretary Yellen has now worked with countries around the world to say everybody ought to have a global minimum tax, and she has made progress on that. So some of these countries that have not had a minimum tax are now looking at one and to put one in place. The one that she wants for everybody is 15 percent.

So here we are, globally telling these other countries in the world: You have to have a global minimum tax of 15 percent. OK. So wouldn't you think, then, you would want America not to have a tax above that amount?

No, they want to change the GILTI amount from 13.125 percent to an effective rate of 17.4 percent. They started off at 21 percent in the original introduced bill. But even 17.4 percent—why would you want to put American companies above, again, this global average of 15 percent? If you are going to require companies to go to 15, why would you want the United States to be above that? But that is what is being proposed—believe it or not.

And, by the way, they are saying that we would go ahead and go to 17.4 percent before any other countries in the world would have to do it—2 years before they would have to do it. Whether they do it or not is a question.

Let's be honest. Some countries don't want to do it, and they may not do it. Their legislatures may not let them do it.

But let's assume that they do follow suit. We would be out there 2 years earlier with a higher tax rate on our workers. Remember who bears the brunt of this tax increase. Our companies would be noncompetitive. Our workers would be noncompetitive.

So I would hope that, as my colleagues are looking at this—I know it seems easy: Let's just tax the international companies—that they would look at what happened in 2017, the positive impacts of that and the negative if we reverse course and go back and raise our taxes above what other countries charge.

By the way, to do this would mean nullifying tax treaties that we have with other countries all around the world because it is a different way of approaching it. We do not have a minimum tax in place now. So the tax treaties would have to be amended. That means, obviously, to me, that you would have to have a tax treaty change here in America. In other words, you can't change tax treaties just on one side. It is bilateral. So we would have to change our tax treaties here.

Treaties have to go through the U.S. Senate. As you probably know, they have to go through the U.S. Senate, and it is a two-thirds vote to change a treaty. There is a reason for that. It is part of our checks and balances to be sure that treaties, which are a very serious undertaking, are something that you get a strong bipartisan support for.

And yet my understanding is that the Secretary of the Treasury and others in the administration are saying that they are not sure that we have to get this GILTI change or these treaty changes that we have with other countries through the U.S. Senate. We just might do it through some other way, administratively or through an Executive legislative action.

I sure hope they don't do that. That would set a terrible precedent. It would mean that this whole constitutionally based rule we have with regard to treaties would be very difficult to uphold in the future for anything.

Let me be clear. This is bad for workers as well as bad for companies. The National Association of Manufacturers just did a recent study, and they found that hiking the GILTI rate in a way we just talked about could cost up to 1 million U.S. jobs.

Again, CBO here in the Capitol, the Tax Foundation, the Joint Committee on Taxation—all of them believe this would saddle our workers with lower wages and lost jobs by making our businesses less competitive globally.

I am also concerned that the administration is talking about imposing a burdensome new information reporting requirement that would require far more information from taxpayers than is needed to enforce our tax laws. That represents an unprecedented invasion of taxpayer privacy.

You have probably heard about this because it is getting more and more attention—the so-called $600 limit. Now, this would mean that the IRS would receive a report from you every year for any expenditure. Think about an expense or a payment going in or out of your checking account of $600 or more.

Recently, again, based on a report I saw today, the administration and Democratic leadership here on Capitol Hill are talking about changing that $600 to $10,000. So it would be a higher threshold. Now, that higher threshold is something that most Americans would reach pretty quickly.

Think about it. Ten thousand dollars a year in total expenditures. Eight hundred thirty dollars per month is what that is.

So think about that: Do you spend 830 bucks a month on groceries, gas, clothes, essentials? If you do, then be prepared for the IRS to be able to look through your tax records in ways they never have before.

Don't get me wrong. I believe enforcing our tax laws is important, and I am actually one of the Republicans—there may not be many of us—who believes that the IRS should have more resources for things like improving their computer system because it is so antiquated.

I spent 2 years of my life studying this. Several years ago I came up with some reforms out of a commission. We improved it. It needs to be improved again.

The computer systems they have, both the software and the hardware, and, frankly, their ability to use them, is way outdated, and it is not good for taxpayers. It is bad for small business, and it is bad for individuals because the right hand often doesn't know what the left hand is doing. So I am for that. I am for better taxpayer service and providing more funding for that.

But I am not for providing tons more data to the IRS that has nothing to do with income that is unprecedented that their systems cannot handle. There is no way that they would be able to handle these millions and millions of new data that they would be getting from all of us—hundreds of millions of accounts from financial institutions; e-payment apps, like Venmo; and cryptocurrency exchanges, like Coinbase, are going to be subjected to more paperwork and confusion if this happens.

If you have one of the 403 million active PayPal accounts, watch out. Your personal account information may be sent to the IRS. And, boy, that is going to result in some confusion at some point.

Again, if you are one of the vast majority of Americans who spend more than 830 bucks a month on anything,

then you are going to have to report that.

So there are some people who are pretty smart about this, who have looked at it and said: This doesn't make sense.

One of them is Steven Rosenthal. He is at the left-leaning Tax Policy Center. He stated that this would ''bury the agency in a sea of unproductive information.''

That is how I feel about it. Again, I would like to have the IRS be better in terms of what they could do with technology and be able to handle their job better to be able to ensure that every taxpayer gets a fair shake, because sometimes, right now, again, the left hand doesn't know what the right hand is doing because their computer system is so antiquated—software, hardware, everything. But as he said, they can't handle the data they have.

Mark Everson, who is a former IRS Commissioner, wrote a really interesting op-ed that I read yesterday. He wrote that this proposal would ''prove all but impossible for the IRS to handle and engulf the service in a damaging political firestorm.'' That is from Mark Everson.

By the way, Mark Everson wants to give the IRS more money to improve their computer systems. He thinks there is not enough enforcement with regard to partnerships right now, as an example, or he thinks taxpayer service should be improved. So he is not someone who says we should starve the IRS, but he is saying: Don't do this. Don't do this, add this new information reporting that is not information about income and that the IRS is not going to be able to handle, and it is an intrusion into our lives that is unnecessary.

That is in the legislation.

So, again, I have come down to the floor here every week since the original introduction of this tax-and-spend legislation we have talked about today. This is the sixth straight week that I have come to the floor. When we are in session, every week, I am going to come—continue to come—as long as this bill is out there, because I want the American people and my colleagues to know what is in this legislation and why it would be so damaging to our country right now.

And, again, I distinguish the infrastructure bill—good for the economy, the right thing to do to counter inflation; something every President in modern times has tried to do, by the way, for good reason. Let it stand on its own. It should be voted on, on its own merits. Don't entangle it with this tax-and-spend legislation that is reckless, at a time of rising inflation and higher debts and deficits, at a time when our economy is finally getting on its feet. Let's not add job-killing tax hikes. Let's not add this massive new spending.

It is in our national interest to move forward with regard to the infrastructure bill, and it is in our national interest to stop the reckless tax-and-spend legislation.

I yield the floor.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Alabama.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. TUBERVILLE. Madam President, after being in Washington, DC, for 10 months, I have seen this town jump from one issue to another. Sadly, many of the issues we face are self-inflicted—illegal immigrants on the southern border, Americans who remain trapped in Afghanistan, and rampant inflation, just to name three.

But we face a more serious threat in this Nation, an issue larger than left or right, a threat that goes beyond conservative and liberal—China.

China seeks to shackle the United States economically, technologically, and militarily. The Communist leaders of China are employing every instrument of national power to diminish our standing and influence in the world. Last month, President Biden told world leaders during his maiden U.N. General Assembly speech that the United States ''is not seeking a cold war.'' Well, the United States may not be seeking out a new Cold War, but China is, so we shouldn't give them the shovel to bury us.

When asked this week if China's hypersonic missile testing over the summer was a surprise to U.S. officials, White House Press Secretary Jen Psaki joked that the Biden administration ''welcomes stiff competition.'' Businesses that are struggling under unfair competition from China didn't laugh at the Press Secretary's joke.

Intelligence analysts who watch week after week as China hacks its way to technological superiority know the competition is cheating.

Military leaders who stand the watch for us worry that the United States public may be asleep at the wheel to this enormous threat.

In 2001, then-Senator Biden said:

> The United States welcomes the emergence of a prosperous integrated China on the global stage because we expect this is going to be a China that plays by the rules.

President Biden, China is not playing by the rules.

The Director of National Intelligence, Avril Haines, said the following in her Annual Threat Assessment:

> The Chinese Communist Party . . . will continue . . . to . . . undercut . . . the United States, drive wedges between Washington and its allies and partners, and foster . . . international norms that favor the authoritarian Chinese system.

The four-star admiral in charge of our nuclear overwatch, ADM Charles Richard, warned the country that China's growth and strategic nuclear capability was ''breathtaking.''

To those paying attention, we know that China seeks to play a very dangerous game—a game they intend to win and a game they will win unless we stand united as a nation and work together to face this growing threat.

So let's take a look at the most recent breathtaking development. China recently conducted their ninth hypersonic missile test since 2014—their ninth.

By the way, 2014 was when then-President Obama was forced to start investing in missile defense after he ended or slowed funding for several programs early in his first term.

What was important about China's most recent test, however, is that it showed off China's advanced space capabilities. Hypersonic missiles are weapons that fly at more than five times the speed of sound, 3,800 miles per hour. They don't follow a fixed trajectory; their path is flexible and maneuverable. This is what makes them so hard to defend against.

A recent congressional report on hypersonic weapons revealed that the United States will not have a defensive capability against hypersonic weapons until the mid-2020s at the earliest.

Unlike our government, which, by the way, is wasting money on civilian climate corps and bailing out poorly run liberal blue States, China spends its resources on deadliness—a new and larger navy, a modernized nuclear arsenal, advanced space assets, and artificial intelligence. Yes, China is moving ahead and investing in killing machines.

Developing hypersonics is costly. The Pentagon noted as much recently, which is ironic given how little this administration has showed it cares about throwing trillions of dollars around on other programs not related to national security. China continues to outspend us on national security. In just the last 10 years, China's defense spending has increased by $200 billion, while we, the United States of America, have decreased by $400 billion.

That brings me to a very important point. Senator SCHUMER needs to bring up the National Defense Authorization Act for a vote here on the Senate floor. Every year since 1960, we have passed the National Defense Authorization Act, better known as the NDAA. The NDAA is one of few bills that the House and Senate, Democrats and Republicans, work together on. That is because our military deserves it, and our national security depends on it.

One of the most important items we agreed on this year in the NDAA was that our military needs more support.

Earlier this year, President Biden sent Congress a laughable military budget. In a stunning referendum on the President's disappointing and dangerous military budget, Democrats and Republicans on the Armed Services Committee came together to increase our military budget by $25 billion.

You know, we cannot ask our military to do more with less. We cannot expect our military to defend new threats from our adversaries like China without the resources required to do the job. Republicans understand this. We have continuously fought to prioritize national security. Democrats on the Armed Services Committee also understand this. So I would like to ask

a simple question: What are we waiting for?

The best way to thank our men and women in uniform for their service is to pass this bill. The best way to ensure our armed services have resources they need to defend our country against China is to pass this bill, especially in light of the news we have seen recently about China's hypersonic missile testing.

Earlier this year, as the Senate Armed Services Committee crafted the NDAA, I fought to prioritize robust funding authorization for high-energy lasers and hypersonic missile development. This investment accelerates the country's timeline to a fully capable hypersonic missile while at the same time assisting our missile defense capabilities with tracking hypersonic, ballistic, and cruise missiles. This is an offensive and defensive approach.

