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Senate

The Senate met at 3:02 p.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

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

Let us pray.

O God, our sure refuge, teach us how to live this day. Give us relaxed attitudes that lengthen life. Make us like trees that bear lifegiving fruit. Keep us calm when we feel indignation. Grant that our work will bring freedom and not captivity.

Look with favor upon the Members of the Senate, and bless them according to their needs. Lord, move their minds to discover Your purposes. Keep alive in each of them the grace of Your spirit, lest they lose the awareness of Your presence in their lives.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

MEASURES PLACED ON THE CALENDAR—S. 870, H.R. 502, AND H.R. 815

Mr. SCHUMER. Mr. President, first, a little housekeeping.

I understand that there are three bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 870) to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

A bill (H.R. 502) to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, and for other purposes.

A bill (H.R. 815) to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

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

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

WORLD DOWN SYNDROME AWARENESS DAY

Mr. SCHUMER. Mr. President, today is World Down Syndrome Awareness Day.

To honor this day, I am wearing a pair of socks given to me yesterday, in Schenectady, by my friend Sheila Seery. Sheila's daughter, Anna, is 14 and lives with Down syndrome. These socks come from a company on Long Island called John's Crazy Socks, run by a man with Down syndrome, who makes socks to help raise awareness for the condition. So, not only are they a wonderful pair of socks, they are also for a great cause.

Today, I am thinking of my friend Sheila and her daughter, Anna, as well as every family in our country who has a loved one living with Down syndrome.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. SCHUMER. Mr. President, on the AUMFs, today, the Senate begins debate on a resolution formally repealing the Iraq AUMFs of 2002 and 1991, bringing us another step closer to ending these war authorities and putting these conflicts behind us for good.

I want to note last week's vote on cloture—68 to 27. That is a clear sign of bipartisan support in this Chamber. I hope Republicans will work with us to keep this bill moving forward, because AUMF repeal in the Senate is now a matter of when, not of if. It is my hope that we can finish our work on repealing these AUMFs as soon as possible.

We will have a reasonable amendment process. That said, given last week's strong vote, there is no reason to drag this out. I am encouraged that, in the House, Members from both sides of the aisle seem to be open to taking action once the Senate passes this resolution, and there are Members of the Senate Republican leadership who seem very strongly for the bill. That is a very good sign.

As always, I thank my colleagues here in the Senate, on both sides of the aisle, for supporting this legislation, particularly Senators KAINE and YOUNG, who did an amazing job in rounding up support. This has been a dream of Senator KAINE's for a long time, and now it is coming closer to reality. And I want to thank Chairman MENENDEZ and Ranking Member RISCH and all of the cosponsors of the legislation.

There is no justification anymore for allowing these Iraq authorizations to remain on the books. Every year they remain in place is another year a future administration can abuse them to ensnare us in another conflict in the Middle East. The American people don't want that. They are tired of endless wars in the Middle East. We owe it to our servicemembers and our veterans, as well as their families and communities impacted by the war, to repeal these AUMFs as soon as we can.

LOWER ENERGY COSTS ACT

Mr. SCHUMER. Mr. President, on H.R. 1, over the weekend, the U.N. International Panel on Climate Change released their most dire warning to date: Unless the world swiftly transitions to clean energy and curbs emissions, our planet risks crossing a point of no return sometime in the next decade. What awaits us on the other side could be severe and irreversible: droughts, storms, and crop failures at a level we can scarcely imagine today.

I think of my young grandchildren, and I worry about the world they are going to grow up in. This is something that should make every one of us want to do something real about climate change. Unfortunately, House Republicans seem to think the best solution for our energy needs is not to help America transition to clean energy. They think doubling down on more giveaways to Big Oil is the way to go.

I have been very clear about two things: Democrats want to see a bipartisan, commonsense energy proposal come together in Congress, but Republicans' H.R. 1 proposal is dead on arrival in the Senate.

Let me just repeat that so they hear it from the other side of the aisle. H.R. 1 is dead on arrival in the Senate.

So you can do all of the hoopla you want in the House. It ain't passing. It is not going to change a thing.

No serious proposal would omit, as the House bill does, long overdue reforms for accelerating the construction of transmission to bring clean energy to projects online. You can't have a good bill without some transmission. Transmission is vital to getting clean energy from where it is produced to where people live, but the Republican H.R. 1 proposal leaves this problem untouched. It is one of the major things we must do this year.

No real energy proposal would stuff itself with poison pills in the way Republicans' H.R. 1 does as well. House Republicans want to repeal everything from the Greenhouse Gas Reduction Fund to the methane fee—imagine repealing the methane fee when methane is 10 times as dangerous as CO_2—and the royalty reforms for oil and gas leases. Democrats just passed these into law—to wide acclaim throughout the country and throughout the world—through the Inflation Reduction Act. So to undo them a few months later is ludicrous. It is laughable. It is not happening.

Until Republicans recognize that permitting reform is an essential step toward laying the foundation for clean energy and that transmission is essential, no proposal or package they put forward will be taken seriously.

Fortunately, there are some on both sides of the aisle in both Houses who are attempting to put together bipartisan legislation, and it has my blessing for them to try and come up with something that would be reasonable, productive, and could pass.

CHIPS AND SCIENCE ACT

Mr. SCHUMER. Mr. President, on CHIPS, today, the administration released a number of proposed guardrails that will ensure the Chinese Communist Party does not benefit from our efforts to increase chip production here at home.

We first put these guardrails into the CHIPS and Science bill, which we enacted into law last summer—something we are very proud of and that I am very proud of. We put them in because we didn't want to see companies getting help to expand operations in America and then using other dollars to expand operations in countries like China. I am glad the administration is implementing this law with good, strong guidelines—with good, strong regulations.

Specifically, the Department of Commerce and the Treasury have proposed new restrictions, which the Senate approved through the CHIPS and Science Act, on the amount companies receiving CHIPS money can invest in projects located within countries of concern. That includes Russia and China. Abusing CHIPS funding to expand projects in China-based markets would be self-defeating, and it would endanger our national security. This is what we passed into law in the CHIPS bill, and this proposed rule will implement it in a strong way. If we are serious about investing in domestic chip production, the last thing we should be doing is allowing companies to take CHIPS dollars and use them to build facilities in China that benefit the CCP.

I applaud the administration. I applaud our great Secretary of Commerce for this proposed rule, which I called on them to fast-track weeks ago, and I am glad they are doing it.

I am also glad this week that the administration is rolling out proposed guidance for implementing the CHIPS investment tax credit—the ITC. I fought relentlessly to get this tax credit into CHIPS and Science. We knew, without it, our new factories here in America that are going to make advanced computer chips would not grow as quickly and as well.

I want to thank Senators WYDEN, BROWN, CASEY, TESTER, KELLY, WARNER, CANTWELL, and many others for joining me in this effort.

As I have said many times, President Xi and the Chinese Communist Party are on an all-out campaign to replace the United States as the global force in the 21st century. Look no further than the headlines today. President Xi is being wined and dined by Vladimir Putin, leaving no doubt that the CCP is rooting for Putin to prevail in Ukraine.

But it is not just on military matters that China wants to dominate. For decades, the CCP has rapaciously stolen American, European, and Japanese technologies and intellectual property. The CHIPS and Science Act was designed to halt this bleeding and bring semiconductor jobs back to our shores. But, if that is going to happen, we can't allow taxpayer dollars to expand projects in China to begin with. So I applaud the administration for introducing this proposed rule today.

RAIL SAFETY

Mr. SCHUMER. Mr. President, on the Norfolk Southern hearing, the many consequences of Norfolk Southern's derailment in East Palestine continue to reverberate today. That accident and the many that have occurred since have forced Congress to confront an ugly realization: Years of lobbying from rail companies and deregulation under Republican administrations have empowered the rail industry to put profits over people and endanger communities' safety.

Tomorrow, the CEO of Norfolk Southern will return to the Senate and testify before the Commerce Committee. He will be joined by Jennifer Homendy from the National Transportation Safety Board, as well as by two colleagues, Senators BROWN and VANCE, who have pushed the bipartisan Railway Safety Act.

We have heard Norfolk Southern's CEO say he is sorry for what happened in East Palestine, but we have also heard him say he is open to legislative efforts to enhance safety. I hope Norfolk Southern's CEO follows up his apology with candid answers to some important questions:

One, why did Norfolk Southern, after seeing a record $3.3 billion in profits last year, pursue billions—billions—in stock buybacks instead of putting that money toward safety and toward their workers?

Two, why did the freight rail industry spend so much time and money lobbying for deregulation while also cutting the industry's workforce by, roughly, 20 percent?

And, three, will the chair of the NTSB, who will testify tomorrow, as

well, also commit to expanding their investigation into Norfolk Southern to include all class I freight rail companies so we can get to the heart of the problems that lie within the rail industry?

The Senate needs answers. Communities like East Palestine need answers. So many others deserve answers as well. I hope we will hear some tomorrow.

I yield the floor.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 316, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 25, S. 316, to repeal the authorizations for use of military force against Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

SUNSHINE PROTECTION ACT

Mr. TUBERVILLE. Mr. President, on a lighter note than the majority leader's, I would like to talk about something a little different.

A couple of weekends ago, Americans across the country lost an hour of sleep to ''spring forward'' and reset their clocks for what we call daylight savings time. I am willing to bet losing that hour might have caused some friends back home in Alabama to have been late for church that day.

But the outdated practice of changing our clocks twice a year has many more consequences than the inconvenience of running behind, and Congress should make this year the last time we ever change our clocks by passing the Sunshine Protection Act.

Over the past 2 years, I have received many, many calls from people across Alabama to make daylight savings time permanent. Many Alabamians, including parents, seniors, farmers, citizens, and mental health professionals, have all reached out to my office in support of days of more sunshine in the evening—but not just Alabamians. Millions—I mean, millions—of Americans are ready to end the outdated practice of springing forward and falling back.

The idea of daylight savings time was originally known as wartime, W-A-R. It was first introduced as a temporary measure to conserve energy and better utilize resources during World War I. Now, nearly 100 years later, Americans' energy consumption has rapidly, rapidly changed. While adjustments to our clocks might have made sense when it first began, it does not make sense for modern times today.

That is why I joined Senator MARCO RUBIO and a bipartisan group of my colleagues to reintroduce the Sunshine Protection Act to make daylight savings time permanent. The bill would provide an extra hour of sunlight in the afternoon, which would be most notable during the dark and cold winter months.

Many studies have proven that extra sunlight in the evening can lead to improvements in mental health, physical fitness, economic growth, and overall well-being. It is a simple way we could positively impact the day-to-day life of all Americans and finally get something done that a lot of people really care about.

Shifting clocks can disrupt sleep patterns, but a permanent daylight savings time will help Americans maintain a consistent sleep schedule. Studies have suggested that the disruption of sleep patterns associated with the shift in time has increased the risks of cardiovascular disease and physical injuries. Northwestern Medicine found that the ''fall back'' and ''spring forward'' comes with a 9-percent spike in fatal car accidents and a 24-percent higher risk of heart attacks.

Additionally, the long-term effects linked to daylight saving time include weight gain, headaches, and depression. The time switch in the fall increases seasonal affective disorder every year.

A study published in 2017 found that the transition from daylight saving time to standard time increased—increased—the number of hospital visits for depression by 11 percent.

Permanent daylight saving time with extra sunlight in the evening will also encourage more physical activity, allow more time for people to go on walks, participate in recreational activities, and attend outdoor events. Kids will be able to enjoy more time outdoors after school with friends yearround, and older Americans will have more access to vitamin D.

Longer daylight hours in the evening have proven to stimulate economic activity, as well, because people are more likely to shop, dine out, and participate in other activities.

COVID lockdowns, which were very recent, and their crippling economic effect throughout the country underscore how valuable our small businesses are for local economies and our entire Nation as a whole.

The agriculture industry is also greatly affected by daylight saving time, as more sunshine during working hours means more time to work on their crops, which could translate into a more profitable bottom line. It could also decrease expensive energy consumption on farms by reducing the need for artificial lighting and heating.

It is estimated that the time change costs the U.S. economy more than $400 million in lost productivity annually.

Alabama, along with 17 other States, has already passed legislation to end the outdated practice of changing our clocks—17. However, the Federal Government must act to make those laws go into effect.

Congress should listen—should listen—to the people and pass the Sunshine Protection Act to make daylight saving time permanent before we readjust our clocks again next fall. The change would improve our health, bolster our economy, benefit our farmers, and put America on the path to a brighter future.

It is time for America to move forward and stop falling back.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF PHILLIP A. WASHINGTON

Mr. CRUZ. Mr. President, I rise today to discuss Phil Washington, President Biden's nominee to serve as the Administrator of the Federal Aviation Administration, the top job at the FAA.

The FAA has been in the news far too often lately, from the software meltdown of a critical safety system in January that resulted in the first U.S. ground stop of aircraft since September 11 to recent, numerous near-misses of airliners on runways. These incidents are a stark reminder of why it is essential to have an FAA Administrator with decades of deep and real aviation experience, especially experience in aviation safety. After all, the FAA's primary mission is to keep the flying public safe.

This mission is so important that Congress has explicitly mandated, by statute, that the FAA Administrator must ''have experience in a field directly related to aviation.'' This is not a patronage job; this is an aviation safety job. And it is, frankly, irresponsible to entrust the role of protecting the lives of millions of Americans who fly in the hands of a person who needs on-the-job training. Unfortunately, that is exactly what we have with President Biden's FAA nominee, Phil Washington.

I am deeply disappointed that the Biden White House decided to treat a critical safety position as a political spoil system, to reward a political ally rather than to ensure an experienced safety professional to keep us all safe. And as a result of the Biden White House playing politics with this critically important position, the FAA has lacked a Senate-confirmed leader for a year now.

Phil Washington is objectively, indisputably unqualified to lead the FAA. For two decades, he worked at mass transit agencies, where he was in charge of buses and trains, not planes. That experience might qualify him to serve at the Federal Transit Administration or on the board of Amtrak. Those would be reasonable nominations given Mr. Washington's experience. But buses and trains have nothing to do with airplanes.

The indisputable fact is that Mr. Washington has zero aviation experience and, in particular, zero aviation safety experience. Mr. Washington has never flown an airplane. He has never been a military pilot. He has never been a commercial airline pilot. He has never worked at an airline. He has never worked at an airline manufacturer. He has never served as an air traffic controller. He has never worked for a company that repairs airplanes.

The only aviation experience that Mr. Washington has is limited, for the last 20 months, to working at the Denver airport as the CEO. However, in that job, his primary responsibility is the physical plant there. It is the airport's shopping. It is its dining. It is its parking. It is its buildings. He doesn't have responsibility for aviation and aviation safety. In particular, as Mr. Washington admitted at his confirmation hearing, the pilots don't work for him, the mechanics don't work for him, and the air traffic controllers don't work for him. His job is not in aviation safety.

Aviation is a field involving highly technical issues. To understand these issues, to lead the FAA, the head of the Federal Aviation Administration needs to have extensive knowledge, experience, and expertise in aviation. This shouldn't be a controversial statement, and, historically, the head of the FAA has had decades of real, serious experience in aviation safety.

The FAA Administrator is supposed to be a nonpartisan position for an aviation expert. I don't want a Democrat FAA Administrator or a Republican FAA Administrator. I want someone who has some idea how to keep the damn planes in the sky. That is why the term of office is 5 years for this position—because it is not a position that is suitable to partisan patronage, but rather you need nonpartisan experts.