China is actively trying to outpace us, and keeping pace is not enough. To do that, we need to have sustained, strategic investment in our military. That is what the NDAA provides and why we need a vote on the Senate floor. So what does it say about Leader SCHUMER's priorities that passing our military authorization is at the bottom of his list?

But investment in their military is not the only means by which China is seeking to get ahead. We have seen increased efforts by China to infiltrate our economy—we have seen this—to undermine our free market values, and to steal our international property.

In a recent survey, a greater number of Americans said that China is more powerful economically than the United States. This is a reversal from 2 years ago when most Americans said the United States had the economic upper hand.

When it comes to taking over the economic upper hand, China has no rules, and Chinese companies definitely do not play by ours. Our country has already seen Chinese companies, backed by the Chinese Communist Party, attempt to invest in and even take over companies. This grave national security threat will only grow if we allow China to invest in our critical industries.

Our government has a process to investigate offers made by foreign companies and governments that want to acquire or invest in America. This process is designed to protect our national security. It is handled by a government entity called the Committee on Foreign Investment in the United States, better known as CFIUS. But if there is a loophole, communist China will try to slip through it.

Our goal as Members of Congress should be to strengthen this vetting process. One way to do that is to add a permanent agricultural perspective to this committee, which is not on there as we speak. The COVID pandemic showed us just how important it is to have strong supply chains, especially when it comes to our food supply. Every American is supported by a safe and secure food supply. It is critical to our country's prosperity.

Not everyone thinks about food security in relation to national security, but they are linked. Global corporations have already become more involved with our domestic food supply and agricultural businesses. Recent data shows that 192,000 acres of farmland or forest in the United States of America are linked to Chinese ownership, including land used for farming, ranching, and forestry—192,000 acres here within our borders. That is why we need more transparency.

Our food supply must remain secure from foreign governments like China that have no business being in the American economy and actively trying to harm our country. That is why I introduced a bill called the Foreign Adversary Risk Management, or FARM, Act, to put more protections in place for America's agriculture industry. My bill will ensure that our agriculture industry has a permanent seat at the table of CFIUS, which reviews agriculture-related investments. As we speak, we do not have representation from the agriculture community. By adding agriculture supply chains as a covered transaction that CFIUS has to review, we can make sure food supply chains remain strong and free of damaging foreign government interference.

Like China's communist leaders, leftists in this country believe that when it comes to the economy, bureaucrats know best. They think raising the corporate rate to be higher than communist China's will strengthen our economy. Nonsense. That is like standing in a bucket and trying to lift yourself by the handle. The far-left cheers for mandates, hyperregulation, and massive taxes. They sneer at your freedoms and are triggered by the American flag and our constitutional rights. Their way is not the way to combat China; it is the way to become China.

We all know China wants to overtake the United States as a superpower. But what makes the United States a superpower is not just our economic and military might; we are a superpower for what our military is fighting to defend and to protect: our freedoms and our values and the American spirit of innovation and ingenuity, of hard work and grit. These values pose a direct threat to communist China. They are why China wants to surpass our country as the world's No. 1 superpower.

We need leadership that protects our national security and our economic security. It is the only way to combat the aggression that the Biden administration's weakness has invited.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CLIMATE CHANGE

Mr. CORNYN. Madam President, in the coming days, thousands of politicians from 200 different companies will convene in Glasgow, Scotland, for the U.N. climate summit. They will step off their private planes and into meetings about the need to reduce global emissions, and I am not sure many of them will see the irony of their actions. These leaders will try to paint fossil fuels as the world's greatest enemy. They will make lofty and, yes, unrealistic commitments to eventually transition to clean energy sources. At the same time, they will completely ignore the realities of the current energy landscape.

Around the world, energy shortages are having a costly impact on working families. Here at home, Americans are experiencing sticker shock at the gas pump. Gas prices, after all, have gone up by more than 55 percent from just 1 year ago. If you are driving a pickup truck, you will spend almost $32 more to fill up your tank today than you did last October.

In States like California, the problems are even worse. Last week, the price of a gallon of regular gas in one town hit $7.59 a gallon, and premium was nearly $8.50 a gallon. It is hard to imagine how somebody operating on a fixed income or working a minimum-wage job would cover those sorts of expenses, especially since it is lower income Americans who typically have to travel farther because of the high cost of living and housing in our major urban areas. So low gas prices are the only thing that will allow them to get by.

But gas prices are not the only growing energy expense in family budgets. As we head into winter, heating bills are expected to soar. Households could pay up to 54 percent more than they did last winter. It will cost more to heat your home, more for your family to visit for the holidays, more to put holiday meals on the table, and more to buy gifts for under the Christmas tree. This holiday season is shaping up to be a pricey one.

Costs at home are growing by the day, and our friends across the Atlantic aren't faring any better. Europe, in fact, is in the midst of an unprecedented energy crisis. A supply shortage has caused prices to skyrocket. For example, since the start of the year, natural gas prices are up almost 600 percent. The situation is so dire that utility companies have switched from natural gas, which is the cleanest burning fossil fuel, to coal and fuel oil.

This global energy crisis serves as the backdrop for this summit in Glasgow, where the world leaders will discuss plans to further reduce the use of fossil fuels. They are not saying what they would do as an alternative; they just want to kill the goose that laid the golden egg when it comes to low cost, cleaner burning energy like natural gas. Now, making promises to curb emissions sounds pretty good if you could, in fact, do it. It sounds good until you realize this is what you get: unreliable and unaffordable energy.

In Europe's case, there is also a very dangerous power dynamic at play. The supply of energy to the continent could

be increased, but the guy controlling the spigot—his name is Vladimir Putin. One of Russia's top priorities is Nord Stream 2, a pipeline to carry more gas directly from Russia to Europe. This project, of course, has been years in the making and has faced considerable opposition around the world, especially among our colleagues on this side of the aisle.

President Biden has already handed Moscow a massive victory by stepping aside and refusing to impose sanctions on the company building Nord Stream 2. Now Putin is withholding desperately needed gas from Europe until the pipeline is approved. Yes, he is using energy as a weapon against those who are totally dependent on Russia for that energy.

This is a problem with the global efforts to quickly move—too quickly—before we are ready, away from fossil fuels. Phrases like ''energy transition'' appeal to some activists but fail to deliver results in the real world in real time. Renewables are great, but they don't come close to generating enough reliable energy to power our world because the wind doesn't always blow, and the Sun doesn't always shine.

We can't just sit in the dark until Mother Nature lets us turn the lights back on. We need a base supply of reliable energy, and as much as some of our colleagues hate to admit it, natural gas is our best current option. If the United States and our allies scale back production to pursue arbitrary emission benchmarks, they will leave the world turning to countries like Russia, Iran, and Venezuela for their energy. Today, we are experiencing how costly that reliance is, and in years past, we acknowledged how downright dangerous it is. In January 2009, Russia effectively turned the gas off to Ukraine for almost 3 weeks, and at least 10 countries in Europe were affected.

By transitioning solely to renewables before the output matches the demand, we are placing ourselves in a very, very vulnerable position, and the same is true for our allies. President Putin has demonstrated as much.

Unfortunately, I don't expect those kinds of real-world concerns to dominate the conversations at this summit in Glasgow, and President Biden certainly won't be advocating for America's energy independence—to the contrary. We were only a few hours into the Biden administration when they launched the first attack on American-produced energy. Within hours of taking the oath of office, President Biden canceled the permit for the Keystone XL Pipeline. For some strange reason, he is OK with Nord Stream 2 from Russia to Europe, but he is not OK with the Keystone XL Pipeline here in America. I don't get it.

There is no question that the biggest losers from this decision were the energy workers whose jobs evaporated and the communities that stood to benefit from the tax revenue. The biggest winners, unfortunately, from President Biden's decision include countries like Russia and Saudi Arabia, who now hold too much power on the global energy market. We will see how that is playing out.

That same day, the Biden administration halted all new leasing permits on Federal lands and waters. Rather than responsibly harvest our greatest natural resources and share those resources with the rest of the world, the administration sent more business to our adversaries and to OPEC producers.

President Biden piled on with another attack on our energy producers by rejoining the Paris climate accord—an agreement that no one seems to follow. Yes, they will pay lipservice to it, but they actually don't do anything about it. A report published last week found that countries around the world aren't sticking to the lofty commitments that they made. The world's major economies are not on track to meet the climate goals set in the Paris accord. In fact, according to this report, by 2030, these countries are expected to produce more than double the amount of fossil fuels required to meet the goals of the Paris climate accord.

Then there is the fact that China, which plays by nobody's rules except their own, which also happens to be the world's leading polluter, is completely AWOL from any of these efforts. Not only is China ignoring global efforts to curb emissions, the country is in the process of building hundreds of new coal-powered powerplants. Last year, China built three times as many new coal powerplants as any other country in the world combined—three times all the other countries in the world combined.

Rather than pull out of the agreement that is weakening our global energy security, President Biden is making even bigger promises—promises that he cannot keep. He nearly doubled the emissions reduction goals set by President Obama in 2015. President Obama pledged to reduce emissions by 26 to 28 percent by 2025, and we are nowhere close to meeting that goal. But President Biden has doubled down and vowed to cut emissions by 50 to 52 percent by 2030—a complete fantasy. He hasn't explained how he would accomplish meeting that goal, nor, if he tried, would he be able to explain it because it is simply infeasible.

To be clear, I am a strong supporter of efforts to reduce emissions. There are more ways than one to skin the cat. Texas has been a leader, in fact, in efforts to develop cleaner and more diverse sources of energy. We are truly an ''all of the above'' State. We produce more electricity from wind turbines than any other State in the Nation. New solar farms are being built all across our State, and private companies are making incredible investments in carbon capture and other emission-reducing technologies. I am proud of this work and a staunch supporter of efforts to preserve our greatest natural resources for future generations. But what we are seeing from the administration isn't a thoughtful effort to reduce emissions; it is virtue signaling.

When the President addressed a joint session of Congress earlier this year, he spoke about the challenges to reduce carbon emissions. He said: If we do it perfectly, it is not going to matter. How he expects to do it perfectly, he did not say, nor could he. But if that is what he is thinking, why drive up energy costs to the point that Americans can't afford to turn the heat on in winter? Why would he give Putin the power to regulate Europe's only source of energy—natural gas? Why curb domestic energy production and let China run wild? These actions may earn votes in support from some corners, but they will inflict serious pain on the American people, as well as our allies around the world.

As an armada of Biden administration officials pack their bags for Glasgow, I want to remind them that there is far more at stake than just the President's credibility on this score. It is our future economy. It is our ability to provide good, well-paying jobs to hardworking American families, and it is our ability as Americans to export energy, which allows some of our friends and allies around the world not to depend solely on the tender mercies of Vladimir Putin.

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

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

POLICE DEPARTMENTS

Mr. GRASSLEY. Madam President, it has been a while since congressional Democrats have used the words ''defund the police.'' That was a very popular phrase in 2021, but after the last election, Democrats learned how truly toxic those words were with ordinary Americans. Now they dare not say the words ''defund the police,'' but make no mistake about it, liberals are still trying to defund the police.

A recent nominee for a high-level post at the Department of Justice said that she wasn't in favor of defunding the police, but she talked about it—''overspending on criminal justice system infrastructure and policing.'' That was just a fancier way of saying ''cut police budgets.''

Fortunately, the voters are standing up to these people, and I want to give just two examples.

First, voters in Minneapolis will go to the polls November 2 and decide whether to replace the city's police department with a department called the Department of Public Safety. This supposed Department of Public Safety would take a ''comprehensive public

health approach'' in trying to keep the city safe. Under this idea, police officers could be employed if necessary. Well, the American voters have news for the people who got this initiative on the ballot in Minneapolis: Police officers are absolutely necessary in Minneapolis, and they are necessary in every other community as well.

Another example. In Austin, TX, voters will have a chance to restore funding for their police force—funding that the city council slashed a great deal last year.

The murder rate in Austin is higher than it has ever been. So far, 71 people have been killed in Austin, passing the previous record of 59 murders set all the way back in 1984. And with 71 murders, we still have 2 months left in this year, if you want to compare it to all the murders that took place in 1984, a previous high.

Some Austin voters have had enough of this sort of thinking, and they are trying to restore some common sense there in Austin. Under the Proposition A ballot initiative, the city would have to maintain at least 2 police officers for every 1,000 residents, which is more than they have at the present time.

But not everybody likes that, and liberal dark money groups have pumped a half million dollars into defeating this Proposition A because they want to keep defunded police still defunded.

Those same groups recently subsidized the campaigns of hard-left district attorneys all throughout the country. That includes the San Francisco district attorney, who has let drug and property crimes skyrocket. San Francisco is now getting hammered with out-of-control drug use, and shoplifting there happens to be a way of life.

That isn't CHUCK GRASSLEY saying that; that is anybody watching television who sees pictures of people just going into stores and just picking up whatever they want. In one city, if it is under $950, you won't be prosecuted. So it is a license to shoplift.

I hope Austin, TX, voters will make sure that their city doesn't go the same way. I would like to think they would want to be safe from criminals and the drugs that criminals push.

Liberal politicians are no longer saying it out loud, ''defund the police.'' But make no mistake about it, many of them still want to defund police.

If Minneapolis and Austin let their police forces wither away on the vine, voters all across the Nation and all across the political spectrum will send a very clear message to the hard left in the next election. So voters everywhere should stand up and say no to defunding the police.

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.

SOCIAL MEDIA

Mrs. BLACKBURN. Madam President, last week, a Tennessee director of schools named Russell sent me an email about a problem he is having with some of his students. The so-called devious lick TikTok trend caught on in his district, and it is more than just a viral gag. The idea behind this devious lick TikTok trend is to destroy school property and document it on TikTok so that all the world can see—the more violent, the better.

Here is how Russell described what is going on in his schools:

> In Cleveland City Schools, we have seen fire extinguishers stolen, mirrors removed from walls, a toilet was removed from its foundation, and multiple other acts of vandalism. I know of stories from other school districts, where even more serious types of vandalism and theft have taken place.

He went on to tell me that this trend has caused thousands of dollars in damage, and that he has had to resort to threatening suspensions, court citations and other actions to deter students from demolishing school property—all from a TikTok video trend.

I want to state for the record that this is absolutely insane. This is not normal teenage behavior. It is criminal activity, and these kids are posting it online thinking that they are building social media clout.

TikTok banned the trending hashtag, but last night, it took a member of my staff about 10 seconds to unearth posts featuring students trashing their school bathrooms.

Russell is at a loss as to how to get his students to stop body slamming doors off their hinges, and so are thousands of parents all across Tennessee who are wondering how it is even possible that a tech company is getting away with encouraging criminal behavior in its underage users.

They want more than just an apology and a tweak to an algorithm. They are looking for accountability, and I am happy to say that we at the Senate Commerce Committee are working to get that accountability from these Big Tech companies.

The issue of Big Tech's toxic influence on children and teens is finally getting some much-needed bipartisan attention from the Senate. Earlier this month, I hosted a hearing in the Commerce Committee's Consumer Protection Subcommittee with Chairman BLUMENTHAL, where we examined Facebook's role in promoting content to teenagers that drove young users into spirals of despair, eating disorders, self-harm, and suicidal thoughts.

Now, our ideas about what Congress should do to force accountability into the equation might differ a bit, but maybe for the first time ever, the relationship between Republicans and Democratic tech watchdogs in this Chamber is far less contentious than the relationship between Big Tech and Members of Congress. And, Madam President, that is something worth noting.

If we keep this up, Silicon Valley, as they currently operate, is in for some big changes because, as much as I appreciate our role as lawmakers, I also believe in the importance of our ability to compel transparency from officials and companies that refuse to offer it up voluntarily. Sunlight is often a better disinfectant than legislation.

Fortunately, at least some players in tech are reading the writing on the wall. Tomorrow, representatives from YouTube, Snapchat, and TikTok will testify before the Consumer Protection Subcommittee regarding safety protocols they have inserted between underage users and the seediest corners of the internet. Yes, I did say ''underage users.''

I want to thank them in advance for agreeing to appear because we are not going to take it easy on them. They should not expect a comfortable day. We have evidence that these platforms have endangered children and teens while collecting—yes, collecting—their personal data and leveraging it through the advertising side of their businesses. The danger is real.

As we were preparing for the hearing, my staff hopped on YouTube and searched for ''how to slit your wrists,'' and the videos YouTube spit out—well, let's just say that any questions about how to do such a thing were answered in full, unfortunately.

Earlier this year, a 9-year-old boy in Memphis died trying to participate in a TikTok ''strangulation challenge'' that had gone viral.

And we know for a fact that child predators use Snapchat to troll for victims. This spring, law enforcement arrested a 48-year-old man for statutory rape after they caught him with a 16-year-old girl.

Where did he meet her?

On Snapchat.

We also have serious questions about data collection and disclosure policies and whether or not the market research tactics that are used by YouTube, Snapchat, and TikTok are as invasive and dangerous as the ones that we now know Facebook uses.

As the saying goes, if the service is free, you are the product. And if we let them, tech companies will continue grooming our kids into accepting status as commodities and being their product, regardless of who it hurts.

Big Tech's relationship with children is a problem, but we also need adult tech enthusiasts to care about their own entanglements with these companies. We need everyone to care about how their own ''virtual you'' is harvested and sold to the highest bidder.

Many adult users believe that, because they have lived so much of their lives online, these things don't matter anymore. But, yes, indeed, it does matter, and I will give you just one example of why.

For a long time now, we have raised serious concerns about the connection

between TikTok and the Chinese Communist Party. We suspect, with very good reason, that ByteDance, which is TikTok's parent company, handed over biometrics and other sensitive user data to the Chinese Communist Party. This app has been Beijing's very best detective, a fact most users aren't aware of and don't want to give a second thought to.

Parents are completely unaware that TikTok is owned by ByteDance and that they are in cahoots with the Chinese Communist Party. Parents are unaware that the biometrics and other sensitive data of their precious children is now in the hands of the Chinese Communist Party.

Madam President, we just cannot afford to continue this. This one app on its own is a master class on artificial intelligence, machine learning, and facial recognition technology, and our most dangerous competitor is using it to corner the market on the world's most valuable commodity: the virtual you.

It is all part of Beijing's grand strategy to gain control over strategically important sectors of the global economy. Yes, indeed, they intend to be globally dominant by the time we get to the midpoint of the century; and, yes, indeed, they are an adversary.

We see them carrying out more of this agenda via the Belt and Road Initiative programs. And they are doing it online by training us to consume content that is so twisted that it drives young users to violence and to self-destructive behavior.

Interconnectivity has benefits and consequences, and, Madam President, it is an urgent need to take action against the consequences. We know from previous investigations that digital content is a weapon. It can damage self-esteem, destroy relationships, and tip the balance of global power in the wrong direction.

I hear from Tennesseans like Russell regularly. They will say: We saw this coming a mile away. We have watched this become a snowball rolling toward us.

They are appreciative that Congress has finally caught up to them—parents and teachers who are watching what is happening on social media—and they are ready for us to pull all those Big Tech skeletons out of the closet and put them on display.

I will say this: These teachers and parents are not people who are anti-innovation. They don't want to get in the way of private companies offering exciting new products. They appreciate interconnectivity, and they appreciate technology. But what they won't do is tolerate these companies—tolerate them trolling the data of our children, selling it as a product, and then turning around and weaponizing the content against us, the American people.

Big Tech needs to understand that we are not going to hold back, and it would be in their best interest to work with us on the issues of online privacy, children's online privacy, data security, and make the virtual space a safe space.

Thank you, Madam President.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Parker nomination, which the clerk will report.

The legislative clerk read the nomination of Douglas L. Parker, of West Virginia, to be an Assistant Secretary of Labor.

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

Mr. WHITEHOUSE. 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 Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. ROUNDS), the Senator from Nebraska (Mr. SASSE), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted ''nay.''

The result was announced—yeas 50, nays 41, as follows:

[Rollcall Vote No. 425 Ex.]

YEAS—50

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

NAYS—41

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

NOT VOTING—9

Cramer	Inhofe	Sasse
Feinstein	Murkowski	Toomey
Hoeven	Rounds	Warner

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the Senate will resume consideration of the Perez nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Myrna Perez, of New York, to be United States Circuit Judge for the Second Circuit.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. ROUNDS), the Senator from Nebraska (Mr. SASSE), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, is present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted ''nay.''

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 426 Ex.]

YEAS—48

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

NAYS—43

Barrasso	Daines	Marshall
Blackburn	Ernst	McConnell
Blunt	Fischer	Moran
Boozman	Graham	Paul
Braun	Grassley	Portman
Burr	Hagerty	Risch
Capito	Hawley	Romney
Cassidy	Hyde-Smith	Rubio
Collins	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Crapo	Lee	
Cruz	Lummis	

Sullivan	Tillis	Wicker
Thune	Tuberville	Young

NOT VOTING—9

Cramer	Inhofe	Sasse
Feinstein	Murkowski	Toomey
Hoeven	Rounds	Warner

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

Mr. SCHUMER. Madam President, before I get into the procedural stuff, I just want to say what a great judge Myrna Perez will be, so I am so glad that she passed tonight. She is an amazing person, an amazing history: one of the leading voting rights lawyers in America and will be the second Latina on the Second Circuit, the first being Sonia Sotomayor.

So it is a very good, good vote.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 367.

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 Omar Antonio Williams, of Connecticut, to be United States District Judge for the District of Connecticut.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 367, Omar Antonio Williams, of Connecticut, to be United States District Judge for the District of Connecticut.

Charles E. Schumer, Ben Ray Luján, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 347.

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 Matthew G. Olsen, of Maryland, to be an Assistant Attorney General.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 347, Matthew G. Olsen, of Maryland, to be an Assistant Attorney General.

Charles E. Schumer, Robert Menendez, Patrick J. Leahy, Patty Murray, Maria Cantwell, Sheldon Whitehouse, Brian Schatz, Debbie Stabenow, Catherine Cortez Masto, Christopher A. Coons, Ron Wyden, Margaret Wood Hassan, Edward J. Markey, Benjamin L. Cardin, Richard J. Durbin, Tina Smith, Elizabeth Warren, Angus S. King, Jr.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 263.

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 Christopher H. Schroeder, of North Carolina, to be Assistant Attorney General.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 263, Christopher H. Schroeder, of North Carolina, to be Assistant Attorney General.

Charles E. Schumer, Ben Ray Luján , Richard J. Durbin, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Richard Blumenthal, Kirsten E. Gillibrand, Christopher A. Coons, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 368.