FAA Administrators typically stay on the job even when the White House changes hands. This is a job for someone with specialized knowledge needed to ensure the safety of the flying public.

I will readily admit, I am wildly unqualified to be FAA Administrator. No one in their right mind would put me in charge of this Agency because I don't have any idea how to fly a plane. I certainly don't know what needs to be done to ensure that they are flying safely. The sad thing is, Mr. Washington doesn't know any more than I do when it comes to this critical, specialized role.

Mr. Washington's nomination hearing confirmed what is abundantly clear in his resume: that he lacks any aviation experience. At his hearing, he was unable to answer basic aviation questions, including safety questions about aircraft certification, about pilot licensing, about airports.

I asked Mr. Washington about what caused the two tragic accidents with the 737 MAX. He was forced to answer to say he didn't know. Sadly, I believe him. But that is an enormous problem, given that 346 souls were lost in those two horrific crashes. An FAA Administrator who doesn't know what happened is not qualified to do the job.

One of the newest members of the committee, Senator TED BUDD, is a pilot. I would commend the Presiding Officer, I would commend anyone, go watch Senator BUDD's questioning of Phil Washington. Senator BUDD asked him basic questions a pilot should know, basic questions such as how close airplanes are allowed to get on runways. I will be honest. I have no idea. I am not a pilot; I am not an air traffic controller; and I am not running the FAA. But it is pretty stunning that the person nominated to run the FAA has no idea either. That person should know how to do his job.

And I will point out it wasn't just Republicans who raised these questions. At the confirmation hearing, multiple Democrats raised serious questions about Mr. Washington's lack of qualifications to lead the FAA.

As a result, State and local aviation groups from all across the country, including pilot groups from Arizona, from Montana, from New Mexico, from Minnesota, from New Hampshire—all are opposed to this nomination. One of them, the Montana Pilots Association, has said that Mr. Washington is ''singularly unqualified to serve as FAA administrator.''

And, unfortunately, the problems with Mr. Washington's nomination don't end with his lack of aviation experience. There are also serious concerns regarding outstanding allegations that Mr. Washington engaged in misconduct during his time as the head of the Los Angeles Metro. He has been named in multiple search warrants in an ongoing criminal public corruption investigation, and he has been the subject of multiple whistleblower complaints.

One search warrant was executed just last September, not very long ago. It contained allegations that Mr. Washington pushed forward lucrative no-bid contracts to a politically connected nonprofit to run a sexual harassment hotline that was hardly ever used and that he did so in order to stay in the good graces of a powerful politician on L.A. Metro's board.

The allegations are the kind of local corruption, sadly, we see far too often across this country in both parties. But a whistleblower who exposed the details of this alleged pay-to-play contracting scheme claims to have been retaliated against by Mr. Washington. After Mr. Washington left the L.A. Metro, the agency settled these claims with the whistleblower for $625,000. I practiced law for a long time. You did as well. A $625,000 check is not a nuisance check. It is not a go-away check. It is indicative that there is real there, there. Whistleblowers don't get settlements for more than a half million dollars if their claim is baseless.

During my 11 years in the Senate, I have seen lots of nominees. I cannot recall seeing even a single other nominee who was currently entangled in an ongoing public corruption criminal investigation while his nomination was pending.

The week before his confirmation hearing, my staff contacted the California attorney general's office about the status of this investigation. Despite Mr. Washington's insistence that he has done nothing wrong, the attorney general's office stated, No. 1, that there is an ongoing criminal investigation into this public corruption scheme; No. 2, that Mr. Washington has a ''material involvement in the case''; and, No. 3, that the investigation is months from being completed.

It is important to note that the law enforcement officers involved in this investigation—from the L.A. County sheriff to the California attorney general—are all Democrats. There is no issue of partisan targeting. There is no Republican who has it out for Phil Washington. This is a Democrat sheriff and a Democrat attorney general in California who are investigating Mr. Washington right now for public corruption.

Even more amazingly, when my staff spoke with the California attorney general's office, the AG's office told us that at the time they spoke, they were not aware of anybody from the White House, from the FBI, or from the Senate who had even contacted them to ask about Mr. Washington's ongoing involvement in the investigation.

That is truly stunning. That is, frankly, just not caring. It is inexplicable to me that a President, that a White House, would choose to nominate someone who is materially involved in a current ongoing public corruption investigation. Just imagine how damaging it would be to the FAA if Mr. Washington were confirmed and then months later he were to find himself indicted for public corruption. That would do real damage to an Agency that needs serious trust and leadership.

The FAA's mission to keep the flying public safe is far too important to have anyone other than a highly experienced aviation expert at the helm.

Fortunately, the FAA right now is being run by Acting Administrator Billy Nolen, who unlike Mr. Washington has decades of aviation experience. Mr. Nolen has worked as a pilot; he is a seasoned aviation safety executive; and he has been in senior leadership roles at the FAA.

At the nomination hearing and at the hearing that followed the next week with Acting Administrator Nolen, I suggested an obvious solution. President Biden has already named an Acting Administrator who is qualified and knows how to do the job. For those who are concerned about racial diversity, both Mr. Washington and Mr. Nolen are both African American. The difference is, Mr. Nolen has decades of experience in aviation safety, and Mr. Washington has none.

The Presiding Officer serves with me on the Commerce Committee. You are the newest member to join the committee. Welcome to the committee. We are glad to have you.

I don't believe Mr. Washington's nomination is going to go forward successfully. I do not believe the votes are there. I would suggest to the Presiding Officer and to every Democrat on the committee and in this Chamber, if you agree with me, pick up the phone and call the White House. Say: Hey, look, don't spend time on a nomination when the votes aren't there. Let's go with someone who knows how to do the job, who is qualified.

I stated at the last hearing, if Mr. Nolen were nominated—and to be clear, I don't know Mr. Nolen. I don't have a dog in the fight other than I would like someone who knows how do this job. But I stated publicly at that hearing that if Mr. Nolen were nominated, that I assumed he would be confirmed quickly and with very significant bipartisan support. That should be our objective for a job like this.

And let me say this. You know, all 100 of us get on an airplane a lot. It is part of the job serving in the U.S. Senate. I was on a plane this morning. I suspect the Presiding Officer was either this morning or yesterday on a plane. We have millions of Americans who fly every year, who get on planes, who get on planes with their husbands, with their wives, get on planes with their children. And, tragically, one of the inevitable realities with that many people flying is that safety is always an issue, and there will be, at some point, a catastrophic crash. We don't know when. We want to do everything we can to prevent it, but we know at some point another plane will crash.

Let me suggest to the Members of the Senate, if, God forbid, that were to happen in the next 2 years—and I pray that it does not—I can tell you, I certainly wouldn't want to be a Senator who voted to confirm an Administrator of the FAA who has never flown a plane, who doesn't know anything about aviation safety, and has no idea why the plane crashed. I don't know how I would go home and explain to 30 million Texans that, well, you know, my political party nominated him, and so I went with party loyalty and voted to confirm the guy, even though he didn't have the experience to do the job.

I don't believe Mr. Washington is going to be confirmed. Personally, I respect his military service. When he testified before the committee, he seemed like a decent and capable man. But he is also a man who doesn't know anything about airplanes. And if there is any job in the entire Federal Government where you need to know not just something about airplanes, a lot about airplanes, it is to be the Administrator of the FAA. We need a Senate-confirmed leader in this job quickly. And I would urge the President to withdraw this nomination and nominate either Acting Administrator Nolen or, if not him, somebody like him, with decades of real experience, so that we can have a Senate-confirmed leader with the knowledge and judgment and expertise to do everything humanly possible to keep your family safe and my family safe and to keep the flying public safe. We have a responsibility. We have a responsibility to do this right.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

U.S.-MEXICO RELATIONS

Mr. CORNYN. Mr. President, my State, the great State of Texas, shares 1,200 miles of common border with America's southern neighbor. Along the border, you will see big cities, small towns, rural farms, and ranches. You will find successful businesses that depend on free-flowing, legitimate trade and travel with our southern neighbor. You will meet countless people who are proud of the strong ties our country has with Mexico and many who have relatives on both sides of the border. These influences can be seen throughout our State, from the names of cities, like San Antonio, to the food we eat, to the music we enjoy and the diversity of people in our communities.

A strong U.S.-Mexico relationship has been a boon to Texas, but it is also vital to the rest of the country. Mexico is our second largest trading partner for both imports and exports. It is a major market for American energy, machinery, chemicals, and agricultural products. We import everything from transportation equipment to avocados. It is not uncommon for certain products, such as automobiles, to cross the border multiple times throughout the production process before eventually making their way to consumers in the United States.

A strong relationship with Mexico is important to our economy, but Mexico isn't just a trading partner. It is not just about the economics between our countries. Mexico is also a necessary and vital security partner because our countries share, in total, a 2,000-mile border and work together to protect the safety and security of our communities on both sides of the border. It is critical that we work in a complementary fashion.

The United States has supported Mexico's efforts to counter cartel violence and root out corruption in its judicial system. Mexico, in turn, has worked with the United States to ensure orderly migration and stop illicit drugs from coming into our country. Obviously, what we are doing is not nearly enough on either side of the border.

Over the years, our security cooperation has promoted safety and security in both countries. As the American people are seeing every day, the Mexican Government is, unfortunately, failing to meet its side of the responsibilities. We can see that because people coming through Mexico, coming to the United States, have come in unprecedented numbers, which is a devastating humanitarian and public safety crisis. Then there are things like fentanyl and other dangerous drugs that are being manufactured in clandestine labs in Mexico and smuggled across our border every day.

Of course, these same criminal organizations are terrorizing law-abiding citizens in Mexico through their violence and their territorial disputes. Earlier this month, an out-of-control cartel violence incident harmed American citizens who were visiting Mexico. Four Americans were caught in a deadly shootout and kidnapped, and two of those individuals were killed.

In the face of these growing problems, the Mexican Government has not shown, in my view, enough willingness to work together to address these problems. Make no mistake, this is not something we can do or they can do alone; we have to do it together.

The Government of Mexico hasn't expressed adequate concern, in my opinion, over the cartel violence, the drug trafficking, or the migration crisis. Unfortunately, in public, Mexican President Lopez Obrador underplayed the security problems in his own country. I believe he knows differently based on the conversations we had when the TV cameras were not present. He has falsely claimed that Mexico is safer than the United States. We know that is not true. He said that Mexico was not responsible for the fentanyl coming into our country. We know that is also not true. It is a well-known fact that the vast majority of illicit fentanyl comes to the United States from Mexico, manufactured by precursor chemicals coming from China.

Well, here is the disparity between what you see in public to the TV cameras and what actually happens on the ground. Just weeks before claiming Mexico doesn't have a fentanyl problem, the Mexican Government raided what its army described as the ''highest-capacity synthetic drug production lab on record.'' That is what the Mexican Army, SEDENA, said. It seized nearly 630,000 fentanyl pills, along with hundreds of pounds of powdered fentanyl and methamphetamines.

At that time, President Lopez Obrador said the lab seized by elements of the Mexican Army—that that lab had a value of roughly $80 million, but just a few weeks later, the same government said it had no record of fentanyl production in Mexico.

It doesn't take a detective or an investigative journalist to see that the

Mexican Government is not taking these problems seriously enough, and it is to the detriment of their own citizens. Throughout Mexico, law-abiding citizens are being terrorized by these cartels. Migrants, we know, are being extorted and abused by the very people who are smuggling them up through Mexico into the United States. We know that communities across this country are experiencing waves of drug overdose or what some call fentanyl poisoning from the drugs that are smuggled from Mexico into the United States.

Frankly, the Lopez Obrador administration is not doing nearly enough to work together with us on this problem that we share in common, sadly to say. Given the severity of these challenges, there is a clear need for action. But we have to proceed carefully because while Mexico ultimately has many problems, it is our southern neighbor, and our economies are interconnected through the U.S.-Mexico-Canada trade agreement, the successor to NAFTA. We know that its success, Mexico's success, will ultimately benefit the United States in terms of a better economy, more prosperity, more trade, more jobs. Our countries are inextricably linked together in terms of security and prosperity, and we need to find a productive path forward.

Countering cartel violence will require more cooperation with the Mexican Government. Stopping the fentanyl epidemic will require Mexico's cooperation. Addressing the border crisis will require Mexico's cooperation.

Although it may make us feel good at times, we can't just simply lash out in anger or say, we are going to do this, knowing that maybe it might get you a hit on TV, but it doesn't actually solve any problems. We need to make strategic decisions together with Mexico that will lead to real change.

As the Presiding Officer knows, we had a bipartisan congressional delegation to Mexico this weekend to learn more about the ongoing security challenges so we can figure out with our Mexican counterparts what kinds of changes need to be made and what exactly those changes would look like.

We had 12 Members of Congress—House and Senate—join the trip. From the Senate, we had Senator MORAN, Senator LEE, Senator CAPITO, Senator COONS, Senator MURPHY, Senator SINEMA, Senator WELCH, and myself. From the House, we had a bipartisan delegation: Congressman CUELLAR, Congressman TONY GONZALES, Congresswoman ESCOBAR, and Congresswoman SALAZAR.

Suffice it to say, between the 12 of us—Democrats and Republicans, House and Senate—we have varying political views and many differences of opinion on a host of topics, but on this weekend trip to Mexico, we all agree the ongoing crisis in Mexico is unsustainable and something needs to change. We wanted to visit Mexico so we could learn for ourselves what the facts are, not as they are spun by either elected officials or by the media. Before you solve a problem, you have got to understand the full scale of what you are up against, and that was the goal of this trip.

We got briefings from American intelligence officials, leaders from the Drug Enforcement Administration, and others about their work in Mexico. The U.S. Embassy in Mexico is the largest Embassy in the world and employs 3,400 people and 9 consulates in the main Embassy in Mexico City.

We spent some time with our outstanding Ambassador, Ken Salazar, a former colleague of ours in the Senate who went on to be Secretary of the Interior and now serves as our Representative in Mexico.

Ambassador Salazar was delighted we could come visit because he knows firsthand the challenges that Mexico faces and the challenges that the U.S.-Mexico relationship create and the importance of finding solutions to those differences and those challenges.

I want to thank President Lopez Obrador, even though I have said some critical comments here about how he has misrepresented the security situation in Mexico and the United States. I want to thank him publicly for meeting with us for a total of 4 hours. We not only met with Lopez Obrador; we met with the entire Cabinet. That would be as if a delegation, let's say, from Mexico of 12 senators and House of Deputies members came up and sat down with President Joe Biden and his Cabinet for 4 hours. It was an unprecedented exchange of information and points of view, and I think it demonstrated the Mexican Government's desire to have a closer working relationship with the U.S. Congress and the United States of America.

At the top of the list of the things we have talked about were the ongoing security challenges, which have had a deadly impact on both countries. Members of our delegation didn't pull any punches. We did it respectfully, but we forcefully presented our frustration with the ongoing cartel violence, the drug trafficking, and unchecked migration. That is what friends do, Mr. President; we have frank exchanges even when we disagree. We are friends with Mexico, and we have to work this out together, and we have to start with a common understanding of what the facts and the challenges are.

We told President Lopez Obrador that his administration must do more to address these challenges, and we emphasized that the failure to do so will have a negative impact on our historically strong and important partnership.

There are many ways to improve the security cooperation between our countries, and our delegation stressed our willingness to work with President Lopez Obrador's administration and the Government of Mexico to support their efforts to defeat the cartels.

Overall, our conversations with the Mexican President were extremely candid and tough, but they were respectful—respectful of not only the high office that President Lopez Obrador holds but also of the fact that we were dealing with the head of a sovereign country.

We have seen the positive impact in my State of a strong relationship with Mexico, but it also redounds to the benefit of the Nation. And as I said earlier, the better Mexico does by defeating the cartels, by interdicting the drugs and the precursors that come from other parts of the world, the better the quality of life, the safety and security will be for the people who live in Mexico—the Mexican people—and it will also be to our benefit here in the United States.

Ultimately, what I believe both countries want are a safe and prosperous country, and we can do this together. Our close ties are extremely beneficial to both countries, and I hope President Lopez Obrador took our good faith and candid comments about the failures to deal with security and migration to heart. We certainly expressed our views, as I said, in a candid, a civil, and respectful way, but I think we delivered the message clearly, and I hope he will take that to heart.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

WOMEN'S HISTORY MONTH

Mr. CARDIN. Mr. President, I rise to recognize the 36th annual Women's History Month.

This year in Maryland, we have some special advancements to celebrate. In Maryland, voters chose Brooke Lierman as the first-ever woman independently elected to a statewide office as our new comptroller. Marylanders also elected Aruna Miller as our second female Lieutenant Governor and first woman of color and immigrant elected to statewide office in Maryland.

Here in the U.S. Congress, we have the highest percentage of women serving in history—28 percent across both the House of Representatives and here in the Senate. They build on the legacy of pioneers like former Maryland Senator Barbara Mikulski. She was the first Democratic woman to win a seat in both the House and the Senate and until recently held the record as the longest serving female Senator, having now been surpassed by Senator FEINSTEIN of California.

As the late Supreme Court Justice Ruth Bader Ginsburg said:

> Women belong in all places where decisions are being made.

EQUAL RIGHTS AMENDMENT

Mr. President, I was proud to testify recently at the Senate Judiciary Committee hearing regarding the Equal Rights Amendment, the ERA. At the most basic level, the ERA is a continuation of the centuries-long process of expanding what is meant by ''We the People.''

The main clause of the amendment simply states:

Equality of rights under the law shall not be abridged by the United States or by any State on account of sex.

The vast majority of Americans will hear this and think, Of course, this should be part of our Constitution.

In fact, many Americans believe that it is already part of our Constitution. It has been overwhelmingly supported by the American public, regardless of political affiliation. A poll conducted by the Pew Research Center in the spring of 2020 found that 78 percent support the Equal Rights Amendment being added to the Constitution. A separate poll from AP-NORC similarly found three-quarters of Americans in support of the ERA, with large majorities of both Democrats and Republicans in favor of the Equal Rights Amendment.

In addition, 22 States, including my home State of Maryland, have established State-level ERAs. Six more have some form of explicit prohibition against sex discrimination in their constitution. Other States are actively in the process of adding the ERA. For example, in January, the New York State Legislature sent a State-level ERA to the voters for consideration on their 2024 ballot. So we already have it in the majority of the constitutions among States. It is time that it be added to the U.S. Constitution.

Indeed, 85 percent of countries have explicit prohibitions against governmental discrimination on the basis of sex. The United States is the only—the only—industrialized democracy that does not include an explicit provision in their Constitution. We want the United States to continue to be the gold standard when it comes to women's equality, opportunity, and protection against discrimination. Our inaction on this issue is an outdated barrier to our credibility on the global stage.

When Congress passed the Equal Rights Amendment and sent it to the States for ratification, it included a 7-year time limit for the States to ratify in the preamble of the resolution proposing the Equal Rights Amendment to the States. This deadline was later extended for 3 years until 1982, but a total of 35 of the 38 States ratified the amendment by the extended date of 1982. There is nothing in the Constitution that provides for a time limit on a ratification of a constitutional amendment.

In 2017, Nevada activists, led by State Senator Pat Spearman, reignited the push for the ERA through the first State ratification since 1977. Illinois followed in 2019. Virginia became the 38th and final State required by the Constitution to ratify the ERA in 2020.

Since then, the only major remaining barrier has been the ambiguity caused by the fact that the three final ratifications occurred after the time set in the original resolution passed by Congress.

With Senator LISA MURKOWSKI of Alaska, I introduced a joint resolution to resolve that ambiguity—to remove that last barrier. Thirty eight States have ratified; it should be part of our Constitution. It would remove the arbitrary deadline that Congress once set and to recognize the ERA as validly ratified by the required 38 States. Our S.J. Res. 4 is cosponsored by 52 U.S. Senators, including Senator COLLINS and all Senate Democrats and Independents.

This action is well within the Congress's broad power over the amendment process laid out in article V of our Constitution. As the ERA Coalition put it, this is the first time in our history that an amendment has fulfilled all ratification requirements under article V and has not been recognized.

There is precedent both for constitutional amendments to be ratified after significant periods and for Congress to pass resolutions to recognize amendments as validly ratified. There is simply no constitutional reason nor court ruling that bars us from taking this step. I point out to my colleagues that the 27th Amendment to the Constitution which deals with congressional pay increases was ratified. It took over 200 years to ratify it, and it is now part of the Constitution of the United States.

There are many reasons why it is important that we do act. The reality is that women still face serious challenges on account of sex and that our existing legal framework does not always provide a sufficient remedy.

As the 28th Amendment, the ERA would serve as a new tool—for Congress, for Federal Agencies, and in the courts—to advance equality in the fields of workforce and pay, pregnancy discrimination, sexual harassment and violence, reproductive autonomy, and protection of the LGBTQ+ individuals.

The ERA would serve as a constitutional backstop for existing and new legislation. It would also signal to the courts that they should apply a more rigorous level of review to laws and government policies that discriminate on the basis of sex. Enshrining this protection in the Constitution also ensures enduring protections for all Americans across the country.

Through this action, we can finish the work started by the generations before us in order to secure the future of the generations to come. Our strength is in our values, and no value is more American than equality. There should be no time limit on equality.

Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE

Mr. MORAN. Mr. President, this month, during this year's first open hearing for the Senate Select Committee on Intelligence, national security and military leaders gave a worldwide threat assessment of our country and of our way of life.

They described threats to our homeland, to our key allies, to our trading routes, to data privacy, and to our infrastructure, including crucial space assets.

There was a common theme in the concerns that we heard from our military and national security leaders; but, also, from what I have heard, these things are confirmed by Kansans and Americans.

The People's Republic of China is our greatest foreign threat to democracy, to our peace, and to our prosperity. At no time—this is not just a throwaway line. At no time in my life have I been more concerned about the enormity of the challenges our country faces.

The Chinese Communist Party, led by President Xi Jinping—the most powerful leader of the CCP since Chairman Mao—is on a determined, calculated mission to overtake the United States in fields that will shape the 21st century.

Beijing is intent that rather than the United States of America influencing world events in a way that favors and bends toward our principles of a free and open world, they want China's authoritarian model and they want the world bent their way.

China and its supporters would have the world move away from the principles that have advanced global prosperity and toward the basic belief that underwrites an autocratic authority, where the weaker are destined to be ruled by the stronger.

We have seen this with China's political, economic, and direct provision of nonlethal support to Russia, as Russia wages an unprovoked war on Ukraine.

China operates the world's most advanced techno-surveillance state that consolidates its power by monitoring, controlling, and subjecting their people. And China is engaged in an ambitious, expansive plan to export this model and the means of accomplishing it beyond their borders.

The threat is to us and to those like us and to the rest of the world. They want media, Big Tech, sports teams, and businesses to toe the CCP line, to be ignorant of—or at least silent on—the gross violations of basic human decency against the Uighurs, against Hong Kong, and elsewhere across their country in response to COVID.

The CCP pursues a world, including America, under the thumb of their power.

In a speech in April of 2020, Xi noted his intentions to increase global supply chain dependencies on China, with an aim of controlling key supply chains and being able to then use those supply chain dependencies to threaten and to, ultimately, cut off foreign countries during a crisis.

As of the latest worldwide threat assessment, China produces 40 percent of the world's key vaccines and medical ingredients; and by 2025, it is estimated that it is on track to control 65 percent of the important lithium-ion battery market—used in phones and cars and almost every other device and appliance—and fabrication of one in five semiconductors in the world.

China does not want the 21st century to be another American-led century. They want the century to be one that witnesses the replacement of American leadership with the leadership of the Chinese Communist Party.

Two-thirds of global trade flows by ocean through the regions around the South Pacific—what the Department of Defense calls the Indo-Pacific. The goods that Americans export and the imports that we depend upon require a safe and reliable trade zone.

For decades, the U.S. military, at great expense, have kept the oceans and airways safe and open. By those means, Americans have kept the global commons safe for the benefit of our own peace and prosperity and for the benefit of the world.

When America is militarily strong and our sovereignty secure, we can shape and influence the terms of international commerce, international behavior. The way we do business is the standard, and that reflects our principles and leaves our fingerprints on the world.

Maintaining a strong U.S. economy requires trade agreements with partners who adhere to agreed-upon rules ranging from market access to the protection of intellectual property.

Our failure to participate in such agreements or update them to meet the realities of the 21st century opens the door to greater Chinese influence. This is a call for this administration and this Congress to react and respond differently than we have done to date on trade and trade agreements.

It is to our benefit and that of our trading partners to tie more of the world to the United States and its economy and reap the benefits of a vibrant international commerce. A stable Europe in which we coordinate closely with our partners on military and economic challenges is necessary to thwart China's rising influence.

America remains a coalescing force in Europe. Yes, I want Europeans to do more in Europe, but America remains a coalescing force, and our contributions have been essential to supporting Ukraine in its defense against Russian aggression. With our continued assistance and an increasing European leadership and resources, Ukraine will be able to continue to push back Russian forces and preserve its sovereignty. A defeat of Ukraine by Russia further emboldens China.

Separately, our commitment to NATO remains and must remain resolute, and any threat to NATO territory must be met and will be met decisively.

Our intelligence community assesses that it will take years for Russia to rebuild its conventional military capabilities. NATO allies must use this window, this opportunity to strengthen their defenses and assume more responsibility for their security as we necessarily increase support for allies and partners in the Indo-Pacific. It is important for us to be able to pay attention to the Pacific, and we expect and hope our European allies to be able to take a closer look and watch the issues facing Europe today and in the future.

Despite its failures in Ukraine, we cannot ignore that Russia remains a threat. Russia possesses a massive nuclear arsenal, and Moscow has significant cyber, anti-satellite, and underwater capabilities.

Strikingly, China views Russia as an essential partner in the struggle against democratic values. As I speak now, President Xi is in Moscow meeting with President Putin, strengthening the relationship in pursuit of offering an alternative to American leadership, and by ''American,'' I mean something more than just the country of the United States of America; American values and Americans' care and concern for people around the globe.

The threats to American freedom, to world freedom and world security and prosperity, are not all challenges we face from foreign militaries. We also require vigilance on our border. All States really are border States, and when we fail to enforce this Nation's geographic sovereignty, we harm our Nation. There is no nation, in fact, without borders. Perhaps there is no greater tragic effect of our current failed border policies than the fentanyl and other drugs, sent from China to Mexico, coming across our borders.

We also must produce and we must manufacture goods here in the United States. The United States cannot be reliant upon our adversaries. We cannot hope for something to be delivered in the future in times of crisis. We have to be reliant on ourselves for our critical supplies of medicine, of food, of technology, and energy. We have to learn from our earlier errors discovered during the COVID–19 pandemic. This includes prioritizing American manufacturing and educating a technically skilled workforce. That is why we must fully and faithfully implement the CHIPS and Science Act that was signed into law last year.

A democratically and economically stronger America will be a more respected America. It is not enough to enlist and maintain the support of wealthy democracies in our vision of a free and open world. Our diplomats must be able to compete to convince countries that have grown skeptical of American leadership that we have not lost our way.

As former Secretary of Defense Robert Gates, a Kansan, wrote, ''We must better communicate the good that we do.'' This includes our generosity to countries after natural disasters and our support in fighting global hunger. Each of us here and Americans across the country know that our Nation faces many challenges, but if we can have the eyes to see the thread that runs through those challenges, we will recognize that we have a determined adversary who is waging a new cold war.

Our domestic disagreements run deep, but the myriad of challenges we face from abroad should help us see the need to work together in this Senate, in this Congress, with this administration, and across the country, to work together to urgently address the threats we face. We need to be the democracy that remains the shining light on the hill. We need to be the role model Nation. Our divisions among ourselves and allegations that divide us only harm our ability to lead in this world, to meet the challenges we face from our adversaries.

We have a great inheritance. This country remains the best place on Earth to live. We live in a nation founded on principles, and those principles are of human equality, of the rights of men and women. We understand that basic rights come from God, not from government, but that government is here and is instituted for the purpose to secure and preserve those rights.

We ought to debate, argue, and discuss everything that our country faces together, but the ultimate outcome has to be one of common purpose, of preserving the freedoms that were created by our Founding Fathers in a Constitution that is sacred and making certain that those who have forgone their lives on behalf of us in previous battles, that their honor is preserved and their lives they lost were not lost in vain.

When America is strong and secure, we ensure that Americans are free and prosperous and that the entire world has a greater chance to join us, to remain with us in the pursuit of those freedoms and that prosperity.

I have a personally renewed determination to work with all of my colleagues to steward the privilege and responsibility that have been bestowed upon me by Kansans and all of us by our fellow citizens so that this century remains an American century, with liberty and human well-being better secured for all around the globe.

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.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be able to complete my remarks in full before the vote.

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

S. 316

Mr. MENENDEZ. Mr. President, 20 years ago, in the early, overcast hours

of March 19, 2003, American stealth bombers and Navy cruise missiles hit Baghdad in the first strikes of the Iraq war.

When I think about that war today, I think about the costs—the costs to the Iraqi people, who suffered so terribly, including the families of the hundreds of thousands killed in the insurgency, and the sectarian and ethnic violence that followed the U.S. invasion.

I think of the costs to the brave American servicemembers who answered the call, who didn't ask whether it was right or wrong but just answered the call—almost 5,000 who made the ultimate sacrifice—and to the tens of thousands more who were wounded; to the countless sons and daughters, mothers and fathers, friends and loved ones who had to grieve those they lost and care for those who came home wounded, with scars both visible and invisible, changed by combat forever.

I think about the financial costs—almost $2 trillion that could have gone to rebuilding America's infrastructure, caring for America's sick and aging, and educating our next generation.

I also think about the costs of something very close to my heart, which is the cause of freedom and the fight for democratic values.

Our Nation's democracy, as Ronald Reagan said, was a shining city on a hill, an example to the world of something to aspire to; but the Iraq war undermined our credibility with our partners and allies, with our enemies, and with millions of American citizens who were against it. For too many around the world, the Iraq war made a mockery of U.S. support for democracy and freedom.

Today, I proudly remember my vote on the floor of the House of Representatives back in 2002. Life in America was tense in the wake of 9/11. Everything we stood for had been attacked on our own soil—just miles from where I still live. Those of us who resisted the march to war were called naive or worse, but some of us knew what we had to do. We felt the weight of history on our shoulders, and we voted against the war.

I spent a lot of time in reviewing the documents that were available to Members of the House. I saw no clear and present danger, no imminent threat, and, above all, no evidence of weapons of mass destruction. And I understand. If the cause is right and America needs it, I will send my son and daughter; but if the cause is not right, I won't send my son and daughter nor will I vote to send anyone else's sons and daughters into harm's way.