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 Hampton Y. Dellinger, of North Carolina, to be an Assistant Attorney General.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 368, Hampton Y. Dellinger, of North Carolina, to be an Assistant Attorney General.

Charles E. Schumer, Ben Ray Luján, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 413.

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 Elizabeth Prelogar, of Idaho, to be Solicitor General of the United States.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 413, Elizabeth Prelogar, of Idaho, to be Solicitor General of the United States.

Charles E. Schumer, Patty Murray, Sheldon Whitehouse, Ben Ray Luján, Martin Heinrich, Cory A. Booker, Jack Reed, Richard J. Durbin, Mazie K. Hirono, Christopher A. Coons, Richard Blumenthal, Jacky Rosen, Kirsten E. Gillibrand, Gary C. Peters, Chris Van Hollen, Robert P. Casey, Jr., Michael F. Bennet.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 471.

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 Beth Robinson, of Vermont, to be United States Circuit Judge for the Second Circuit.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 471, Beth Robinson, of Vermont, to be United States Circuit Judge for the Second Circuit.

Charles E. Schumer, Richard J. Durbin, Mazie K. Hirono, Jeff Merkley, Tammy Duckworth, Sheldon Whitehouse, Brian Schatz, Patrick J. Leahy, Alex Padilla, Jack Reed, Chris Van Hollen, Christopher Murphy, Jacky Rosen, Edward J. Markey, Martin Heinrich, Christopher A. Coons.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 363.

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 Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 363, Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Charles E. Schumer, Ben Ray Luján, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, October 25, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

NICARAGUA

Mr. LEAHY. Madam President, it has now been more than 4 months since Daniel Ortega's police arrested and subsequently disappeared political opposition leaders Felix Maradiaga and Juan Sebastian Chamorro in Nicaragua. On June 8, police stopped Maradiaga's vehicle, forcibly removed him, and took him away. Later that day, over 40 police officers forced their way into Chamorro's home and arrested him as well. For nearly 3 months, they were held in undisclosed locations, without access to their lawyers, doctors, or families and without being charged with any crime. They were reportedly kept in solitary confinement, subjected to frequent interrogations, deprived of sleep, and they have each lost 20 to 25 pounds.

In August, they were indicted for operating an international conspiracy to funnel foreign resources ''to provide logistical support and create favorable conditions to harm the supreme interests of the nation.'' These charges, which are blatantly political, were brought before an unnamed judge in a secret hearing in which their lawyers were not permitted to be present. This is what is called ''justice'' in Nicaragua today. Nothing more than a sham process intended to silence Daniel Ortega's political opposition, and it is yet another example of the flagrant repression and abuses of human rights that have become a trademark of his government.

This summer alone, more than 30 other opposition leaders were subjected to similar abuses, and the government is reportedly currently unlawfully detaining more than 150 political prisoners, including former Ambassador to the United States Arturo Cruz who is known to many of us. He was kept in solitary confinement for approximately 80 days, has reportedly lost 40 pounds, and is even denied access to reading material so he has almost no way of learning about current events outside the prison walls.

There is only one explanation for such blatant injustices and cruelty inflicted on individuals who have done nothing that would remotely amount to a crime under international law or in most countries of the world, and that is that Daniel Ortega is afraid. He knows that if he allows a free and fair election, he and his wife Rosario Murillo, the Vice President, would almost certainly lose.

The sad reality is that it did not have to be this way. Ortega could have chosen a different path, and won the support of the Nicaraguan people by trusting them and treating them with respect, and allowing those with different views to speak freely. Instead, he chose repression and has held onto power through force and by blaming everyone but himself for Nicaragua's chronic under-development. On November 7, with the opposition silenced and hidden away, he and his wife will likely be victorious in another sham election, a farce that will fool nobody.

I join those in condemning the repressive tactics of the Ortega government and in calling for the immediate and unconditional release of Felix Maradiaga, Juan Sebastian Chamorro, Arturo Cruz, and the many other political prisoners falsely accused or imprisoned without charge. I urge the Nicaraguan Government to end the repression of dissidents, the shootings of peaceful protestors, and the crackdown on press freedom and voting rights.

It is no secret that the United States and Nicaragua have had a difficult history. The United States was the primary benefactor of the dictatorial Somoza family, which ruled the country for more than four decades, enriching themselves and their cronies, and brutalizing their opponents. Daniel Ortega had the opportunity to be different, but to many Nicaraguans and international observers, he and his wife are even worse.

The Biden administration has already responded to this summer's arrests by imposing sanctions on four members of the Ortega government and has denied access to visas for 169 Nicaraguans in response to the political crackdown. The U.S. actions encouraged the EU and Canada to also impose targeted sanctions on Nicaraguans complicit in politically motivated crimes.

I commend the Biden administration, the EU, and the Canadian Governments for standing up for the rule of law and the rights of the people of Nicaragua. I urge the White House to investigate the assets and holdings of the Nicaraguan armed forces in the U.S. and to consider appropriate actions to hold its leadership accountable for their role in the gross violations of human rights in that country. I encourage President Biden to use every diplomatic tool and every form of targeted sanctions to obtain the release of Daniel Ortega's prisoners and to create the conditions for a genuinely free, fair, and transparent election in Nicaragua.

TRIBUTE TO JOSH BAKER

Mr. OSSOFF. Madam President, I rise to commend Josh Baker, a British national, on behalf of the U.S. Senate, for his vital and lifesaving contributions to the allied evacuation of Afghanistan.

Mr. Baker, of course, is internationally acclaimed for his courageous and award-winning work documenting armed conflict and war crimes worldwide. His sacrifices in the production of vital, world-class journalism included the sacrifice of his own body, when his spine was fractured by a vehicle-borne improvised explosive device detonated by a suicide bomber in Iraq while Baker was on assignment for PBS.

Mr. Baker's achievements include the production of landmark reports exposing ISIS war crimes against Yazidi women and girls, investigations of international terrorism, and vital reporting on refugee crises. His work has documented for the historical record and for the education of the global public the brutality and indignity imposed on innocent human beings by armed conflict.

When, on August 15, 2021, the Afghan capital of Kabul fell to Taliban forces, hundreds of thousands of foreign nationals and Afghan allies were trapped in harm's way. Mr. Baker sprung into action. In August and September of this year, Mr. Baker remotely coordinated and supported multiple lifesaving extractions of vulnerable civilians from Afghanistan.

He applied his deep experience of complex operations in hostile environments and the trust built over years of communication with journalists, sources, and contributors in the military, intelligence, and political domains, in civil society and at humanitarian agencies, to remotely coordinate and support multiple lifesaving extractions of vulnerable civilians from Afghanistan.

Mr. Baker's contributions to these historic evacuation efforts included the coordination of a lifesaving mission to rescue Afghan orphans and the coordination of logistics necessary for the safe evacuation of hundreds of Afghan women and girls.

And so let the U.S. Senate commend Josh Baker for his vital and lifesaving contributions to the allied evacuation of Afghanistan.

ADDITIONAL STATEMENTS

REMEMBERING RUDOLFO ANAYA

● Mr. HEINRICH. Madam President, Rudolfo Anaya's writing captured the beauty of New Mexico's landscapes and the strength and resilience of our people. It is a testament to the power of his literary work that so many New Mexicans recognize themselves and their families in the characters of his award-winning novels. Known to many as the godfather of Chicano literature, Mr. Anaya taught all of us to cherish the rich traditions, cultural heritage, and deep-rooted communities in our State.

Mr. Anaya was born and raised in Pastura and Santa Rosa, small communities in Guadalupe County. His childhood experiences on the desert flatlands of the Lllano Estacado later inspired much of his best work. After his family moved to the historic Barelas neighborhood of Albuquerque, Mr. Anaya attended Albuquerque High School and the University of New Mexico. Through many decades as a lifetime educator, Mr. Anaya taught and mentored students in Albuquerque Public Schools and at the University of New Mexico.

In 1972, Mr. Anaya published his coming-of-age novel, ''Bless Me, Ultima,'' about a young boy's search for spirituality and his sense of place. The novel broke new ground by centering the unique experiences, complex cultural identities, and deep-rootedness of Hispanic and Chicano New Mexicans. ''Bless Me, Ultima'' has stirred the hearts of countless readers over the years and inspired adaptations for theater, a feature film, and an opera. On a personal note, reading ''Bless Me, Ultima,'' was also an important part of the experiences and events that led my wife, Julie, and I to settle and raise our family in New Mexico.

Over the course of his prolific literary career, Mr. Anaya wrote a wide range of novels, stories, nonfiction essays, and poetry that captured the spirit and culture of New Mexico. In 2002, he was awarded the National Medal for the Arts by President George W. Bush and the National Endowment for the Arts. He was awarded the National Humanities Medal by President Barack Obama and the National Endowment for the Humanities in 2016.

Rudolfo Anaya leaves behind a legacy that will never be forgotten. As we remember his incredible life, my thoughts are with his family, the countless people he mentored and taught, and everyone who experienced the power of reading his work. I am certain I join so many others in our State in honoring and lifting up the life of this quintessential New Mexican.●

350TH ANNIVERSARY OF SUFFIELD, CONNECTICUT

● Mr. MURPHPY. Madam President, I rise today to commemorate the 350th anniversary of the town of Suffield, CT. The celebration of this historic milestone, actually achieved last year in the height of the pandemic, is just as deserved as it is overdue.

How lucky Connecticut is to have won Suffield away from neighboring Massachusetts in 1749. With roots dating back to the 1600s, Suffield's early days were defined by the bounty of its fertile farmland along the western banks of the Connecticut River. Soon, beautiful Colonial and Victorian-era homes were built along the town's now iconic Main Street. Industry and commerce began to flourish, and by the 1900s, Suffield was a model Connecticut town, able to marry together agrarian humility and forward-looking modernity into one common identity.

Today, Suffield still boasts bucolic farms, breathtaking views from the Metacomet Ridge, and historic architecture. But a thriving small business

community, a top-rate school system, and active civic groups are showing the way to the future.

For three and a half centuries, Suffield has been a foundational part of the rich history of the Connecticut River Valley. The town has come a long way since its inception and continues to evolve with the times, while maintaining its idyllic, small-town charm. Congratulations again to the entire town of Suffield on this impressive anniversary: I am grateful to represent a town with such a storied past and an equally bright future.●

PRESIDENTIAL MESSAGE

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13413 OF OCTOBER 27, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO THE DEMOCRATIC REPUBLIC OF THE CONGO—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo declared in Executive Order 13413 of October 27, 2006, is to continue in effect beyond October 27, 2021.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13413 with respect to the situation in or in relation to the Democratic Republic of the Congo.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, *October 25, 2021*.

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3110. An act to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes.

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. KLOBUCHAR (for herself, Ms. HIRONO, Mrs. FEINSTEIN, Mrs. SHAHEEN, Ms. SMITH, and Mr. BLUMENTHAL):

S. 3057. A bill to amend title 18, United States Code, to enhance criminal penalties for health related stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 3058. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2022, and for other purposes; to the Committee on Appropriations.

By Mr. CORNYN (for himself, Mr. COONS, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. CRUZ, Mr. GRASSLEY, and Mr. OSSOFF):

S. 3059. A bill to amend the Ethics in Government Act of 1978 to provide for a periodic transaction reporting requirement for Federal judicial officers and the online publication of financial disclosure reports of Federal judicial officers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mr. BLUMENTHAL, Mr. PADILLA, Mr. CARDIN, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. DURBIN, Ms. DUCKWORTH, Mr. VAN HOLLEN, Ms. SMITH, and Mr. MURPHY):

S. 3060. A bill to amend title 18, United States Code, to establish an Office of Prison Education, and for other purposes; to the Committee on the Judiciary.