Two decades later, we have the chance to make history again but, this time, for the better. We have the chance to repeal the 1991 and 2002 AUMFs and honor the legacy of those who fought and those we lost—to end a war we are no longer waging; to exercise Congress's war powers—the most solemn duty of this body—because Saddam Hussein has been dead for 20 years and his regime is gone; because the Iraq of 2023 is, obviously, not the Iraq of 2003; because Kuwait has been a secure, sovereign, and committed U.S. partner for over three decades; and because the threats that these authorizations address no longer exist.

The United States is no longer an occupying force. Iraq is now a strategic partner. It is time to confront the challenges of the region and of the world together. Repealing these authorizations is an important step forward. It removes an irritant in the bilateral relationship, and it cements our partnership. It helps Iraq move forward, independent and more integrated with its Arab neighbors.

So, Mr. President, I come to the floor today to support, in the strongest terms possible, the repeal of the 1991 and 2002 authorizations for use of military force against Iraq once and for all.

Let's mark the 20th anniversary this week of the Iraq war by paying tribute to the Iraqis who have suffered, to the Americans we lost, and to the American families who have provided unconditional support for those who have served every day for the last 20 years.

We will never forget the sacrifices they made in defense of the values we hold most dear. Let's honor those values by doing what Congress is supposed to do. When there is a need, it declares war, and when that is over, it is time to end the declaration and the authorization. That is what we have the power to do today.

With that, I yield the floor.

VOTE ON MOTION TO PROCEED

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. FETTERMAN) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—67

Baldwin	Collins	Hirono
Bennet	Coons	Hoeven
Blumenthal	Cortez Masto	Johnson
Booker	Cramer	Kaine
Braun	Daines	Kelly
Brown	Duckworth	King
Budd	Gillibrand	Klobuchar
Cantwell	Grassley	Lee
Cardin	Hassan	Luján
Carper	Hawley	Lummis
Casey	Heinrich	Manchin
Cassidy	Hickenlooper	Markey
Marshall	Reed	Van Hollen
Menendez	Rosen	Vance
Merkley	Sanders	Warner
Moran	Schatz	Warnock
Murkowski	Schmitt	Warren
Murphy	Schumer	Welch
Murray	Shaheen	Whitehouse
Ossoff	Sinema	Wyden
Padilla	Smith	Young
Paul	Stabenow	
Peters	Tester	

NAYS—28

Blackburn	Graham	Rubio
Boozman	Hagerty	Scott (FL)
Britt	Hyde-Smith	Scott (SC)
Capito	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Mullin	Tillis
Crapo	Ricketts	Tuberville
Cruz	Risch	Wicker
Ernst	Romney	
Fischer	Rounds	

NOT VOTING—5

Barrasso	Feinstein	McConnell
Durbin	Fetterman	

The motion was agreed to.

(Mr. WARNOCK assumed the Chair.)

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ

The PRESIDING OFFICER (Mr. KELLY). The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 316) to repeal the authorizations for use of military force against Iraq.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 15

Mr. SCHUMER. Mr. President, I call up amendment No. 15.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 15.

Mr. SCHUMER. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask that the Senate 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.

BIENNIAL REPORT ON AMERICAN WITH DISABILITIES ACT PUBLIC SERVICES AND ACCOMMODATIONS INSPECTIONS—116TH CONGRESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Biennial

Report on Americans with Disabilities Act Public Services and Accommodations Inspections—116th Congress, from the Office of Congressional Workplace Rights, be printed in the RECORD.

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

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS, OFFICE OF THE GENERAL COUNSEL,
Washington, DC, Mar. 21, 2023.

Re: Biennial Report on Americans with Disabilities Act Public Services and Accommodations Inspections—116th Congress

Hon. PATTY MURRAY,
Office of the President Pro Tempore of the Senate, Washington, DC.
Hon. KEVIN MCCARTHY,
Office of the Speaker of the House of Representatives, Washington, DC.

DEAR MADAM PRESIDENT AND MR. SPEAKER: Enclosed is our Report on the Americans with Disabilities Act Public Services and Accommodations Inspections conducted during the 116th Congress. As provided in section 210(f)(1) of the Congressional Accountability Act (CAA), 2 U.S.C. §1331(f)(1), at least once each Congress the General Counsel of the Office of Congressional Workplace Rights is required to inspect the facilities of covered entities in the legislative branch for compliance with the public services and accommodations provisions of the Americans with Disabilities Act of 1990. On the basis of each periodic inspection, the General Counsel must prepare and submit a report containing the results of the inspection. 2 U.S.C. §1331(f)(2).

While our inspections reveal a significant number of barriers to access in facilities on and around Capitol Hill, we have observed substantial progress being made towards improved accessibility. I believe this progress is the result of both our cooperative working relationship with the Office of Architect of the Capitol and other employing offices, and our focus on educating the legislative branch community regarding accessibility for individuals with disabilities.

We look forward to continuing this work in the current and future Congresses.

Very truly yours,

JOHN D. UELMEN,
General Counsel.

BIENNIAL REPORT ON AMERICANS WITH DISABILITIES ACT PUBLIC SERVICES AND ACCOMMODATIONS INSPECTIONS—ACCESSIBILITY REPORT 116TH CONGRESS

STATEMENT FROM THE GENERAL COUNSEL

Under the Congressional Accountability Act of 1995 (CAA), as amended, during each Congress, the Office of the General Counsel (OGC) of the Office of Congressional Workplace Rights (OCWR) is required to inspect the facilities covered entities in the legislative branch for compliance with the public services and accommodations provisions of the Americans with Disabilities Act of 1990 (ADA).

The reports that we issue and make public at least once each Congress summarize the detailed reports we provide to legislative branch offices throughout the inspection period. During our ADA inspections, we work with offices to identify barriers to access by comparing existing conditions with the 2010 ADA Standards for Accessible Design (the most recent standards). When we find a condition that is not in compliance with the 2010 Standards, we make a finding identifying the condition as a barrier to access and report it as such. Not all barriers to access are necessarily violations of the ADA. In some cases, the condition be in compliance with the 1991 Standards, but not the 2010 Standards, making the condition ''safe harbored'' until the area is renovated or altered. In other cases, there may be technical feasibility or historicity issues that render compliance with the standard extremely difficult or even impossible. In those cases, we work with the Architecht of the Capitol (AOC) and other employing offices to find other ways to address the accessibility issues. While not all barriers to access are necessarily violations of the ADA, we believe it is important to identify all barriers to access so that these issues can be addressed when planning future projects.

During the 116th Congress, we inspected House Member Offices to ensure access for constituents and other visitors with disabilities. We also focused on the Office of Attending Physician's health units, located in numerous facilities around the Hill. Access to the health units can be critical for disabled visitors, and our inspections revealed opportunities to make them more accessible.

Another important area of focus during the 116th Congress was the United States Capitol Police (USCP) Headquarters detention center. It is especially critical to ensure access here since disability rights groups engage in regular protests on the Hill. We hope that our inspections here will result in increased accessibility of the detention center.

For the first time, during the 116th Congress, we looked at the accessibility of exhibits and display areas. Popular with visitors, these are located throughout the Capitol campus, and are especially concentrated in the Library of Congress. This review was unique for us: though these areas are covered by the ADA, for many aspects of them, no enforceable accessibility standards exist. We used guidelines developed by the Smithsonian Institution to inform our review. We noted many accessibility successes, including programming designed for visitors with disabilities. We also observed opportunities for these facilities to better help disabled visitors enjoy their experiences.

The 116th Congress saw the onset of the COVID–19 pandemic. Even with this challenge, we were able to carry out ADA inspections and continue to make substantial progress in improving accessibility on the Capitol Hill campus. The most recent report from the AOC, which is attached to this report, indicates that 64% of the findings from the 115th Congress have been closed, planned engineering solutions are being developed for 21% of the findings, and solutions are planned but not yet completed for the remaining 15%. We once again thank the AOC and the other employing offices for working with us to develop and implement solutions to the barriers that have been identified.

JOHN D. UELMEN,
General Counsel,
Office of Congressional Workplace Rights.

INTRODUCTION

OCWR OGC ACCESSIBILITY PROGRAM

Under Section 210 of the CAA, the OGC enforces the public services and accommodations provisions found in Titles II and III of the ADA. These provisions mandate that public services and accommodations, including the facilities where these services are provided, be accessible to individuals with disabilities.

The OGC has found that educating the legislative branch community about the accessibility requirements of the ADA is one of the most effective ways to improve access. From live training to video content to the office's Fast Facts publications series, we provide a range of resources to help employing offices learn about their obligations under the ADA. Our goal is to empower employing offices with the information they need to make their spaces accessible to individuals with disabilities. We conduct our biennial inspections of legislative branch facilities and grounds on the Hill with that goal in mind.

Our inspections help offices identify areas where improvement is needed and consider suggestions to improve accessibility. We also use the inspection results to develop educational resources for use by the offices to improve access. Since the inception of our inspection program, we have seen tremendous progress in improved accessibility of the Capitol complex facilities.

This report highlights some of the most significant areas of improvement on the Hill and summarizes the results of our 116th Congress ADA inspections.

ADA BARRIER-REMOVAL SURVEY PROCESS

Since the 111th Congress, the OGC has utilized a barrier removal survey approach to document accessibility barriers during inspections. This involves: 1) identifying barriers to access, as measured against the 2010 ADA Standards for Accessible Design (Standards); 2) assessing the severity of each barrier to quantify the need for removal; and 3) evaluating potential solutions to the barriers based upon cost and need.

To maximize resources, each biennial inspection focuses on specific facilities or grounds. Within each facility, we focus on the areas that are open to visiting members of the public, such as entrances/exits, restrooms, elevators, and interior routes.

During the 116th Congress, the OGC continued its contractual relationship with Evan Terry Associates, P.C. to utilize its ADA survey software to implement the barrier-removal survey approach on the Capitol Hill campus. Individual barriers are assigned a severity code of either A, B, C, or D. These codes signify how much the barrier deviates from the 2010 Standards and the relative impact of this deviation on individuals with disabilities.

ADA Barrier Severity Codes:
A. Safety Consideration.
B. Blocks Access.
C. Major Inconvenience.
D. Minor Inconvenience.

Consistent with how ADA surveys are usually conducted for private corporations and government entities, the OGC does not record D-coded severities in its surveys because the deviation at issue in these barriers has little impact upon accessibility. Consequently, the cost to correct the deviation usually far exceeds any benefit that would result from correcting the deviation.

In addition to the standard severity codes A–D, barriers may be assigned a severity code of G, which means that the element in question did not meet the requirements of the 2010 Standards but did meet the requirements of the 1991 Standards, which, in some cases, are less strict. Under the ADA, G-coded barriers do not need to be corrected unless the element in question has been altered or replaced since the 2010 Standards became enforceable. If the element has not been altered or replaced, it qualifies for the ''safe harbor'' exception, and the responsible party does not need to take further action until it alters or replaces the element. The OGC still notifies employing offices of G-coded barriers identified in their facilities so that these offices can better plan for alterations and replacements.

RESULTS

116TH CONGRESS INSPECTION RESULTS

During the 116th Congress, the OGC inspected more than 10 facilities on Capitol Hill, with a focus on health units in the House and Senate Office Buildings, the Library of Congress, and the U.S. Capitol

Building; Member offices in the House Office Buildings; the USCP Headquarters' detention center; and exhibit and display areas in the buildings of the Library of Congress, the U.S. Capitol and Capitol Visitor Center, the Botanic Garden, and the House and Senate Office Buildings.

Within these facilities, we identified 163 barriers to access, plus the barriers identified in the exhibit and display areas. During this inspection, the Rayburn House Office Building had the highest number of barriers (41), followed by the USCP Headquarters (24), and the Library of Congress Madison Building (22).

Facility	Number of Barriers	Percentage of Total
Rayburn House Office Building	41*	25.15
United States Capitol Police Headquarters	24	14.72
Library of Congress Madison Building	22	13.50
Longworth House Office Building	19*	11.66
Hart Senate Office Building**	17	10.43
Ford House Office Building	13	7.98
Thomas P. O'Neill, Jr. House Office Building	9	5.52
United States Capitol Building	8	4.91
Cannon House Office Building	7*	4.29
Russell Senate Office Building**	3	1.84
Grand Total	163	100.00

*Includes one or more ''whole facility'' barriers

**Senate Member office and Senate Committee Room inspections were postponed due to the COVID–19 pandemic, and therefore did not occur during the 116th Congress.

BARRIER CATEGORIES

For identification purposes, we categorize the barriers into barrier types, which generally reflect the particular type of object found to be inaccessible or the area in the facility where we identified the barrier, such as in a restroom or an elevator lobby. In the 116th Congress, the most commonly identified barrier category was Single-User Restrooms. Over one-third of the total barriers (58 out of 163) were identified in this category. We identified 14 barriers, 9% of the total, in the Multi-User Restrooms category, meaning barriers found in restrooms accounted for nearly half of all the barriers found during the 116th Congress.

Restrooms have historically been an area in which our inspections identify a significant percentage of barriers. During the 115th Congress, 47% of the barriers we identified were in restrooms (45% in multi-user restrooms, and 2% in single-user restrooms). The 114th Congress inspections found 41% of barriers in multi-user restrooms and 0.05% in single-user restrooms. It is therefore not surprising that restrooms were again by far the most common location of findings. The prevalence of barriers found in single-use over multi-user restrooms during the 116th Congress inspections reflects the type of facilities on which these inspections focused: the health units all had single-user restrooms.

After single-user restrooms, the category with the next highest number of barriers was Interior Route, with 43 barriers identified (27% of the total). The Interior Route category includes barriers related to the path of travel being too narrow for a wheelchair user or insufficient knee and toe clearance at a table.

WHOLE FACILITY BARRIERS

The Doors and Storage categories each include three ''whole facility'' barriers. The ''whole facility'' designation is used when an issue is repeatedly identified across a substantial number of offices or locations in a single facility. Whole facility barriers are generally architectural in nature, such as doors into Member offices that do not meet ADA standards, and are issues that will need to be addressed as a whole by AOC or the Chief Administrative Officer (CAO).

During the 116th Congress, we designated a non-architectural barrier as a whole facility barrier. Portions of literature racks in House Member offices were outside of accessible reach ranges. The literature racks, like other furniture, are supplied to the offices by the CAO. Since the issue is not within the control of the offices and must be addressed by the CAO, we used the whole facility barrier designation.

In contrast, a barrier that is within the control of the office itself—like a candy dish out of reach range—would be reported individually, even if present across a large number of offices.

Barrier Category	Number of Barriers	Percentage of Total
Single-User Restrooms	58	35.58
Interior Route	47	28.83
Doors	*21	12.88
Multi-User Restrooms	14	8.59
Storage	*8	4.91
Exam Rooms	4	2.45
Sinks	3	1.84
Telephone	2	1.23
Ramps	2	1.23
Alarms	1	0.61
Business & Mercantile	1	0.61
Judicial/Correctional Facilities	1	0.61
Signage	1	0.61
Grand Total	163	100.00

*Includes one or more ''whole facility'' barriers

LOCATIONS

HOUSE OFFICE BUILDINGS: MEMBER OFFICES

During the 116th Congress, we surveyed Member offices in the House Office Buildings. (We also surveyed these buildings' health units, detailed in the ''Health Units'' section beginning on page 15.) We identified a total of 50 barriers in Member offices in the House Office Buildings: 28 were identified in Rayburn, 17 in Longworth, and 5 in Cannon.