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

S. 3061. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; to the Committee on Finance.

By Mrs. MURRAY:

S. 3062. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2022, and for other purposes; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Con. Res. 16. A concurrent resolution commemorating the 30th anniversary of Operation Provide Comfort; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 79

At the request of Mr. BOOKER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. OSSOFF) were added as cosponsors of S. 79, a bill to eliminate the disparity in sentencing for cocaine offenses, and for other purposes.

S. 488

At the request of Mr. HAGERTY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 488, a bill to provide for congressional review of actions to terminate or waive sanctions imposed with respect to Iran.

S. 535

At the request of Ms. ERNST, the names of the Senator from Montana (Mr. TESTER) and the Senator from Tennessee (Mr. HAGERTY) were added as cosponsors 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. 644

At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 644, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program, and for other purposes.

S. 697

At the request of Ms. ROSEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Ohio (Mr. BROWN) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 697, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the Bicentennial of Harriet Tubman's birth.

S. 749

At the request of Ms. HASSAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Kansas (Mr. MARSHALL) were added as cosponsors of S. 749, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 766

At the request of Ms. CORTEZ MASTO, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 766, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards.

S. 854

At the request of Ms. ERNST, her name was added as a cosponsor of S. 854, a bill to designate methamphetamine as an emerging threat, and for other purposes.

S. 912

At the request of Ms. HIRONO, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 912, a bill to amend title XVIII of the Social Security Act to provide information regarding vaccines for seniors as part of the Medicare & You handbook and to ensure that the treatment of cost sharing for vaccines under Medicare part D is consistent with the treatment of vaccines under Medicare part B, and for other purposes.

S. 1106

At the request of Mr. BOOKER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 1106, a bill to prohibit the sale of shark fins, and for other purposes.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1378

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1378, a bill to amend the Animal Welfare Act to allow for the retirement of certain animals used in Federal research, and for other purposes.

S. 1568

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1568, a bill to amend title XVIII of the Social Security Act to provide a waiver of the cap on annual payments for nursing and allied health education payments.

S. 1613

At the request of Ms. DUCKWORTH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1613, a bill to require the Administrator of the Small Business Administration to establish a grant program for certain fitness facilities, and for other purposes.

S. 1813

At the request of Mr. COONS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor 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 Colorado (Mr. HICKENLOOPER) 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. 2086

At the request of Mr. DURBIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. COONS) and the Senator from California (Mr. PADILLA) were added as cosponsors of S. 2086, a bill to improve the identification and support of children and families who experience trauma.

S. 2151

At the request of Mr. PETERS, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2151, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that COPS grant funds may be used for local law enforcement recruits to attend schools or academies if the recruits agree to serve in precincts of law enforcement agencies in their communities.

S. 2283

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2283, a bill to improve the Veterans Crisis Line of the Department of Veterans Affairs, and for other purposes.

S. 2395

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2395, a bill to require an annual feasibility report on cooperation between the National Guard and Taiwan, and for other purposes.

S. 2427

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2427, a bill to require the Federal Communications Commission to conduct a study and submit to Congress a report examining the feasibility of funding the Universal Service Fund through contributions supplied by edge providers, and for other purposes.

S. 2456

At the request of Mr. PETERS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 2456, a bill to direct the Federal Communications Commission to take certain actions to increase diversity of ownership in the broadcasting industry, and for other purposes.

S. 2740

At the request of Mr. BROWN, the names of the Senator from Virginia (Mr. KAINE) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2740, a bill to establish a strategic active pharmaceutical ingredient reserve to maintain a domestic supply of active pharmaceutical ingredients and key starting materials needed for the manufacturing of essential generic medicines, and to build a pipeline for domestic active pharmaceutical ingredient production.

S. 2881

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2881, a bill to assist States in improving guardianship oversight and data collection.

S. 2918

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2918, a bill to keep children safe and protect their interests on the internet, and for other purposes.

S. 2937

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2937, a bill to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

S. 3011

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 3011, a bill to amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, and for other purposes.

S. 3056

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3056, a bill to prohibit the implementation of new requirements to report bank account deposits and withdrawals.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. RES. 377

At the request of Ms. ROSEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 377, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization.

S. RES. 390

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. Res. 390, a resolution expressing appreciation for the State of Qatar's efforts to assist the United States during Operation Allies Refuge.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3061. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today with my colleague, Senator TINA SMITH, to introduce the Medicare Mental Health Inpatient Equity Act, legislation that eliminates Medicare's arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals. Given the steps that Congress has already taken to establish parity and improve coverage of mental health services, this change is long overdue, particularly as the COVID–19 pandemic has worsened the already alarming trends in the mental health of some Americans.

Notably, an estimated 13.1 million adults aged 18 or older in the United States are living with serious mental illness, representing 5.2 percent of all adults nationwide. These illnesses, such as schizophrenia and bipolar disorder, are chronic conditions that require ongoing treatment and care over a lifetime. When left untreated, they can be some of the most debilitating and destructive illnesses afflicting Americans.

Unfortunately, our current mental health system is fragmented, and these individuals all too often lack access to the care that they need. That is why I have worked to improve mental health services across the lifespan and break down barriers to treatment. The legislation I am introducing today eliminates another barrier in Medicare, the 190-day lifetime cap on inpatient services in psychiatric hospitals.

Most Medicare beneficiaries treated in inpatient psychiatric facilities qualify because of a disability. As such, this current restriction disproportionately impacts non-elderly Medicare beneficiaries—mainly those living with schizophrenia and bipolar disorder who may be diagnosed at a younger age and stay on Medicare longer as a result. Sadly, it is young adults aged 18 to 25 years who currently have the highest prevalence of serious mental illness of any age group.

Furthermore, no other Medicare inpatient service has these types of arbitrary caps, which is why elimination of Medicare's lifetime cap was a recommendation of the 2016 White House Mental Health and Substance Use Disorder Parity Task Force. While I recognize that this cap was originally intended to limit the Federal Government's role in paying for long-term custodial support of the mentally ill, keeping a cap on inpatient days at psychiatric hospitals—particularly for patients who have been living with serious mental illness from a young age—undermines patient treatment options and can lead to disruptive transitions of care.

During their life, people with serious mental illnesses may need repeated psychiatric inpatient hospital stays to manage their condition and regain quality of life in their community of choice. The 190-day lifetime limit can hurt people by arbitrarily ending coverage and can disrupt care from a provider who is most familiar with the patient. Moreover, when individuals with mental illness cannot receive care in the right setting, they often end up in hospital emergency rooms, in jails, or on the streets—leading to worse long-term outcomes for the individual, more pain and suffering for family members, and a greater cost to the taxpayer.

Outside a psychiatric inpatient hospital, it is difficult for many healthcare facilities to meet the treatment needs of those suffering with severe mental illness. Many general hospitals lack psychiatric care capacity, and there are countless examples of psychiatric boarding in emergency departments. Skilled nursing facilities may also not be best suited to provide the complex and specialized psychiatric care these beneficiaries need. Finally, too many patients find themselves receiving care in prisons, or not at all, if they are on the streets or are on long waitlists for care. As one local sheriff in Aroostook County recently told me, ''Law enforcement is not equipped to handle individuals with mental health challenges and yet we are faced with that reality every day.'' Similarly, a behavioral health provider in Presque Isle, ME, said, ''Imposing a limit may appear to reduce cost; however, the true cost-and toll-on community resources is far greater than any savings incurred by Medicare.''

On top of all of these existing challenges, it is clear the COVID–19 pandemic has increased stress and isolation, disrupted care services, and dramatically changed everyday life and even living environments for many Americans. With research pointing to greater psychological distress during the pandemic for people with mental illnesses, already a particularly vulnerable population, I fear we will be trying to make up for lost strides in behavioral health care for years to come. Now more than ever, we must work on commonsense reforms that provide parity between behavioral and physical health care, as well as strive to increase access to support and improve care coordination.

As the American Hospital Association, which endorses this bill, said, ''As we work to further integrate physical and behavioral health to better address the nation's behavioral health needs, one major obstacle to parity remains in the Medicare program—the 190-day lifetime limit on coverage for certain inpatient psychiatric treatment. With the nation's population aging and an increasing number of seniors and people with disabilities seeking inpatient care to address their behavioral health needs, now is the time to repeal this discriminatory policy and ensure that Medicare beneficiaries can receive necessary inpatient psychiatric care.''

The pandemic may have had a disastrous effect on the mental health of the Nation, but it has also led to more visibility and the understanding that individuals with serious mental illness, their families, and the communities in which they live do not have access to the care and resources they need. I hope we can use what we have learned throughout the pandemic as an opportunity to reduce stigma and make overdue reforms like removing the 190–day lifetime cap on inpatient services in psychiatric hospitals.

Our legislation, the Medicare Mental Health Inpatient Equity Act, is supported by a wide range of organizations, including the American Hospital Association and the Mental Health Liaison Group, a coalition of 57 national organizations representing consumers, family members, and mental health and addiction providers. This includes support from the National Association of Behavioral Healthcare, the American Psychiatric Association, the American Psychological Association, the National Alliance on Mental Illness, and Mental Health America.

I urge my colleagues to support this important critical legislation to bring greater mental health parity to the Medicare Program and give those suffering with serious mental illness access to the care they so desperately need.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

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

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 20, 2021.

Hon. SUSAN M. COLLINS,
Senate,
Washington, DC.
Hon. TINA SMITH,
Senate,
Washington, DC.

DEAR SENATOR COLLINS AND SENATOR SMITH: On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, our clinician partners—including more than 270,000 affiliated physicians, 2 million nurses and other caregivers—and the 43,000 health care leaders who belong to our professional membership groups, the American Hospital Association (AHA) is pleased to support your legislation, the Medicare Mental Health Inpatient Equity Act.

On the front lines of the COVID–19 pandemic, America's hospitals and health systems witness firsthand its far-reaching effects on behavioral health. The stress from unemployment or underemployment, isolation due to quarantine or COVID–19 restrictions, and grief over loved ones lost to the pandemic are possible to manifest in increases in already high rates of deaths from suicides and substance use disorder. Beyond COVID–19, we know that as a country to prioritize resources that support the behavioral health needs of the country. These investments will not only help to stymie the wave of unmet demand for behavioral health services that has been exacerbated by the COVID–19 pandemic, but also improve America's overall health.

As we work to further integrate physical and behavioral health to better address the nation's behavioral health needs, one major obstacle to parity remains in the Medicare program—the 190-day lifetime limit on coverage for certain inpatient psychiatric treatment. With the nation's population aging and an increasing number of seniors and people with disabilities seeking inpatient care to address their behavioral health needs, now is the time to repeal this discriminatory policy and ensure that Medicare beneficiaries can receive necessary inpatient psychiatric care.

We are grateful for your leadership on this issue and stand ready to work with you to enact this important legislation.

Sincerely,

STACEY HUGHES,
Executive Vice President.

MENTAL HEALTH LIAISON GROUP,
Washington, DC, October 18, 2021.

Hon. SUSAN COLLINS,
Senate,
Washington, DC.
Hon. TINA SMITH,
Senate,
Washington, DC.

DEAR SENATORS COLLINS AND SMITH: The Mental Health Liaison Group (MHLG)—a coalition of national organizations representing consumers, family members, mental health and addiction providers, advocates and other stakeholders committed to strengthening Americans' access to mental health and addiction care—is writing to express our strong support for the Medicare Mental Health Inpatient Equity Act. This critical legislation eliminates the discrimination against mental illnesses that continues to exist in the Medicare program as Medicare beneficiaries are limited to 190 days of inpatient psychiatric hospital care during their lifetime. This lifetime limit does not apply to psychiatric units in general hospitals and there is no such lifetime limit for any other Medicare specialty inpatient hospital service.

Through passage of landmark legislation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Congress put coverage for mental health and substance use disorders on par with other medical disorders. Also, that year, Congress enacted legislation to equalize the Medicare outpatient coinsurance for mental and physical health. Despite this progress, discrimination against Medicare patients with mental health disorders who require ongoing psychiatric treatment and hospitalizations, when in crisis, continues to exist.

The Medicare Payment Advisory Commission reported that most Medicare beneficiaries treated in inpatient psychiatric facilities qualify for Medicare because of disability, hence they tend to be younger and poorer that the typical Medicare beneficiary. These Medicare beneficiaries live with serious mental illnesses (such as schizophrenia and bipolar disorder) and who are living with these disorders from a relatively young age. These illnesses are chronic and will require ongoing treatment and care over their lifetimes, including hospitalization when in crisis.

The elimination of the 190-day limit will equalize Medicare mental health coverage with private health insurance coverage, increase access for the most seriously ill, improve continuity of care and create a more cost-effective Medicare program.

The MHLG applauds your bipartisan leadership and looks forward to working with you and your staff to enact this important legislation.

Sincerely,

2020 Mom; American Art Therapy Association; American Association for Marriage and Family Therapy; American Association for Psychoanalysis in Clinical Social Work; American Association of Child & Adolescent Psychiatry; American Association of Suicidology; American Association on Health and Disability; American Counseling Association; American Dance Therapy Association; American Foundation for Suicide Prevention; American Group Psychotherapy Association; American Mental Health Counselors Association; American Nurses Association; American Psychiatric Association; American Psychoanalytic Association; American Psychological Association; American Society of Addiction Medicine; Anxiety and Depression Association of America; Association for Ambulatory Behavioral Healthcare; Association for Behavioral and Cognitive Therapies.

Centerstone; Children and Adults with Attention-Deficit Hyperactivity Disorder; Clinical Social Work Association; Confederation of Independent Psychoanalytic Societies; Depression and Bipolar Support Alliance; Eating Disorders Coalition; Global Alliance for Behavioral Health and Social Justice; International Certification & Reciprocity Consortium; International OCD Foundation; International Society for Psychiatric Mental Health Nurses; The Kennedy Forum; Maternal Mental Health Leadership Alliance; Mental Health America; NAADAC, the Association for Addiction Professionals; National Alliance on Mental Illness; National Alliance to Advance Adolescent Health; National Association for Behavioral Healthcare; National Association for Children's Behavioral Health.

National Association for Rural Mental Health; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Pediatric Nurse Practitioners; National Association of Social Workers; National Association of State Alcohol and Drug Abuse Directors (NASADAD); National Association of State Mental Health Program Directors; National Board for Certified Counselors; National Council for Mental Wellbeing; National Disability Rights Network; National Federation of Families; National League for Nurses; National Register of Health Service Psychologists; NHMH—No Health without Mental Health; Psychotherapy Action Network; Residential Eating Disorders Consortium; Schizophrenia & Psychosis Action Alliance; Treatment Communities of America; Vibrant Emotional Health; Well Being Trust.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 16—COMMEMORATING THE 30TH ANNIVERSARY OF OPERATION PROVIDE COMFORT

Mr. VAN HOLLEN (for himself and Mr. RUBIO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas, after the uprising against Saddam Hussein in March 1991, Hussein turned tanks and helicopter gunships on the defenseless citizens of Iraqi Kurdistan;

Whereas, overwhelmed by the superior firepower of the Hussein regime, and having already experienced the genocidal death of approximately 200,000 Iraqi Kurds, the wanton destruction of approximately 4,500 Iraqi Kurdish villages, and deadly chemical bombardment, hundreds of thousands of Iraqi Kurdish men, women, and children fled to the northern and eastern borders of Iraq, fearing that the regime would use poison gas against them, as during the Anfal campaign and in Halabja only 3 years before;

Whereas, at one point in the early days of the 1991 refugee crisis, the daily death toll of fleeing Iraqi Kurds exceeded 1,000, with victims having no time to gather any possessions or winter protective gear and thus succumbing to exposure, malnutrition, and disease;

Whereas the United States, in response to the unfolding human catastrophe, led what became the largest humanitarian operation of its kind ever, Operation Provide Comfort, delivering humanitarian relief and enforcing a no-fly zone;

Whereas Operation Provide Comfort saved the lives of countless thousands of Iraqi Kurds from near certain death on the freezing and rugged border mountains of Iraqi Kurdistan;

Whereas, to this day, Iraqi Kurds credit United States-led Operation Provide Comfort, particularly the no-fly zone that protected the Iraqi Kurdish people until 2003, for helping support security and stability in Iraqi Kurdistan;

Whereas Iraqi Kurdistan has long served as a safe haven for people fleeing conflict and religious and political persecution; and

Whereas the Kurdistan Regional Government and the Kurdish Peshmerga remain steadfast partners of the United States in the fight against extremism and terrorism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 30th anniversary of Operation Provide Comfort;

(2) recognizes and honors the heroic soldiers, diplomats, political leaders, and coalition partners of the United States who implemented Operation Provide Comfort;

(3) recognizes and honors the bravery of the nearly 2,000,000 Iraqi Kurdish women, children, and men who struggled to survive starvation and exposure, welcomed the aid that came, and embraced the opportunity for a new life;

(4) encourages Iraqi Kurdish leaders to continue to uphold the values of democracy, human rights, and freedom that have made Iraqi Kurdistan an oasis in a troubled region; and

(5) reaffirms—

(A) the strong partnership between the United States and the Iraqi Kurds, which exists in complementarity with the United States' strong partnership with the Government of Iraq; and

(B) the enduring respect and support of Congress for Iraqi Kurdish friends of the United States who courageously stand with the United States in shared opposition to extremism and terrorism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3868. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3869. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3870. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3871. Ms. WARREN (for herself, Mr. DAINES, Mr. KING, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3872. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3873. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3874. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3875. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3876. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3868. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1____. THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

(a) IN GENERAL.—Section 7321 of the PFAS Act of 2019 (15 U.S.C. 8921) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking the subsection designation and heading and all that follows through ''Subject'' in the matter preceding subparagraph (A) of paragraph (1) and inserting the following:

''(b) IMMEDIATE INCLUSION.—Subject'';

(C) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''paragraph (1)'';

(D) in subparagraph (D), by striking ''subparagraph (C)'' and inserting ''paragraph (3)'';

(E) in subparagraph (G), by striking ''subparagraph (F)'' and inserting ''paragraph (6)'';

(F) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively, and indenting the paragraphs appropriately; and

(G) in paragraph (5) (as so redesignated)—

(i) in the matter preceding clause (i), by striking ''class'' and inserting ''category'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately; and

(iii) in subparagraph (B) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (1), by striking ''class'' each place it appears and inserting ''category'';

(C) by striking the subsection designation and heading and all that follows through ''Subject'' in the matter preceding clause (i) of paragraph (1)(A) and inserting the following:

''(c) INCLUSION FOLLOWING ASSESSMENT.—

''(1) DATE OF INCLUSION.—Subject'';

(D) by redesignating subparagraph (B) as paragraph (2);

(E) in paragraph (1) (as so designated)—

(i) in the matter preceding clause (i), by striking ''subsection (b)(1)'' and inserting ''subsection (b)'';

(ii) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately; and

(iii) in subparagraph (D) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(F) in paragraph (2) (as so redesignated), by striking ''this paragraph'' and inserting ''this subsection'';

(3) in subsection (d)—

(A) by striking ''classes'' each place it appears and inserting ''categories'';

(B) by striking ''class'' each place it appears and inserting ''category''; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''subsection (b)(1)'' and inserting ''subsection (b)''; and

(ii) in subparagraph (L), by striking ''subsection (b)(1)(F)'' and inserting ''subsection (b)(6)'';

(4) in subsection (e)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (b)(1), (c)(1)'' and inserting ''subsection (b), (c)''; and

(B) by striking ''class'' each place it appears and inserting ''category''; and

(5) by adding at the end the following:

''(g) REPORTING REQUIREMENTS.—

''(1) THRESHOLD FOR REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—

''(i) THRESHOLD.—Subject to subparagraph (C), the threshold for reporting under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) shall be met if, for a facility, the aggregate of the sums of quantities described in clause (ii) is not less than 100 pounds.

''(ii) SUMS OF QUANTITIES DESCRIBED.—The sums of quantities referred to in clause (i) are—

''(I) the sum of the quantities of substances and categories of substances described in subsections (b), (c), and (d)(3) manufactured by a facility;

''(II) the sum of the quantities of substances and categories of substances described in subsections (b), (c), and (d)(3) processed by a facility; and

''(III) the sum of the quantities of substances and categories of substances described in subsections (b), (c), and (d)(3) otherwise used by a facility.

''(B) METHOD OF REPORTING.—After a threshold determination described in subparagraph (A)(i) has been made, a toxic chemical release form shall be reported separately for each substance or category of substances described in subsections (b), (c), and (d)(3) for which a facility conducted a manufacturing, processing, or other use activity.

''(C) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under subsection (b), (c), or (d)(3), the Administrator shall—

''(i) determine whether revision of the threshold, category, or threshold and category under subparagraph (A)(i) is warranted for the substance or category of substances; and

''(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

''(2) LIMITATIONS.—

''(A) CONDITIONAL ADDITION TO LIST OF LOWER THRESHOLDS FOR CHEMICALS OF SPECIAL CONCERN.—The Administrator shall revise section 372.28 of title 40, Code of Federal Regulations (or successor regulations), to add a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances described in subsection (b), (c), or (d)(3) to that section unless the Administrator, in accordance with paragraph (1)(C), revises the threshold for reporting that substance or category of substances to 10,000 pounds or greater.

''(B) NOTIFICATION ABOUT TOXIC CHEMICALS.—A perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances described in subsection (b), (c), or (d)(3) shall not be eligible for the exemption from supplier notification under section 372.45(d)(1) of title 40, Code of Federal Regulations (or successor regulations).

''(C) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under subsection (b), (c), or (d)(3), the Administrator shall—

''(i) determine whether revision of the supplier notification requirement under section 372.45 of title 40, Code of Federal Regulations (or successor regulations), is warranted for the substance or category of substances; and

''(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision pursuant to section 328 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11048).''.

(b) CONFORMING AMENDMENTS.—Section 313(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)(2)) is amended—

(1) by striking ''subsections (b)(1), (c)(1)'' and inserting ''subsections (b), (c)''; and

(2) by striking ''2019'' and inserting ''2019 (15 U.S.C. 8921)''.

SA 3869. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins

SEC. _____1. SHORT TITLE.

This subtitle may be cited as the ''Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021''.

SEC. _____2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

''(a) PRESUMPTION OF SERVICE CONNECTION.—(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in paragraph (2) becoming manifest in a veteran described in paragraph (3) shall be considered to have been incurred in or aggravated during active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during the period of such service.

''(2) The diseases specified in this paragraph are the following:

''(A) Asthma that was diagnosed after service in a country or territory for which a medal described in paragraph (3) was awarded.