For the Member offices, many of the barriers stem from furniture, furniture layout, and self-service items and are typically not structural in nature. This means that many Member office barriers can be resolved easily, quickly, and sometimes, at no cost. For example, some Member offices have chairs or tables in the waiting area that obstruct the path of travel for a person using a wheelchair. These types of issues can be fixed by moving the furniture as needed. Other offices have brochures and other self-service items that are positioned too high or too low for someone in a wheelchair to access. These issues can be fixed by moving the items to an appropriate height. Staff in the Member offices can implement these solutions.

The OCWR has easy-to-understand ADA resources, including a short ADA inspection tutorial video and a tip sheet on improving office accessibility, to help Member offices configure their office spaces in accordance with the ADA Standards and address common, easy-to-fix issues. Offices may access these resources on our website at ocwr.gov.

In addition to the less-complicated barriers that are typical for Member offices, there are some structural issues in the Member offices in Rayburn, Longworth, and Cannon. These include doors that are too narrow for someone in a wheelchair to pass through or doors that close too quickly or require too much force to open. These barriers generally affect entire facilities and potentially implicate the historic fabric of the buildings, which will have to be considered when developing a solution acceptable to both the AOC and the OGC.

Rayburn

In Rayburn, we found 28 barriers in Member offices. Barriers were identified in the categories Interior Route, Doors, and Storage. Interior Route barriers include barriers that inhibit maneuvering from one place in an office to the next, such as having a narrow or obstructed pathway from the office reception area into the designated meeting space. If a pathway is too narrow or obstructed by office furniture, a person in a wheelchair may not be able to proceed into the meeting area.

Three of the barriers identified in Rayburn are actually whole facility barriers, present in many offices throughout Rayburn. Two of Rayburn's whole facility barriers concerned doors. These were assigned because double doors did not have at least one leaf that provides enough clear width, and because many doors required too much force to open and closed too quickly.

The second whole facility barrier in Rayburn is in the Storage category. The barrier concerned office literature and magazine racks that were positioned outside of the required reach range, such that someone in a wheelchair or other mobility device may not be able to reach them.

The chart that follows lists the total number of barriers in each category we identified in Member offices in Rayburn and describes the specific types of barriers within each category.

We found 13 barriers in Rayburn's health unit (see the Rayburn chart on page 17), bringing the total number of barriers we identified in Rayburn to 41.

Interior Route (25):

Not enough knee and/or toe clearance at conference/meeting tables: 17.

Carpet is not securely attached and/or exposed edges of carpet are not fastened to the floor: 6.

Candy jar requires two hands or tight grasping/pinching/twisting to operate: 1.

Path for wheelchairs through reception area is too narrow: 1.

Doors (2*):

Office doors close too quickly: Whole facility.

Doors are too narrow: Whole facility.

Storage (1*): Literature in magazine rack is outside of reach range: Whole facility.

Grand Total (28*):

*Includes one or more ''whole facility'' barriers.

Longworth

In Longworth, we found 17 barriers in Member offices. Barriers were identified in the categories Interior Route, Doors, and Storage.

One of the interior route barriers identified most in Longworth concerns meeting tables and carpets. Six meeting tables in Longworth lacked adequate knee and/or toe clearance.

Two of the barriers identified in Longworth are whole facility barriers. The first is in the Doors category. Many office reception areas had desks or other nonpermanent obstructions blocking a doorway's required maneuvering clearance, making those doors difficult to open from a wheelchair. This issue could be addressed by rearranging furniture in these offices.

The second whole facility barrier in Longworth is in the Storage category. The barrier concerned office literature and magazine racks that were positioned outside of the required reach range, such that someone in a wheelchair or other mobility device may not be able to reach them.

The chart that follows lists the total number of barriers in each category we identified in Member offices in Longworth and describes the specific types of barriers within each category.

We found 2 barriers in Longworth's health unit (see the Longworth chart on page 18) for a total of 19 barriers identified in Longworth.

Interior Route (15):

Not enough knee and/or toe clearance at conference/meeting tables: 6.

Carpet is not securely attached and/or exposed edges of carpet are not fastened to the floor: 5.

Clear floor space at literature rack is obstructed by furniture: 3.

Path for wheelchairs through reception area is too narrow: 1.

Doors (1*): Maneuvering clearance at door is obstructed by furniture: Whole facility.

Storage (1*): Literature in magazine rack is outside of reach range: Whole facility.

Grand Total (17*)

*Includes one or more ''whole facility'' barriers.

Cannon

In Cannon, we found 5 barriers in Member offices. Barriers were identified in the categories Interior Route and Storage.

The Storage category barrier was a whole facility barrier, present in many offices throughout Cannon. The barrier concerned office literature and magazine racks that were positioned outside of the required reach range, such that someone in a wheelchair or other mobility device may not be able to reach them.

The chart that follows lists the total number of barriers in each category we identified in Member offices in Cannon and describes the specific types of barriers within each category.

We found 2 barriers in Cannon's health unit (see the Cannon chart on page 18) for a total of 7 barriers in Cannon.

Interior Route (4):

Clear floor space at literature rack is obstructed by furniture: 2

Not enough knee and/or toe clearance at conference/meeting tables: 1

Carpet is not securely attached and/or exposed edges of carpet are not fastened to the floor: 1

Storage: (1*): Literature in magazine rack is outside of reach range: Whole facility

Grand Total: (5*).

*Includes one or more ''whole facility'' barriers(:).

Grand total: (5*).

*Includes one or more ''whole facility'' barriers.

HEALTH UNITS

Established by congressional resolution in 1928 to meet the medical needs of Members of Congress, the Office of Attending Physician (OAP) has expanded its services over the years and now provides emergency care to staff and visitors at health units throughout the Capitol campus.

In addition to providing medical clinic services, many of the OAP's health units contain private areas with cots and sinks that can be used for lactation, resting, or meeting other personal health needs. These spaces thus make it easier—or, sometimes, possible—for people with disabilities or health concerns to visit the Capitol campus.

The chart that follows lists the to a–1 umber of barriers we identified in each health unit.

Facility	Number of Barriers	Percentage of Total
Library of Congress Madison Building	22	24.72
Hart Senate Office Building	17	19.10
Rayburn House Office Building	13	14.61
Ford House Office Building	13	14.61
Thomas P. O'Neill, Jr. House Office Building	9	10.11
United States Capitol	8	8.99
Russell Senate Office Building	3	3.37
Cannon House Office Building	2	2.25
Longworth House Office Building	2	2.251
Grand Total	89	100.00

The chart that follows lists the total number of barriers in each category we identified across all health units.

Barrier Category	Number of Barriers	Percentage of Total
Single-User Restrooms	52	58.43
Doors	18	20.22
Storage	5	5.62
Exam Roooms	4	4.49
Sinks	3	3.37
Interior Route	3	3.37
Telephone	2	2.25
Alarms	1	1.12
Signage	1	1.12
Grand Total	89	100.00

HEALTH UNITS: HOUSE OFFICE BUILDINGS

Rayburn

We found 13 barriers in Rayburn's health unit. Most (10) were found in the restroom, which presents a number of barriers for people with physical disabilities, including a mirror that is mounted too high for many users to see themselves and a coat hook and light switch mounted above acceptable reach ranges. These barriers can make it difficult for wheelchair users, people of short stature, or those with difficulty reaching to use this restroom. Additionally, this restroom lacks a visual alarm signal. Deaf or hard of hearing people using this restroom may not be alerted if the building's fire alarm goes off.

The chart that follows lists the total number of barriers in each category we identified in Rayburn's health unit and describes the specific types of barriers within each category.

Single-user restrooms (10):

Mirror is mounted too high: 1.

Coat hook is outside of reach range: 1.

Light switch is outside of reach range: 1.

No visual fire alarm in restroom: 1.

Not enough knee and/or toe clearance at sink: 1.

Maneuvering clearance at doorway is less than required: 1.

No directional signage to nearest accessible restroom: 1.

No International Symbol of Accessibility at accessible restroom: 1.

Raised character and braille room sign is not provided at restroom: 1.

Toilet paper dispenser is not positioned properly: 1.

DOORS (2): Door hardware requires tight grasping, pinching, or twisting to operate: 2.

Storage (1): Literature in magazine rack is outside of reach range: 1.

Grand total (13).

Longworth

We found 2 barriers in Longworth's health unit. One barrier concerned the unit's front door, which has a power-assisted door that can be opened by pressing an actuator button, but the door opener is not connected to a standby power source. The other barrier was a door handle that requires tight grasping, pinching, or twisting of the wrist to operate, which could prevent anyone with impaired manual dexterity or strength from opening it.

The chart that follows lists the total number of barriers in each category we identified in i Longworth's health unit and describes the specific types of barriers within each category.

Doors (2):

Automatic or power-assisted door does not have standby power: 1.

Door hardware requires tight grasping, pinching, or twisting to operate: 1.

Grand Total (2).

Cannon

We found 2 barriers in Cannon's health unit. Both barriers concerned the restroom.

The restroom lacked a sign with raised lettering and braille designating it. Blind or visually impaired people may have difficulty identifying this restroom as a result.

The restroom lacked adequate clear floor space at the toilet, which is needed by wheelchair users to transfer to the toilet. The restroom itself does have room to provide sufficient clear floor space, but the space was obstructed by a coat rack and a laundry bin.

The chart that follows lists the total number of barriers in each category we identified in Cannon's health unit and describes the specific types of barriers within each category.

Single-user restrooms (2):

Raised letter and braille sign is not provided at restroom: 1.

Clear floor space at toilet is obstructed by furniture: 1.

Grand total (2).

Ford

We found 13 barriers in Ford's health unit. Seven were identified in the single-user restroom, including grab bars located in incorrect positions. Throughout this health unit, door hardware requires tight grasping and twisting to operate.

The barrier concerning improper positioning of a toilet paper dispenser is ''safe harbored'' because the condition complies with the 1991 Standards, but not the 2010 Standards, and the element in question has not been altered or replaced since the 2010 Standards became enforceable.

Ford is the only House Office Building that does not contain Member offices. Its health unit was the only part of the facility we inspected during the 116th Congress. We inspected other public spaces in Ford during the 115th Congress.

The chart that follows lists the total number of barriers in each category we identified in Ford and describes the specific types of barriers within each category.

Single-User Restrooms (7):

Door hardware requires tight grasping, pinching, or twisting to operate: 1.

Toilet paper dispenser is not positioned properly: 1.

Side wall grab bar is in incorrect location: 1.

No visual fire alarm in restroom: 1.

Clear floor space at toilet is obstructed by furniture: 1.

Raised letter and braille sign is not provided at restroom: 1.

Rear grab bar is in incorrect location: 1.

Doors (5):

Door hardware requires tight grasping, pinching, or twisting to operate: 3.

Door maneuvering clearance is obstructed by furniture: 2.

Interior Route (1): Not enough knee and/or toe clearance at meeting table: 1.

Grand Total (13).

HEALTH UNITS: SENATE OFFICE BUILDINGS

During the 116th Congress, we inspected the health units located in the Hart and Russell Senate Office Buildings. There is no health unit located in the Dirksen Senate Office Building. We have inspected other public spaces of these buildings during previous Congresses and did not reinspect those areas during the 116th Congress. Senate Member office inspections were postponed due to the COVID–19 pandemic, and therefore did not occur during the 116th Congress.

Hart

We found 17 barriers in the health unit in the Hart Office Building, 14 of which were located in the restroom. Most barriers in this restroom present challenges to physically disabled users, including a doorway without the required clearance for a wheelchair user to readily open the door, a door lock too high for many to reach, and a grab bar obstructed by a wall-mounted sharps box. People with disabilities affecting their hearing or vision could encounter barriers in this restroom as well: the room's alarm lacks a visual component, and the room is not identified with tactile signage (raised lettering and braille).

The other barriers are in the categories of Exam Rooms and Doors. The barriers in the Exam Rooms category were located in a room designated as a resting room. They pertain to a coat hook located too high for most wheelchair users to reach and a light switch that requires twisting with a tight grasp, which can be inaccessible for someone whose disability impairs the use of their hands.

Two of the barriers we found in Hart are ''safe harbored'' because the condition complies with the 1991 Standards, but not the 2010 Standards, and the element in question has not been altered or replaced since the 2010 Standards became enforceable. These are the barriers concerning inadequate clear floor space at a toilet and a coat hook outside of reach range.

The chart that follows lists the total number of barriers in each category we identified in Hart's health unit and describes the specific types of barriers within each category.

Single-User Restrooms (14):

Grab bar obstructed by wall-mounted accessory: 1.

Seat cover dispenser clear floor space obstructed by toilet: 1.

Coat hook is outside of reach range: 1.

Trash can requires foot operation: 1.

Door lock is outside of reach range: 1.

No visual fire alarm in restroom: 1.

Maneuvering clearance at doorway is less than required: 1.

Flush control is not on open side of toilet: 1.

Raised letter and braille sign is not provided at restroom: 1.

Rear grab bar is not long enough: 1.

Soap dispenser is outside of reach range: 1.

Toilet seat is too high: 1.

Not enough clear floor space at toilet: 1.

Pipes are not insulated: 1.

Exam Rooms (2):

Coat hook is outside of reach range: 1.

Trash can requires foot operation: 1.

Doors (1): Door is too heavy and closes too quickly: 1.

Grand Total (17).

Russell

Three barriers were found in the health unit in the Russell Office Building: two related to doors, and one related to the restroom.

Both barriers in the Doors category pertain to the main door into the health unit. The door is recessed into an alcove in a way that makes it challenging for a wheelchair user to open. The door's hardware requires tight grasping and twisting to operate. Both of these barriers could be removed by installing an automatic door opening device.

Our barrier survey format lists one barrier in the restroom. In fact, the barrier notes clarify that this restroom does not provide any accessibility features, including clear floor space for someone using a mobility device, grab bars, and dispensers within required reach ranges.

The chart that follows lists the total number of barriers in each category we identified in Russell's health unit and describes the specific types of barriers within each category.

Doors (2):

Door hardware requires tight grasping, pinching, or twisting to operate: 1.

Maneuvering clearance at doorway is less than required: 1.

Single-User Restrooms (1): Restroom is too small to comply with the requirements for an accessible single-user restroom (for example, clear floor space): 1.

Grand Total (3).

HEALTH UNITS: THOMAS P. O'NEILL, JR. HOUSE OFFICE BUILDING

Our inspection of the health unit located in the O'Neill House Office Building documented nine barriers, four of which were found in the restroom. During the 116th Congress, our inspections in O'Neill were limited to the health unit. We completed a comprehensive survey of other spaces in O'Neill during our 117th Congress inspection cycle, and the results of those inspections will be published in the 117th Congress biennial ADA inspection report.

The highest barrier total was found in the single-user restroom. People with disabilities affecting mobility, sight, and hearing could encounter barriers throughout the health unit, including its restroom.

The chart that follows lists the total number of barriers in each category we identified in O'Neill's health unit and describes the specific types of barriers within each category.

Single-User Restrooms (4):

Mirror is mounted too high: 1.

Door is too heavy and closes too quickly: 1.

Raised letter and braille sign is not provided at restroom: 1.

Toilet paper dispenser is not positioned properly: 1.

Exam Rooms (2): Coat hook is outside of reach range: 2.

Telephone (1): Existing volume control is noncompliant: 1.

Doors (1): Maneuvering clearance at door is obstructed by furniture: 1.

Storage (1): Portions of literature rack are outside of reach range: 1.

Grand Total (9).

HEALTH UNITS: LIBRARY OF CONGRESS

Madison

Our inspections for the 116th Congress identified 22 barriers in the Madison Building, where the health unit for the Library of Congress is located. We have inspected other spaces in Madison, as well as the other Library of Congress buildings, Adams and Jefferson, during previous Congresses and did not reinspect there during the 116th Congress.

The most common barrier type was Single-User Restrooms, with seven barriers identified in this category. Most of these are barriers to people using mobility devices or with other physical disabilities, such as a lack of adequate space to maneuver a mobility device.

Another common barrier type found in Madison was door barriers. These each make a door difficult or impossible to open from a mobility device.

Madison's health unit contains a resting room with a sink, which is used as a lactation room for visitors. This space facilitates the use of the Library by a disabled person who may need a resting room for any number of reasons. However, barriers we identified in this room—seven in total, including three pertaining to the sink—could make it difficult to use.

Some of these barriers are ''safe harbored'' because the condition complies with the 1991 Standards, but not the 2010 Standards, and the element in question has not been altered or replaced since the 2010 Standards became enforceable.

The chart that follows lists the total number of barriers in each category we identified in Madison and describes the specific types of barriers within each category.

Single-user restrooms (7):

Coat hook is outside of reach range: 1.

Trash can requires foot operation: 1.

Raised letter and braille sign is not provided at restroom: 1.

Toilet paper dispenser is not positioned properly: 1.

Not enough clear floor space at toilet: 1.

Clear floor space at toilet is obstructed by trash can: 1.

Pipes are not insulated: 1.

Doors (4):

Maneuvering clearance at door is obstructed by furniture: 1.

Maneuvering clearance at doorway is less than required: 2.

Door stop interrupts smooth surface or panel on bottom of push side of door: 1.

Sinks (3):

Not enough clear floor space at sink: 1.

Pipes are not insulated: 1.

Sink rim is too high: 1.

Storage (3):

Coat hook is outside of reach range: 1.

Portions of literature rack are outside of reach range: 2.

Interior route (2):

Light switch is outside of reach range: 1.

Counter protrudes into pathway: 1.

Telephone (1): Existing volume control is noncompliant: 1.

Alarms (1): No visual fire alarm in resting/lactation room: 1.

Signage (1): Raised letter and braille sign is not provided at rooms identified visually: 1.

Grand total (22).

HEALTH UNITS: UNITED STATES CAPITOL BUILDING

During the 116th Congress, we inspected the health unit located in the Capitol Building. While we have performed biennial ADA inspections on the exterior grounds of the Capitol Building and in the Capitol Visitor Center, this was the first OGC ADA inspection performed in the Capitol Building.

We identified eight barriers in the Capitol Building's health unit. Seven were in the restroom. The one barrier not located within the restroom was assigned to the doorway into the restroom, where a sink blocked the doorway's maneuvering clearance. This prevents wheelchair users from easily opening a door.

The chart that follows lists the total number of barriers in each category we identified in the Capitol Building and describes the specific types of barriers within each category.

Single-user restrooms (7):

Sharps box is mounted outside reach range: 1.

Coat hook is outside of reach range: 1.

Raised letter and braille sign is not provided at restroom: 1.

Rear grab bar is not long enough: 1.

Shelf is too high: 1.

Side wall grab bar is in incorrect location: 1.

Pipes are not insulate: 1.

Doors (1): Maneuvering clearance at doorway is less than required: 1.

Grand total (8).

USCP HEADQUARTERS

During the 116th Congress, we inspected the USCP's detention center, located inside USCP Headquarters. Members of the public may enter USCP Headquarters for various reasons, whether they are applying for a demonstration permit or have been detained by the USCP. We inspected other areas in the USCP Headquarters during the 115th Congress, when we inspected the first floor customer service area, and during the 114th Congress, when we looked at exterior routes adjacent to the building.

Most barriers were found in the two multi-user restrooms. In addition to other barriers, neither contained a toilet stall wide enough for a wheelchair user to access.

The second highest barrier total was found in the single-user restroom. These barriers in fact related to the toilet fixture inside a detention cell. Accessibility is of unique importance due to the nature of the setting: someone who is detained does not have the option to try to find an accessible restroom elsewhere. Among other barriers, the toilet was too low to the ground and no grab bars

were provided, so a wheelchair user could find transferring to the toilet quite difficult or, likely, impossible.

An additional in-cell barrier was found at the bench, where clear floor space for a wheelchair user was not provided.

Some of these barriers are ''safe harbored'' because the condition complies with the 1991 Standards, but not the 2010 Standards, and the element in question has not been altered or replaced since the 2010 Standards became enforceable.

The chart that follows lists the total number of barriers in each category we identified in USCP Headquarters and describes the specific types of barriers within each category.

Multi-user restrooms (14):

Coat hook is outside of reach range: 2.

Door threshold into restroom is too high: 2.

Rear grab bar is in incorrect location: 1.

Rear grab bar is missing: 1.

Side wall grab bar is in incorrect location: 1.

Stall door pull is provided on pull side only: 2.

Toilet paper dispenser is not positioned properly: 1.

Stall door lock requires tight grasping, pinching, or twisting of the wrist to operate: 2.

Accessible stall is not deep enough: 1.

Accessible stall is not wide enough: 1.

Single-user restrooms (6):

Mirror is mounted too high: 1.

No knee/toe clearance or clear floor space at sink: 1.

Flush control is not on open side of toilet: 1.

No grab bars at toilet: 1.

Toilet paper dispenser is not positioned properly: 1.

Toilet seat is too low: 1.

Ramps (2):

Edge protection is not provided at ramp and ramp landing: 1.

Handrail does not extend far enough beyond bottom of ramp run: 1.

Judicial/correctional facilities (1): Clear floor space at detention cell bench is not wide enough: 1.

Business and mercantile (1): Processing counter is too high: 1.

Grand total (24).

SPOTLIGHT ON EXHIBITS

While we have historically focused on physical accessibility in campus facilities during our ADA biennial inspections, equal access to services, programs, and activities, including exhibits, offered by legislative branch entities is also required by the ADA as applied by the CAA. To examine this aspect of accessibility, during the 116th Congress, we conducted a review of exhibits in the buildings of the Library of Congress, the U.S. Capitol Building and the Capitol Visitor Center, the Botanic Garden, and the House and Senate Office Buildings.

During other OCWR biennial ADA inspections, we measure accessibility based on compliance with the 2010 ADA Standards for Accessible Design. For many aspects of exhibits, no enforceable accessibility standards exist. Though not covered directly by any set of standards, exhibits are still covered by ADA regulations, such as those concerning general nondiscrimination; modification of policies, practices, and procedures; program access; maintenance of accessible features; and effective communication. Thus, because the Standards do not cover many aspects of exhibits and displays directly, we conducted our review based on how various features might implicate ADA regulations.

The Smithsonian Guidelines for Accessible Design are a useful resource for determining how to provide accessible exhibits and displays and informed our review of CAA-covered exhibits. The guidelines were developed by the Smithsonian Accessibility Program in the 1990s in response to a lack of guidelines for exhibit accessibility. They are based on construction standards of the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the ADA, and were developed in consultation with exhibit designers.

We reviewed exhibits and displays in the Library of Congress Jefferson, Madison, and Adams buildings; the U.S. Capitol Building and the Capitol Visitor Center; the Botanic Garden and Bartholdi Park; the Hart, Dirksen, and Russell Senate Office Buildings; and the Cannon House Office Building.

At these facilities, visitors with disabilities will find many accessibility practices already in place. For instance, at the Library of Congress, visitors can enjoy twice-weekly ''Touch History'' tours, a program for visitors with visual impairments that utilizes a specially trained docent to describe the building using vivid language. At the Capitol Visitor Center, listening devices with audio description are used for the orientation film and tours and are available at the information desks, and an audio descriptive tour is also available for download onto a personal device. The Botanic Garden provides a variety of programs and features designed for visitors with disabilities, including sensory programs for neurodivergent visitors and raised garden beds that allow visitors of varying heights and abilities to enjoy, interact with, and touch the plants in Bartholdi Park.

Our review revealed many opportunities for these facilities to better help disabled visitors enjoy their experiences. Models, other interactive displays, and braille should be positioned within accessible reach ranges. To provide accessibility for visitors with visual impairments, labels and signage should use easily readable type size, avoid using italics, provide adequate contrast between text and background colors, and be adequately lit. In addition, labels and signage are most accessible for visitors in wheelchairs and those of short stature when positioned so that they can be approached closely for reading, including being mounted at a low height and not obstructed by seating or other objects. Consistent staff training will help to ensure that disabled visitors are accommodated and receive accurate information about programs available to them.

The ''Mountains and Clouds'' piece in the atrium of the Hart Office Building presents an excellent opportunity for enhancing accessible visitor experiences on Capitol Hill. Designed by American sculptor Alexander Calder, ''Mountains and Clouds'' is a monumental-scale work comprising a 51–foot high, 38–ton steel mountain range; suspended aluminum clouds were removed in 2014 for structural safety reasons. A small tactile model could be provided so that visitors who are blind or have low vision could get a sense of the proportion and shape of the pieces.

UPDATES

PROGRESS UPDATES FROM THE AOC

At the beginning of each year, the AOC updates the OGC on its progress with removing identified barriers and improving accessibility in Capitol complex facilities and grounds. The AOC uses a third-party consultant to verify that accessibility barriers have been remediated. Based on the status of this verification process as of the AOC's January 2023 update (which includes updates through December 31, 2022), the AOC reports that barriers identified in the 111th, 112th, 113th, 114th, 115th, 116th, and 117th Congresses have been verified as closed as follows:

111th Congress: 90% closed.

112th Congress: 97% closed.

113th Congress: 30% closed.

114th Congress: 64% closed.

115th Congress: 61% closed.

116th Congress: 6% closed.

117th Congress: 2% closed.

The AOC also highlights some of its recent key accessibility improvements made during the 116th Congress, including:

Installation of accessible lifts to provide access to the Senate Chamber dais;

Installation of automatic door operators to increase accessibility at doorways;

Installation of additional ADA-compliant water bottle filling stations, beyond ADA requirements;

Continued improvement to Capitol campus physical accessibility, such as installation and/or renovation of ramps, sidewalks, and curb cuts;

Installation of a significant number of accessibility improvements during the extensive overhaul of the U.S. Capitol Visitor Center's Exhibition Hall; and

Continued improvement of internal processes to ensure accessibility standards are implemented on design and construction projects.

This update from the AOC is included with this report in the Appendix.

BARRIER REMOVAL COSTS

While the OGC has not received cost estimates from the AOC for this report, the software used for conducting the inspections and developing solutions generates rough estimates of the costs associated with the solutions, adjusting for construction costs in the D.C. area and the higher costs associated with government construction work.

Based on these software estimates, the total cost for correcting all the barriers found during the 116th Congress totals approximately $4.3 million. The actual construction costs for removing these barriers have not been confirmed or validated by the AOC.

LIMITED RESOURCES AND COVID–19 REDUCED SCOPE OF INSPECTIONS

Our ADA inspection during the 116th Congress was limited by several factors. Given that there are 17.4 million square feet of interior space on the Capitol Hill campus and over 580 acres of grounds, OGC simply does not have the resources to inspect more than a very small portion of the campus each Congress. To maximize resources, each biennial inspection focuses on specific facilities or grounds.

In 2020, many on-site inspections were postponed due to the COVID–19 pandemic, including Senate Member office inspections, originally scheduled for the summer of 2020.

Additionally, resources were diverted to produce the ''House Resolution 756 Joint Report on Accessibility.'' On March 10, 2020, the House of Representatives passed HR 756—''Moving Our Democracy and Congressional Operations Towards Modernization.'' This resolution required OCWR, AOC, and the Sergeant at Arms of the House of Representatives to prepare a joint report regarding the state of accessibility of the Capitol buildings and grounds and a timetable, plan, costs, and challenges to achieving full accessibility. To draft this report, the working group reviewed data from the OCWR's biennial ADA inspections and assessed the functional accessibility of the House Office Buildings.

TRANSITION PLANS

Although Congress has not approved the ADA regulations proposed by the OCWR Board of Directors, the proposed regulations follow those promulgated by the Department of Justice by requiring consultation with members of the disability community and the development of transition plans that will determine how and when barriers will be removed and facilities will otherwise be made

readily accessible for people with disabilities. See 28 C.F.R. §35.150(d).

Our approach to ADA inspections encourages consultation with the disability community and the development of thorough and effective transition plans. The information we provide to employing offices regarding barrier severity and estimated solution costs aids the transition planning process, as employing offices can utilize this information to prioritize abatement projects.

INVESTIGATION OF CHARGES OF DISCRIMINATION AND REQUESTS FOR INSPECTION

During the 116th Congress, the OGC received four ADA requests for inspection and charges of discrimination.

Two cases concerned restroom accessibility in the Library of Congress Madison Building and the Cannon House Office Building. The responsible employing offices cooperated with our office in the investigation and removed the barriers to access.

One case concerned a request for disability accommodation made to a House Committee. The responsible employing office cooperated with our office in the investigation, which did not result in any findings of violations of the ADA or the CAA.

One case concerned physical accessibility in a Committee hearing room in the Rayburn House Office Building. Ramps to a dais were excessively sloped and posed other barriers to access. The responsible employing offices fully cooperated with our office and have developed a plan to remove the barriers to access as part of an upcoming renovation of the room. We are continuing to monitor this case.

ACKNOWLEDGMENTS

The OGC ADA inspection team during the 116th Congress was comprised of Shonda Perkins, Occupational Safety and Health Inspection Coordinator; Crystal Barber, Occupational Health and Safety Specialist; Christopher Robinson, Senior Occupational Safety and Health Specialist; Mark Nester, Occupational Safety and Health Specialist; James Peterson, Occupational Safety and Health Specialist; and Kaylan Dunlap, Accessibility Specialist with Evan Terry Associates (ETA).

The OGC appreciates the cooperation of all legislative branch offices during the inspection process. We particularly appreciate the assistance and time given by the employees of the AOC, the Library of Congress, the USCP, the Office of House Employment Counsel, and the Office of Senate Chief Counsel for Employment.

Thanks to Beth Ziebarth, Smithsonian Institution's Deputy Head Diversity Officer and Director, Access Smithsonian, for providing context and history regarding the Smithsonian Accessibility Program and Smithsonian Guidelines for Accessible Design.

Dynah Haubert, OGC Associate General Counsel, is the primary author of this report.

The OGC also acknowledges the invaluable assistance provided by ETA. The OGC would not have been able to implement the barrier removal survey approach to ADA inspections without ETA's assistance and software.

JOHN D. UEIMAN,
General Counsel.

APPENDIX

ARCHITECT OF THE CAPITOL,
Washington, DC, January 26, 2023.

MR. JOHN D. UELMEN,
General Counsel, Office of Congressional Workplace Rights.

DEAR MR. UELMEN: The Architect of the Capitol (AOC) is pleased to provide this annual Americans with Disabilities Act (ADA) progress report for 2022 on removing the accessibility barriers identified in the Office of Congressional Workplace Rights (OCWR) biennial reports for the 111th, 112th, 113th, 114th, 115th, 116th and 117th Congress. This report includes data for the calendar year December 31, 2022.

The list below provides AOC's progress in correcting the accessibility barriers noted:

90 percent (189 of 209) of the 111th Congress barriers have been remediated.

97 percent (386 of 398) of the 112th Congress barriers have been remediated.

30 percent (51 of 168) of the 113th Congress barriers have been remediated.

64 percent (1,589 of 2,477) of the 114th Congress barriers have been remediated.