''(B)(i) Head cancer of any type.

''(ii) Neck cancer of any type.

''(iii) Respiratory cancer of any type.

''(iv) Gastrointestinal cancer of any type.

''(v) Reproductive cancer of any type.

''(vi) Lymphoma cancer of any type.

''(vii) Lymphomatic cancer of any type.

''(viii) Kidney cancer.

''(ix) Brain cancer.

''(x) Melanoma.

''(C) Chronic bronchitis.

''(D) Chronic obstructive pulmonary disease.

''(E) Constrictive bronchiolitis or obliterative bronchiolitis.

''(F) Emphysema.

''(G) Granulomatous disease.

''(H) Interstitial lung disease.

''(I) Pleuritis.

''(J) Pulmonary fibrosis.

''(K) Sarcoidosis.

''(L) Any other disease listed under subsection (a)(2) of section 1116 of this title or for which a presumption of service connection is warranted pursuant to regulations prescribed under section subsection (b)(1) of such section.

''(M) Any other disease with respect to which final regulations have been prescribed under subsection (c)(3).

''(3) A veteran described in this paragraph is any veteran who on or after August 2, 1990, was awarded any of the following:

''(A) The Afghanistan Campaign Medal.

''(B) The Armed Forces Expeditionary Medal.

''(C) The Armed Forces Reserve Medal with M-device.

''(D) The Armed Forces Service Medal.

''(E) The Global War On Terrorism Expeditionary Medal.

''(F) The Inherent Resolve Campaign Medal.

''(G) The Iraqi Campaign Medal.

''(H) The Southwest Asia Service Medal.

''(b) PROCESS TO ADD DISEASES THROUGH WRITTEN PETITION.—(1) In the case that the Secretary receives a written petition from an interested party to add a disease to the list of diseases specified in subsection (a)(2), not later than 90 days after the date of receipt of such petition, the Secretary shall request a determination by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the 'National Academies') with respect to whether there is a positive association between—

''(A) the exposure of humans to one or more covered toxins; and

''(B) the occurrence of the disease in humans.

''(2) For purposes of this subsection, the term 'interested party' includes a representative of—

''(A) a congressionally chartered veterans service organization;

''(B) an organization that—

''(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(ii) serves veterans or members of the Armed Forces; and

''(iii) has continuously operated for a period of five years or more preceding the date of the submittal of the written petition under paragraph (1);

''(C) a collective bargaining agent for civilian employees of the United States Government;

''(D) a nationally recognized medical association;

''(E) the National Academies; or

''(F) a State or political subdivision of a State.

''(c) DETERMINATIONS BY NATIONAL ACADEMIES.—(1) If the Secretary receives a determination described in paragraph (2), not later than 180 days after receipt of such determination, the Secretary shall—

''(A) publish in the Federal Register proposed regulations to add the disease covered by the determination to the list of diseases specified in subsection (a)(2);

''(B) publish in the Federal Register, and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

''(i) the decision of the Secretary not to publish such proposed regulations; and

''(ii) the basis for such decision, including specific medical science refuting the determination; or

''(C) publish in the Federal Register a decision that insufficient evidence exists to take action under subparagraph (A) or (B).

''(2) A determination described in this paragraph—

''(A) is a determination by the National Academies that there is a positive association between—

''(i) the exposure of humans to one or more covered toxins; and

''(ii) the occurrence of the disease in humans; and

''(B) may be made pursuant to—

''(i) a request from the Secretary under subsection (b); or

''(ii) an agreement between the Secretary and the National Academies under section _____3 of the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021.

''(3)(A) Not later than 180 days after the date on which the Secretary publishes any proposed regulations under paragraph (1)(A) for a disease, the Secretary shall prescribe final regulations for that disease.

''(B) Such regulations shall be effective on the date of issuance.

''(d) REFERENCE TO NATIONAL ACADEMIES.—In the case that the Secretary enters into an agreement with another organization as described in section _____3(h)(1) of the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021, any reference in this section to the National Academies shall be treated as a reference to the other organization.

''(e) DEFINITIONS.—In this section:

''(1) The term 'covered toxin' includes the following:

''(A) Any toxic chemical or toxic fume.

''(B) Hazardous waste, mixed waste, solid waste, or used oil (as those terms are defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

''(C) Radiological waste.

''(D) Any other carcinogen.

''(2) The term 'veterans service organization' means an organization recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) WRITTEN PETITIONS.—With respect to a written petition described in section 1119(b)(1) of title 38, United States Code, as added by subsection (a), that was received by the Secretary of Veterans Affairs before the effective date described in paragraph (1), the Secretary shall make a request of the National Academies of Sciences, Engineering, and Medicine under such section, as so added, not later than 90 days after such effective date.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by inserting after the item relating to section 1118 the following new item:

''1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.''.

(d) CONFORMING AMENDMENT.—Section 1113 of such title is amended by striking ''or 1118'' each place it appears and inserting ''1118, or 1119''.

SEC. _____3. AGREEMENT WITH THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE CONCERNING THE EXPOSURE OF HUMANS TO BURN PITS AND OTHER TOXINS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEWS OF SCIENTIFIC EVIDENCE.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies, the National Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure of humans to covered toxins and each disease suspected to be associated with such exposure.

(2) REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall conduct a review described in paragraph (1) in response to each request made by the Secretary under section 1119(b)(1) of title 38, United States Code, as added by section _____2(a).

(c) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—

(1) IN GENERAL.—For each disease reviewed under subsection (b), the National Academies shall determine (to the extent that available scientific data permit meaningful determinations) whether there is a positive association between the exposure of humans to one or more covered toxins and the occurrence of the disease in humans, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association.

(2) SUBMISSIONS FOR REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, not later than 270 days after the date on which the Secretary transmits a request to the National Academies with respect to a disease under section 1119(b)(1) of title 38, United States Code, as added by section _____2(a), the National Academies shall submit to the Secretary the determination made with respect to that disease under paragraph (1).

(d) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to the exposure of humans to covered toxins.

(2) CONSIDERATIONS.—In making recommendations for additional scientific studies, the National Academies shall consider—

(A) the scientific information that is available at the time of the recommendation;

(B) the value and relevance of the information that could result from additional studies; and

(C) the feasibility of carrying out such additional studies.

(e) SUBSEQUENT REVIEWS.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall—

(1) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (b)(1) that became available since the last review of such evidence under this section; and

(2) make determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Under an agreement between the Secretary and the National Academies under this section, not later than 540 days after the date of the enactment of this Act, the National Academies shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the National Academies under the agreement.

(B) ELEMENTS.—The report submitted under subparagraph (A) shall include the following:

(i) The determinations described in subsection (c)(1).

(ii) An explanation of the scientific evidence and reasoning that led to such determinations.

(iii) Any recommendations of the National Academies under subsection (d).

(2) PERIODIC UPDATES.—Under an agreement between the Secretary and the National Academies under this section, not less frequently than once every two years, the National Academies shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an updated report on the activities of the National Academies under the agreement.

(g) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the period prescribed in subsection (a)(2) to enter into an agreement with the National Academies on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section, section 4, and section 1119 of title 38, United States Code, as added by section _____2(a), to the National Academies shall be treated as a reference to the other organization.

(i) COVERED TOXIN DEFINED.—In this section, the term ''covered toxin'' has the meaning given that term in section 1119(e) of title 38, United States Code, as added by section _____2(a).

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs such sums as may be necessary to carry out this section.

SEC. _____4. ACCESS OF THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE TO INFORMATION FROM FEDERAL AGENCIES.

(a) IN GENERAL.—Upon request by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies''), the head of any Federal agency with relevant information shall provide to the National Academies information in the possession of the agency that the National Academies determines useful in conducting a review under section _____3(b).

(b) FEDERAL AGENCY DEFINED.—In this section, the term ''Federal agency'' means any agency as that term is defined in section 551 of title 5, United States Code.

SEC. _____5. PRESUMPTION RELATING TO PERSONAL INJURY OF CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 8102 of title 5, United States Code, is amended by adding at the end the following:

''(c)(1) In this subsection, the term 'covered employee' means an employee of the Department of State, the Department of Defense, or an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who, on or after August 2, 1990, carried out the job responsibilities of the employee for not fewer than 30 total days in a country or territory while the United States was conducting a contingency operation (as defined in section 101 of title 10) in that country or territory.

''(2) Disability or death from a disease described in paragraph (2) of such section suffered by a covered employee is deemed to have resulted from personal injury sustained while in the performance of the duty of the covered employee, whether or not the covered employee was engaged in the course of employment when the disability or disability resulting in death occurred.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Subsection (c) of section 8102 of such title, as added by subsection (a), shall not be construed to apply to a contractor of a Federal department or agency.

SA 3870. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 530C. AUTHORIZATION OF CLAIMS BY MEMBERS OF THE ARMED FORCES AGAINST THE UNITED STATES THAT ARISE FROM SEX-RELATED OFFENSES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by inserting after section 2733a the following new section:

''§ 2733b. Claims arising from sex-related offenses

''(a) IN GENERAL.—Consistent with this section and under such regulations as the Secretary of Defense shall prescribe under subsection (d), the Secretary may allow, settle, and pay a claim against the United States for personal injury or death of a claimant arising from—

''(1) a sex-related offense committed by a covered individual; and

''(2)(A) the negligent failure to prevent such sex-related offense; or

''(B) the negligent failure to investigate such sex-related offense.

''(b) REQUIREMENT FOR CLAIMS.—A claim may be allowed, settled, and paid under subsection (a) only if—

''(1) the claim is filed by the claimant who is the victim of the sex-related offense, or by an authorized representative on behalf of such claimant who is deceased or otherwise unable to file the claim due to incapacitation;

''(2) the claimant was a member of an armed force under the jurisdiction of the Secretary of a military department at the time of the sex-related offense;

''(3) the claim is presented to the Department in writing within two years after the claim accrues;

''(4) the claim is not allowed to be settled and paid under any other provision of law; and

''(5) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under subsection (d).

''(c) PAYMENT OF CLAIMS.—(1) If the Secretary of Defense determines, pursuant to regulations prescribed by the Secretary under subsection (d), that a claim under this section in excess of $100,000 is meritorious, and the claim is otherwise payable under this section, the Secretary may pay the claimant $100,000 and report any meritorious amount in excess of $100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.

''(2) Except as provided in paragraph (1), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

''(d) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section.

''(2) Regulations prescribed by the Secretary under paragraph (1) shall include the following:

''(A) Policies and procedures to ensure the timely, efficient, and effective processing and administration of claims under this section, including—

''(i) the filing, receipt, investigation, and evaluation of a claim;

''(ii) the negotiation, settlement, and payment of a claim; and

''(iii) such other matters relating to the processing and administration of a claim, including an administrative appeals process, as the Secretary considers appropriate.

''(B) A process through which any claimant who pursues an administrative appeal of a claim will be provided with an opportunity to participate in a live hearing regarding such appeal, which may be attended by the claimant in-person or remotely through electronic means.

''(C) Uniform standards consistent with generally accepted standards used in a majority of States in adjudicating claims under chapter 171 of title 28 (commonly known as the 'Federal Tort Claims Act') to be applied to the evaluation, settlement, and payment of claims under this section without regard to the place of occurrence of the sex-related offense giving rise to the claim or the military department of the covered individual, and without regard to foreign law in the case of claims arising in foreign countries, including uniform standards to be applied to determinations with respect to—

''(i) whether an act or omission by a covered individual was negligent or wrongful, considering the specific facts and circumstances;

''(ii) whether the personal injury or death of the claimant was caused by a negligent or wrongful act or omission of a covered individual;

''(iii) requirements relating to proof of duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by the Secretary of Defense; and

''(iv) calculation of damages, except that any standard establishing a maximum limit on noneconomic damages may not limit such damages to less than $800,000.