61 percent (676 of 1,113) of the 115th Congress barriers have been remediated.

6 percent (10 of 163) of the 116th Congress barriers have been remediated.

2 percent (6 of 259) of the 117th Congress barriers have been remediated.

The unabated barriers identified for each biennial congressional report are identified following categories:

111th Congress:

Planned, engineered solutions are being developed: 10 percent (20 of 209 barriers).

112th Congress:

Planned, engineered solutions are being developed: 3 percent (12 of 398 barriers).

113th Congress:

Planned but not yet completed: 1 percent (2 of 168 barriers).

Planned, engineered solutions have been developed: 68 percent (115 of 168 barriers).

114th Congress:

Planned but not yet completed: 20 percent (492 of 2,477 barriers).

Planned, engineered solutions are being developed: 16 percent (396 of 2,477).

115th Congress:

Planned but not yet completed: 15 percent (165 of 1,113 barriers).

Planned, engineered solutions are being developed: 24 percent (272 of 1,113 barriers).

116th Congress:

Planned but not yet completed: 66 percent (108 of 163 barriers).

Planned, engineered solutions are being developed: 28 percent (45 of 163 barriers).

117th Congress:

Planned but not yet completed: 78 percent (203 of 259 barriers).

Planned, engineered solutions are being developed: 19 percent (50 of 259 barriers).

Enclosure 1 is a detailed spreadsheet listing each accessibility barrier identified by the OCWR for the 111th, 112th, 113th, 114th, 115th, 116th and 117th Congress and the AOC's progress remediating them. This enclosure also contains the verification data from our third-party consultant for 2022. We will continue to obtain abatement verification reports and photos from our third-party consultant throughout 2023.

Enclosure 2 contains a complete list of ADA accomplishments completed by the AOC. Some highlights include:

PHYSICAL ACCESS

Continued improvement to the physical accessibility of the Capitol campus such as installation and/or renovation of handrails, ramps, thresholds, pathways, stairs, lifts, signage, sidewalks and curb cuts.

Installed accessible lifts to provide access to the Senate Chamber dais.

Installed additional ADA-compliant water bottle filling stations, beyond ADA requirements.

Installed automatic door operators to increase accessibility at doorways.

Installed ADA-complaint worksurfaces and food service countertops in the Dirksen Senate Office Building.

PROGRAM ACCESS

The U.S. Capitol Visitor Center completed an extensive overhaul of Exhibition Hall, which included a significant number of accessibility improvements such as the incorporation of braille, tactile models, touchscreen interactives, captioned video content, audio guides and large-print materials.

The U.S. Botanic Garden updated and expanded accessibility information on its website to enable a successful visit by all individuals and added speech-to-text transcription services for online educational programs.

PROGRAM MANAGEMENT

Held accessibility coordination meetings with attendance from the AOC's jurisdiction and major divisions.

Continued to evaluate and improve internal processes to ensure accessibility standards are met on design and construction projects.

Continued to work with an independent quality assurance/quality control inspector who confirms completed work is ADA compliant.

COLLABORATION WITH THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS, OFFICE OF GENERAL COUNSEL

Continued to work cooperatively with you and OCWR staff on OCWR ADA inspections, as well the existing open ADA case.

Please contact Danezza Quintero at 202.674.0260 or me at 202.226.4701 if you have questions or require further information.

Sincerely,

PATRICIA WILLIAMS, CSP,
Director, Safety and Code Compliance.

Enclosures.

GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. CASSIDY. Mr. President, I rise today to formally enter a legal opinion from the Government Accountability Office into the RECORD. The contents of this legal opinion confirms that the Biden administration's reckless student loan scheme has gone too far, violated process, and must be submitted to Congress as a rule, subject to the Congressional Review Act.

The Biden administration proposes to transfer the burden of $400 billion in Federal student loans onto taxpayers, citing COVID–19. The administration continues to charge the U.S. Treasury $5 billion per month to extend the loan pause, preventing any return to repayment on student loans while it works to cancel them. Meanwhile, Americans who chose not to attend college or already sacrificed to pay off their loans will be forced to carry the burden of the student debt from those who willingly took on these loans.

GAO's determination means that the Biden administration is not playing by the laws of this land in attempting to implement their mass student loan scheme and extend the payment pause via executive fiat.

This GAO legal opinion will allow Congress to exercise its oversight prerogative and move forward with a Congressional Review Act resolution of disapproval, while we await a Supreme Court decision on the constitutionality of the policy.

I implore all of my colleagues to join me in support of a Congressional Review Act resolution of disapproval to stand for the 87 percent of Americans

who chose not to take student loans or paid off their debt responsibly.

Mr. President, I ask unanimous consent that the following letter from the Government Accountability Office be printed in the RECORD.

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

[From the U.S. Government Accountability Office]

DECISION

Matter of: U.S. Department of Education—Applicability of the Congressional Review Act to the Department of Education's Student Loan Debt Relief Website and Accompanying Federal Register Publication.

File: B–334644.

Date: March 17, 2023.

DIGEST

The U.S. Department of Education (ED) announced actions to extend a pause on federal student loan repayment and to cancel certain loan debts on a website titled ''One-Time Federal Student Loan Debt Relief.'' ED also publicized these actions in a Federal Register document titled Federal Student Aid Programs (Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program). GAO received a request for a decision as to whether ED's actions announced on its website and in the Federal Register (collectively ED's ''Waivers and Modifications'') are a rule for purposes of the Congressional Review Act (CRA). CRA incorporates the Administrative Procedure Act's (APA) definition of a rule and requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as to the Comptroller General. ED did not submit a CRA report to Congress or the Comptroller General on its Waivers and Modifications.

We conclude that ED's Waivers and Modifications meet the definition of a rule under CRA and that no exception applies. Therefore, ED's Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays in the effective date of the rule are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at such time as the agency determines, consistent with CRA.

DECISION

On August 24, 2022, President Biden announced that the U.S. Department of Education (ED) would take action to extend a then-current ''pause on federal student loan repayment,'' as well as to provide ''debt cancellation'' for certain federal student loan recipients. The White House, Fact Sheet: President Biden Announces Student Loan Relief for Borrowers Who Need It Most (Aug. 24, 2022), available at https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/fact-sheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/ (last visited Mar. 10, 2023). After President Biden's announcement, ED outlined the referenced actions on a website titled ''One-Time Federal Student Loan Debt Relief.'' ED, Federal Student Aid, One-Time Federal Student Loan Debt Relief, available at https://studentaid.gov/manage-loans/forgiveness-cancellation/debt-relief-info (last visited Mar. 10, 2023). ED also provided notice of these actions through a Federal Register document titled Federal Student Aid Programs (Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program). 87 Fed. Reg. 61512 (Oct. 12, 2022). For ease of reference, we refer collectively to ED's actions in the above-referenced website and Federal Register document as ED's ''Waivers and Modifications.'' GAO received a request for a decision as to whether ED's Waivers and Modifications are a rule for purposes of the Congressional Review Act (CRA). Letter from Chairwoman Virginia Foxx, Senators Bill Cassidy and John Cornyn, and Representatives Bob Good and Mariannette Miller-Meeks, to the Comptroller General (Sept. 23, 2022). As discussed below, we conclude that ED's Waivers and Modifications meet the definition of a rule under CRA and that no exception applies. Therefore, ED's Waivers and Modifications are subject to CRA's submission requirement. Consistent with CRA, ED may forgo the normal delay in a rule's effective date for good cause. 5 U.S.C. §808(2).

Our practice when rendering decisions is to contact the relevant agencies to obtain their legal views on the subject of the request. GAO, Procedures and Practices for Legal Decisions and Opinions, GAO–06–1064SP (Washington, D.C.: Sept. 2006), available at https://www.gao.gov/products/gao-06-1064sp. Accordingly, we reached out to ED to obtain the agency's legal views. Letter from Assistant General Counsel, GAO, to General Counsel, ED (Oct. 17, 2022). We received ED's response on February 22, 2023. Letter from General Counsel, ED, to Assistant General Counsel, GAO (Feb. 22, 2023) (Response Letter).

BACKGROUND

Federal Student Loans and the HEROES Act

ED currently administers federal student loans pursuant to at least four programs: the William D. Ford Federal Direct Loan Program, the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan Program, and the Health Education Assistance Loan (HEAL) Program. See 20 U.S.C. §§1087a–1087j, 1071–1087–4, 1087aa–1087ii; ED, Health Education Assistance Loan Program, 82 Fed. Reg. 53374 (Nov. 15, 2017). For each of these programs, Congress set forth relevant terms and conditions in title IV of the Higher Education Act of 1965 (HEA). 20 U.S.C. §1070 et seq. Among other things, HEA outlines the responsibility of borrowers to repay their loans, the consequences of failing to do so, and the possibility that ED may cancel loans under certain circumstances. See 20 U.S.C. §§1078–10, 1078–11, 1080, 1087j, 1087e, 1087dd, 1087ee. ED also implements HEA through its own regulations. See, e.g., 34 C.F.R. parts 674, 681, 682, and 685.

In the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act), Congress gave ED the power to ''waive or modify'' HEA provisions and regulations under limited emergency circumstances. Specifically, the Act states that:

''Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education . . . may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of [HEA] . . . as the Secretary deems necessary in connection with a war or other military operation or national emergency . . . .''

20 U.S.C. §1098bb(a)(1). As a prerequisite to providing waivers or modifications under the above-quoted provision, ED must find them ''necessary to ensure'' certain objectives listed in the HEROES Act. Id. §1098bb(a)(2). The first listed objective is to ensure that ''recipients of [loans] under title IV of [HEA] . . . are not placed in a worse position . . . in relation to [such loans] because of their status as affected individuals.'' Id. The second listed objective is to ensure that ''administrative requirements placed on affected individuals . . . are minimized, to the extent possible without impairing the integrity of the [federal student loan] programs . . . to ease the burden on such students.'' Id.

The HEROES Act outlines processes for ED to inform the public about waivers and modifications. Id. §1098bb(b). In addition, the HEROES Act requires ED to provide certain information to Congress about waivers and modifications. Id. Notwithstanding section 437 of the General Education Provisions Act (GEPA) and section 553 of APA, the HEROES Act says that ED must ''by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions that [it] deems necessary'', as well as ''the terms and conditions to be applied in lieu of such [waived or modified] provisions.'' Id. Additionally, ED must provide Congress with an ''impact report'' no later than 15 months after it provides any waiver or modification. Id. §1098bb(c). This report must discuss the impact of ED's waivers or modifications ''on affected individuals'' and ''programs under title IV of the [HEA],'' as well as ED's ''recommendations for changes'' to provisions waived or modified. Id.

Finally, the HEROES Act speaks to the timing of ED's waivers and modifications. In a subsection titled ''no delay in waivers and modifications,'' the Act says ''Sections 482(c) and 492 of the [HEA] shall not apply'' to ED's waivers and modifications. Id. §1098bb(d). Ordinarily, those provisions require ED to delay the effective date of certain regulations, and to engage in a ''negotiated rulemaking'' process—including the input of students, institutions of higher education, and other affected entities—for regulations concerning federal student loans. See id. §§1089(c), 1098a.

ED's Waivers and Modifications

In its Waivers and Modifications, ED invoked the HEROES Act to take emergency actions in view of the COVID–19 pandemic. As ED explained, President Trump had declared a national emergency concerning the COVID–19 pandemic on March 13, 2020, and it remained in effect at the time of ED's actions. 87 Fed. Reg. 61512, 61513. As ED further explained, because the COVID–19 emergency declaration encompassed all areas in the United States, ''any person with a Federal student loan under title IV of the HEA'' was an ''affected individual'' under the HEROES Act. Id. In light of ''the financial harm caused by the COVID–19 pandemic,'' ED said that certain ''waivers and modifications [were] necessary to ensure that affected individuals [were] not placed in a worse position financially with respect to their student loans.'' Id. ED ''further determined'' that these Waivers and Modifications would ''help minimize the administrative burdens placed on affected individuals.'' Id.

In sum, ED's Waivers and Modifications amounted to two specific actions:

First, ED extended a then-current ''automatic suspension of payment and application of a zero percent interest rate'' for all individuals with federal direct loans or federally-held FFEL, Perkins, or HEAL loans. Id. ED explained how an automatic suspension of payment and zero percent interest rate originated with the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116–136 (Mar. 27, 2020), and how the President and ED had extended these measures through August 2022. Id. at 61513–61514. ED now announced that it was further extending these measures through December 31, 2022. Id. at 61513.

Second, ED announced that it would ''discharge certain amounts'' of federal direct loans and federally-held FFEL and Perkins loans. Id. Subject to specified income limitations and individual borrowers' submission of applications, ED announced that it would discharge up to $20,000 for borrowers who had

received a Pell Grant, and up to $10,000 for borrowers who had not received a Pell Grant. Id. ED explained that it was ''modif[ying] the provisions of'' HEA and its implementing regulations in order to make these discharges permissible. Id. at 61514.

ED indicated that the Waivers and Modifications were effective as of October 12, 2022 (i.e., immediately upon publication in the Federal Register), and that, except where otherwise indicated, they would ''expire at the end of the award year in which the COVID–19 national emergency expires . . . .'' Id. at 61513.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. 5 U.S.C. §801(a)(1)(A). The report must contain a copy of the rule, ''a concise general statement relating to the rule,'' and the rule's proposed effective date. Id. CRA allows Congress to review and disapprove federal agency rules for a period of 60 days using special procedures. 5 U.S.C. §802. If a resolution of disapproval is enacted, then the new rule has no force or effect. 5 U.S.C. §801(b)(1).

CRA adopts the definition of rule under the Administrative Procedure Act (APA), 5 U.S.C. §551 (4), which states that a rule is ''the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.'' 5 U.S.C. §804(3). However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. Id.

ED did not submit a CRA report to Congress or the Comptroller General on its Waivers and Modifications. ED contends that the Waivers and Modifications do not meet the definition of a rule under CRA. In addition, ED relies on a provision of the HEROES Act allowing ED to modify student loan requirements ''notwithstanding any other provision of law.'' Response Letter at 1–2 (quoting 20 U.S.C. §1098bb(a)(1)–(2)).

DISCUSSION

At issue here is whether ED's Waivers and Modifications meet the definition of a rule under CRA. As explained below, we conclude that they do.

ED's Waivers and Modifications meet CRA's definition of ''rule'' as an agency statement of future effect designed to implement, interpret, or prescribe law or policy. They are an agency statement because ED published them as such on its webpage and in the Federal Register. 87 Fed. Reg. 61513. They have future effect because they temporarily extended a suspension of payment and interest terms, and because they invite borrowers to apply prospectively for the discharge of certain debt amounts. Id. And they implement law and policy by ''waiv[ing]'' and ''modif[ying] the provisions of'' HEA and its implementing regulations. Id.

Additionally, none of CRA's three statutory exceptions are applicable:

First, the Waivers and Modifications are not a rule of particular applicability. A rule of particular applicability is one addressed to specific, identified entities. See B–333732, Jul. 28, 2022 (explaining that a rule of general applicability is one with an open class but a rule of particular applicability is limited to those named). By contrast, ED's Waivers and Modifications suspended payment obligations and modified interest rates for all individuals with federal direct loans or federally-held student loans. 87 Fed. Reg. 61513. They also offer to discharge certain debt amounts for all such individuals meeting specified income limitations. Id.