''(D) A requirement that any maximum limit on noneconomic damages shall be not less than $800,000.

''(E) Such other matters as the Secretary considers appropriate.

''(3) In order to implement expeditiously the provisions of this section, the Secretary may prescribe the regulations under this subsection—

''(A) by prescribing an interim final rule; and

''(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

''(e) LIMITATIONS ON ATTORNEY FEES.—(1) No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any claim paid pursuant to this section.

''(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim under this section any amount in excess of the amount allowed under paragraph (1), if recovery be had, shall be fined not more than $2,000, imprisoned not more than one year, or both.

''(3) The United States shall not be liable for any attorney fees of a claimant under this section.

''(f) ANNUAL REPORT.—Not less frequently than annually until 2026, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

''(1) indicating the number of claims processed under this section;

''(2) indicating the resolution of each such claim; and

''(3) describing any other information that may enhance the effectiveness of the claims process under this section.

''(g) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means a member of the armed forces or an employee of the Department of Defense.

''(2) The term 'sex-related offense' has the meaning given that term in section 1044e(h) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 163 of such title is amended by inserting after the item relating to section 2733a the following new item:

''2733b. Claims arising from sex-related offenses.''.

(b) INTERIM BRIEFING ON DEVELOPMENT OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the development of regulations under section 2733b(d) of title 10, United States Code, as added by subsection (a)(1).

(c) CONFORMING AMENDMENTS.—

(1) Section 2735 of such title is amended by inserting ''2733b,'' after ''2733a,''.

(2) Section 1304(a)(3)(D) of title 31, United States Code, is amended by inserting ''2733b,'' after ''2733a,''.

(d) EFFECTIVE DATE AND TRANSITION PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed under section 2733b of such title, as added by subsection (a)(1), on or after January 1, 2022.

(2) TRANSITION.—Any claim filed in calendar year 2021 shall be deemed to be filed within the time period specified in section 2733b(b)(2) of such title, as so added, if it is filed within three years after it accrues.

SA 3871. Ms. WARREN (for herself, Mr. DAINES, Mr. KING, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. RECOGNITION AND HONORING OF SERVICE OF INDIVIDUALS WHO SERVED IN UNITED STATES CADET NURSE CORPS DURING WORLD WAR II.

Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g)(1)(A) Service as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, of any individual who was honorably discharged therefrom pursuant to subparagraph (B) shall be considered active duty for purposes of eligibility and entitlement to benefits under chapters 23 and 24 of this title (including with respect to headstones and markers), other than such benefits relating to the interment of the individual in Arlington National Cemetery provided solely by reason of such service.

''(B)(i) Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall issue to each individual who served as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

''(ii) A discharge under clause (i) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that clause.

''(2) An individual who receives a discharge under paragraph (1)(B) for service as a member of the United States Cadet Nurse Corps shall be honored as a veteran but shall not be entitled by reason of such service to any benefit under a law administered by the Secretary of Veterans Affairs, except as provided in paragraph (1)(A).

''(3) The Secretary of Defense may design and produce a service medal or other commendation, or memorial plaque or grave marker, to honor individuals who receive a discharge under paragraph (1)(B).''.

SA 3872. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 821. DIVERSITY AND INCLUSION REPORTING REQUIREMENTS FOR COVERED CONTRACTORS.

(a) IN GENERAL.—Subchapter V of chapter 325 of title 10, United States Code, is amended by inserting after section 4892 the following new section:

''§ 4893. Diversity and inclusion reporting requirements for covered contractors

''(a) COVERED CONTRACTOR REPORTS.—

''(1) IN GENERAL.—The Secretary of Defense shall require each covered contractor awarded a major contract to submit to the Secretary of Defense by the last day of each full fiscal year that occurs during the period of performance of any major contract a report on diversity and inclusion.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by the report—

''(A) a description of each major contract with a period of performance during the fiscal year covered by the report, including the period of performance, expected total value, and value to date of each major contract;

''(B) the total value of payments received under all major contracts of each covered contractor during such fiscal year;

''(C) the total number of participants in the board of directors of each covered contractor, nominees for the board of directors of the covered contractor, and the senior leaders of the covered contractor, disaggregated by demographic classifications

''(D) with respect to employees of each covered contractor—

''(i) the total number of such employees; and

''(ii) the number of such employees (expressed as a numeral and as a percentage of the total number), identified by membership in demographic classification and major occupational group;

''(E) the value of first-tier subcontracts under each major contract entered into during such fiscal year;

''(F) with respect to employees of each covered subcontractor—

''(i) the total number of such employees;

''(ii) the number of such employees (expressed as a numeral and as a percentage of the total number), identified by membership in demographic classification and major occupational group;

''(G) whether the board of directors of the covered contractor has, as of the date on which the covered contractor submits a report under this section, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among the members of the board of directors of the covered contractor, nominees for the board of directors of the covered contractor, or the senior leaders of the covered contractor; and

''(H) a description of participation by the contractor in diversity programs, to include hours spent, funds expended in support of, and the number of unique relationships established by each such diversity program.

''(b) ANNUAL SUMMARY REPORT.—

''(1) REPORT REQUIRED.—Not later than 60 days after the first day of each fiscal year, the Secretary shall submit to the congressional defense committees a report summarizing the reports submitted pursuant to subsection (a).

''(2) ELEMENTS.—Each report under paragraph (1) shall include—

''(A) an index of the reports submitted pursuant to subsection (a);

''(B) a compilation of the data described in such subsection, disaggregated as described in such subsection;

''(C) an aggregation of the data provided in such reports; and

''(D) a narrative that analyzes the information disclosed in such reports and identifies any year-to-year trends in such information.

''(c) PUBLIC AVAILABILITY.—Each report required under this subsection shall be posted on a single publicly available website of the Department of Defense and made available in a machine-readable format that is downloadable, searchable, and sortable.

''(d) DEFINITIONS.—In this section:

''(1) COVERED CONTRACTOR.—The term 'covered contractor' means a contractor awarded a major contract.

''(2) COVERED SUBCONTRACTOR.—The term 'covered subcontractor' means a subcontractor performing a subcontract that is one of the 10 highest aggregate value subcontracts under a major contract.

''(3) DEMOGRAPHIC CLASSIFICATIONS.—The term 'demographic classifications' means classifications by race, gender, veteran status, or ethnicity.

''(4) DIVERSITY PROGRAM.—The term 'diversity program' means—

''(A) a program conducted under section 3904 of this title;

''(B) a mentor-protege relationship established under section 831 of the National Defense Authorization Act for Fiscal Year 1991;

''(C) a program conducted under section 250 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2192a note); or

''(D) any other program designated by the Secretary of Defense as designed to increase the diversity of the workforce of the defense industrial base.

''(5) MAJOR CONTRACT.—The term 'major contract' has the meaning given the term in section 2342 of this title.

''(6) MAJOR OCCUPATIONAL GROUP.—The term 'major occupational group' means a major occupational group as defined by the Bureau of Labor Statistics.

''(7) SENIOR LEADER.—The term 'senior leader' means—

''(A) the president of a covered contractor;

''(B) any vice president in charge of a principal business unit, division, or function of a covered contractor;

''(C) any other officer of a covered contractor who performs a policy-making function; or

''(D) an individual responsible for the direct or indirect management of more than 200 individuals.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter V of chapter 325 of title 10, United States Code, is amended by adding after the item related to section 4892 the following:

''4893. Diversity and inclusion reporting requirements for covered contractors.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2022, and shall apply with respect to contracts entered into on or after July 1, 2022.

SA 3873. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2825. AUTHORITY TO CONVEY AND LEASE LAND AND FACILITIES TO SUPPORT CONTRACTS WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2688 the following new section:

''§ 2689. Conveyance and lease of land and facilities to support contracts with federally funded research and development centers

''(a) LEASE OF LAND, FACILITIES, AND IMPROVEMENTS.—(1) The Secretary of a military department may, for no consideration, lease land, facilities, and improvements to a federally funded research and development center sponsored by, and contracted to, the Department of Defense to further the purposes of such contract for a period not to exceed 30 years.

''(2) Any lease entered into under paragraph (1) with a federally funded research and development center with respect to which the Department of Defense has entered into a contract described in such paragraph shall terminate upon the termination or nonrenewal of such contract.

''(b) CONVEYANCE OF FACILITIES AND IMPROVEMENTS.—(1) The Secretary of a military department may, for no consideration, convey to a federally funded research and development center sponsored by, and contracted to, the Department of Defense ownership of facilities and improvements located on land leased to such center to further the purposes of such contract.

''(2) Ownership of facilities and improvements conveyed under paragraph (1) shall revert to the United States upon the termination or nonrenewal of the underlying land lease.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2688 the following new item:

''2689. Conveyance of land and facilities to support contracts with federally funded research and development centers.''.

SA 3874. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2836. TREATMENT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS UNDER MILITARY CONSTRUCTION LAWS.

Section 2801 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) This chapter does not apply to real property, including facilities, leased to, furnished to, or placed under the responsibility of (through a base support agreement or other contractual mechanism) a federally funded research and development center that is sponsored by and contracted to the Department of Defense for the performance of research, development, and rapid prototyping.

''(2) On real property leased, conveyed, or made available to a federally funded research and development center from the Department of Defense, such center may use funds for research and development under a base support agreement or other contractual mechanism to construct new infrastructure and facilities, demolish leased facilities, and repair and refurbish leased facilities consistent with the requirements of such agreement or other contractual mechanism.''.

SA 3875. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. MODIFICATION OF DEFINITION OF COMMUNITY INFRASTRUCTURE FOR PURPOSES OF MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

Clause (i) of section 2391(e)(4)(A) of title 10, United States Code, is amended to read as follows:

''(i) is located—

''(I) off of a military installation; or

''(II) on land under the jurisdiction of the Department of Defense under a long-term

real estate instrument, such as a lease or easement, that provides support to a military installation; and''.

SA 3876. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'State-owned National Guard facility' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.''.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting ''and at State-owned National Guard facilities'' before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Public Law 116–260, on behalf of the Republican Leader of the Senate, appoints the following individual as a member of the Smithsonian American Women's History Museum Advisory Council: Bridget Bush of Kentucky.

ORDERS FOR TUESDAY, OCTOBER 26, 2021

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, October 26; 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 Cobb nomination; further, that if cloture is invoked on the Cobb nomination, the Senate immediately vote on cloture on the Williams and Giles nominations, in the order listed; and that the Senate recess following the cloture vote on the Giles nomination until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:30 p.m., the Senate vote on the motions to invoke cloture on the Nachmanoff and Nagala nominations, in the order listed; and that if cloture is invoked on any of the nominations during Tuesday's session, all postcloture time be considered expired and the confirmation votes be at a time to be determined by the majority leader in consultation with the Republican leader; finally, if any nominations are confirmed during Tuesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:23 p.m., stands adjourned until Tuesday, October 26, 2021, at 10 a.m. tomorrow.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 25, 2021:

DEPARTMENT OF LABOR

DOUGLAS L. PARKER, OF WEST VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

THE JUDICIARY

MYRNA PEREZ, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.