Second, the Waivers and Modifications are not a rule relating to agency management or personnel. A rule relates to agency management or personnel if it applies to agency employees and not to outside parties. See e.g., B–331324, Oct. 22, 2019 (determining that 5 U.S.C. §804(3)(b) does not apply when the rule deals with actions regulated parties should take and not agency management or personnel). But here, the Waivers and Modifications relate to the student loan obligations of all ''affected individuals,'' which ED has defined broadly to include ''any person with a Federal student loan under title IV of the HEA.'' 87 Fed. Reg. 61512, 61513.

Third, and finally, the Waivers and Modifications substantially impact the rights and obligations of non-agency parties because they allow student borrowers to forego ordinary loan-repayment obligations and apply to have certain amounts of debt discharged.

ED's Response

ED asserts that the Waivers and Modifications are not subject to CRA because they are ''not a rulemaking, but a one-time, fact-bound application of existing and statutorily prescribed waiver and modification authority.'' Response Letter at 4. ED also states that its Waivers and Modifications are not subject to CRA because the HEROES Act allows ED to modify student loan requirements ''notwithstanding any other provision of law.'' Id. at 1–2 (quoting 20 U.S.C. §1098bb(a)(1)–(2)).

ED bases its first assertion upon Goodman v. FCC, 182 F.3d 987, 993–94 (D.C. Cir. 1999), as well as similar cases finding that an agency's action was an ''order'' or another type of action other than a ''rule'' within the meaning of APA's definitions that CRA incorporates. Id. However, those cases are distinguishable here. In Goodman, the Federal Communications Commission (FCC) took action to resolve several outstanding issues related to Specialized Mobile Radio (SMR) licensees. Id. at 990. The D.C. Circuit found that FCC's action was an ''order'' and ''not a rulemaking'' because it addressed the ''temporary waiver'' of existing FCC rules for already-issued licenses, whereas a rule would have had ''legal consequences 'only for the future.''' Id. at 994 (quoting Bowen v. Georgetown University Hospital, 488 U.S. 204, 216–17 (1988) (Scalia, J., concurring)). GAO has applied Goodman to find other agency actions beyond CRA's coverage, including most recently in B–334400, Feb. 9, 2023. In that case, we found that the Environmental Protection Agency's resolution of 69 small refinery petitions was an order, not a rule, because the at-issue petitions concerned specific requests for ''statutory exemptions,'' which the APA recognizes as a type of ''license'' and order. B–334400, Feb. 9, 2023.

Here, unlike in the above cases, ED's Waivers and Modifications are oriented generally toward the future and have potentially broad consequences for all loan holders, not just a specifically-identified subset thereof. They do not address existing requests from particular licensees or petitioners, as was the case in Goodman and in B–334400, nor do they apply existing law to the facts of any particular claim or request. To the contrary, ED's Waivers and Modifications substitute new benefits and requirements across the board. See 87 Fed. Reg. 61513. ED asserts that it has not previously submitted rules under the CRA process when using its HEROES Act authority. Those prior HEROES Act actions, however, are not before us and we do not interpret those instances as Congress or GAO finding that CRA did not apply. Instead, we have been asked to assess whether the current Waivers and Modifications are subject to CRA.

With regard to ED's second assertion, the Supreme Court has recognized that statutory ''notwithstanding any other provision of law'' clauses signal Congress's general intent to ''override conflicting provisions of any other [laws].'' Cisneros v. Alpine Ridge Group, 508 U.S. 10, 18 (1993). To determine the scope of any particular ''notwithstanding'' clause, we construe the particular language and ''the design of the statute as a whole.'' See K. Mart Corp v. Cartier, Inc., 486 U.S. 281, 291 (1988); see also B–290125.2, B–290125.3, Dec. 18, 2002 (''In expounding a statute, we must . . . look to the provisions of the whole law, and to its object and policy.'') (quoting Maestro Plastics Corp. v. National Labor Relations Board, 350 U.S. 270, 285 (1956)). Generally, laws that are not contrary to the design of a ''notwithstanding'' clause will continue to apply despite that clause. Thus, in B–290125.2, B–290125.3, Dec. 18, 2002, an appropriation act directed the Department of Energy (DOE) to award a construction contract and, ''notwithstanding any other provision of law,'' to negotiate with the awardee and make contract modifications as necessary to ensure that groundbreaking occurred by a specified date. DOE argued that this ''notwithstanding'' clause overrode GAO's authority to decide bid protests under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §3551–3556 (2000). Id. However, GAO rejected DOE's argument because we found that our CICA authority did not ''interfere'' with and ''would not prevent'' DOE from performing the specific time-delimited tasks with which DOE's appropriation was concerned. Id. See also District of Columbia Federation of Civic Assn's v. Volpe, 459 F.2d 1231, 1265 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972) (provision of Federal-Aid Highway Act directing construction of a bridge ''notwithstanding any other provision of law'' did not render inapplicable certain federal statutes regarding protection of historic sites).

By contrast, where a law cannot be reconciled with the intent of a ''notwithstanding'' clause, it is overridden. For example, in United States v. Novak, the Ninth Circuit considered a Mandatory Victims Restitution Act (MVRA) provision indicating that ''notwithstanding any other Federal law,'' a judgment imposing a fine ''may be enforced against all property or rights to property of the person fined . . . .'' 476 F.3d 1041, 1045, 1046 (9th Cir. Feb. 22, 2007) (quoting 18 U.S.C. §3613A(d)). The Court found that this provision overrode sections of the Employee Retirement Income Security Act of 1974 (ERISA) prohibiting the ''alienation'' of retirement savings. Id. In doing so, the Court noted the ''breadth of Congress's reference to ''all property or rights to property,'' as well as its use of express language to override a similar ''anti-alienation'' provision in the Social Security Act of 1935 (SSA), among other things. Id. at 1047; see also, e.g., Schneider v. United States, 27 F.3d 1327 (8th Cir. 1994) (judicial review precluded by Military Claims Act provision stating that agency determinations were final and conclusive ''notwithstanding any other provision of law.'').

Here, the ''notwithstanding'' clause in the HEROES Act does not exempt ED's Waivers and Modifications from CRA. CRA does not contain a ''specific reference'' to the HEROES Act. See 5 U.S.C. §801; 20 U.S.C. §1098bb(a)(1). As a basic matter, however, following CRA does not conflict with the design or policy of the HEROES Act. Congress in the HEROES Act empowered ED to address

''emergency'' situations. It did this by directing ED to waive or modify student loan provisions that it found necessary to ''ease the burden'' on loan recipients and to ''ensure'' that the emergency did not place them in a ''worse position,'' among other things. Id. §1098bb(a)(2). It also did this by directing ''no delay'' in the implementation of ED's waivers and modifications. Id. §1098bb(d).

Consistent with these aims, CRA also specifically contemplates the possibility of emergency actions requiring immediate implementation. As a general matter, rules subject to CRA may not become effective for 60 days pending Congress's review and potential enactment of a disapproval measure. 5 U.S.C. §801, 802. But Congress in CRA allowed agencies to find for ''good cause'' that normal delays are ''impracticable, unnecessary, or contrary to the public interest,'' and the agency's rule may then take effect at such time as the agency determines. 5 U.S.C. §808(2). As in B–290125.2, then, applying CRA's requirements does not ''interfere'' with and ''would not prevent'' ED from carrying out emergency actions under the HEROES Act. B–290125.2, B–290125.3, Dec. 18, 2002. If ED believes that its Waivers and Modifications must take immediate effect-as appears to be the case—then it need only make a ''good cause'' finding consistent with CRA's requirements.

Context considerations provide additional support for our conclusion that Congress did not mean to exempt HEROES Act actions from CRA. First, CRA itself contains a clause indicting that it should apply ''notwithstanding any other provision of law.'' 5 U.S.C. §806(a). While this alone is not definitive, Congress in the HEROES Act took express action to override certain other provisions without taking comparable action on CRA. Specifically, Congress said that HEA's negotiated rulemaking requirements ''shall not apply,'' and that the HEROES Act's public-reporting requirement would apply ''notwithstanding'' the normal reporting requirements applicable to ED under GEPA and APA (which GEPA references). 20 U.S.C. §1098bb(d). If we interpret the ''notwithstanding'' clause literally, as ED urges us to do, then it was not necessary for Congress to make any of these additional carve-outs because neither HEA, nor OEPA, nor APA references the HEROES Act. U.S.C. §553, 20 U.S.C. §§1089(c), 1098a, 1232. Clearly, then, Congress contemplated that procedural requirements like those in HEA, GEPA, and APA could continue in force without presenting any conflict with the ''notwithstanding'' clause; the HEROES Act needed to address these provisions specifically to exempt ED from their requirements.

ED also asserts that the HEROES Act speaks definitively ''to the role of Congress vis-à-vis waivers and modifications'' with ''its own mechanism of congressional reporting.'' Response Letter at 6. As described above, the HEROES Act requires ED to provide Congress with an ''impact report'' no later than 15 months after it provides any waiver or modification. Id. §1098bb(c). On its face, this reporting requirement does not displace the purpose of CRA and its requirements, which trigger before an agency takes action. It would be wholly consistent with both CRA and the HEROES Act for an agency to first submit a CRA report (and find ''good cause'' to forego the normal requirements), and then to take action pursuant to the HEROES Act, and then to report on the impact of such actions within 15 months. See 8–333501, Dec. 14, 2021 (finding that the Centers for Disease Control and Prevention (CDC) had to submit a CRA report in connection with new masking requirements, but that it could address the need for emergency implementation through a good cause waiver); 8–333732, Jul. 28, 2022 (''While CRA does not provide an emergency exception from its procedural requirements . . . (it] addresses an agency's need to take emergency action without delay.''). Indeed, over the course of the COVID–19 public health emergency, several agencies have submitted rules for congressional review while waiving the delay in effective date by invoking CRA's good cause exception. See, e.g., B–33486, Aug. 10, 2021; B–333381, Jul. 9, 2021; B–332918, Feb. 5,2021.

Issues before the Supreme Court

With this decision, we are not addressing the questions currently before the Supreme Court in Biden v. Nebraska, which include whether ED's Waivers and Modifications ''exceed[ed] the Secretary [of Education]'s statutory authority or [were] arbitrary and capricious.'' See Supreme Court Docket No. 22–506, Questions Presented (Dec. 1, 2022), available at https://www.supremecourt.gov/docket/docketfiles/html/gp/22-00506qp.pdf. For present purposes, we treat the Waivers and Modifications as an exercise of the HEROES Act authority that ED invoked to support them. We hold only that a valid exercise of authority under the HEROES Act is subject to CRA We need not reach the more specific conclusion about the substantive validity of ED's Waivers and Modifications at issue in the Supreme Court's decision in Biden v. Nebraska in order to reach a conclusion under CRA.

CONCLUSION

ED's Waivers and Modifications meet the definition of a rule under CRA and no exception applies. Therefore, ED's Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at whatever date ED chooses, consistent with CRA. 5 U.S.C. §808(2).

EDDA EMMANUELLI PEREZ,
General Counsel.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23–12, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost $268 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

MIKE MILLER
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 23–12

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

(i) Prospective Purchaser: Government of Greece).

(ii) Total Estimated Value:

Major Defense Equipment * $163.3 million.

Other $104.7 million.

Total $268.0 million.

Funding Sources: National Funds ($243.0 million). Foreign Military Financing ($25.0 million).

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

Major Defense Equipment (MDE):

Sixty-three (63) Assault Amphibious Vehicles, Personnel Variant (AAVP–7A1).

Nine (9) Assault Amphibious Vehicles, Command Variant (AAVC–7A1).

Four (4) Assault Amphibious Vehicles, Recovery Variant (AAVR–7A1).

Sixty-three (63) 50-Caliber Machine Guns (Heavy Barrel).

Non-MDE:

Also included are MK–19 Grenade Launchers; M36E T1 Thermal Sighting Systems (TSS), supply support (spare parts), support equipment (including special mission kits/tools/Enhanced Applique Kits (EAAK)), training, technical manuals (UNCLASSIFIED), technical data, U.S. Government and contractor engineering, technical support and assistance (including Contractor Engineering Technical Services (CETS)), Integrated Logistic Support (ILS) management services, parts obsolescence remediation, calibration services transportation, Follow-on Support (FOS), Return, Repair and Reshipment of unserviceable repairable items/equipment, applicable software and apparel, and other related elements of logistics and program support.

Military Department: Navy (GR–P–SCO).

Prior Related Cases, if any: None.

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

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

(viii) Date Report Delivered to Congress: March 17, 2023.

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

POLICY JUSTIFICATION

Greece—Assault Amphibious Vehicles

The Government of Greece has requested to buy sixty-three (63) Assault Amphibious Vehicles, Personnel Variant (AAVP–7A1), nine (9) Assault Amphibious Vehicles, Command Variant (AAVC–7A1), four (4) Assault Amphibious Vehicles, Recovery Variant (AAVR–7A1), and sixty-three (63) 50-Caliber Machine Guns (Heavy Barrel). Also included are MK–19 Grenade Launchers, M36E T1 Thermal Sighting Systems (TSS), supply support (spare parts), support equipment (including special mission kits/tools/Enhanced Applique Kits (EAAK)), training, technical manuals (UNCLASSIFIED), technical data, U.S. Government and contractor engineering, technical support and assistance (including Contractor Engineering Technical Services (CETS)), Integrated Logistic Support

(ILS) management services, parts obsolescence remediation, calibration services, transportation, Follow-on Support (FOS), Return, Repair and Reshipment of unserviceable repairable items/equipment, applicable software and apparel, and other related elements of logistics and program support. The estimated total cost is $268 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally, which is an important partner for political stability and economic progress in Europe.

This proposed sale will improve Greece's capability to meet current and future threats by providing an effective capability to protect maritime interests and infrastructure in support of its strategic location on NATO's southern flank. Greece contributes to NATO operations, as well as to counterterrorism and counter-piracy maritime efforts. Greece will have no difficulty absorbing these articles and services into its armed forces.

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

There is not a principal contractor associated with this potential sale. Consequently, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government personnel, but will require one (1) contractor representative, Full-Time Equivalent (FTE) position to Greece to deliver Assault Amphibious Vehicles, related equipment and support.

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

TRANSMITTAL NO. 23–12

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The mission of the Assault Amphibious Vehicle (AAV) is to maneuver surface assault elements of the landing force and their equipment from assault shipping during amphibious operations to inland objectives and to conduct mechanized operations and related combat support in subsequent operations ashore.

The AAV–7A1 Family of Vehicles includes the Personnel variant which carries troops in amphibious operations from ship to shore, through the surf zone and to inland objectives. The AAVP–7A1 provides protected transport for up to 25 combat-loaded personnel through all types of terrain. The Command Variant, AAVC–7A1, is an armored assault amphibious full-tracked landing vehicle. The vehicle provides a mobile task force communication center in amphibious operations from ship to shore through the surf zone to inland objectives. The Recovery Variant, AAVR–7A1, is an armored assault amphibious full-tracked vehicle. The vehicle is designed to recover similar or smaller sized vehicles. It also carries basic maintenance equipment to provide field support maintenance to vehicles in the field.

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

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

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

5. All defense articles and services listed in this transmittal have been authorized for release and export to Greece.

CERTIFICATION PURSUANT TO 620C(d) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163, State Department Delegation of Authority No. 293–2, and State Department Delegation of Authority 510; I hereby certify that the furnishing to Greece of Amphibious Assault Vehicles and related defense articles and services is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation

BONNIE JENKINS
Under Secretary for Arms Control and International Security.

REMEMBERING JUDY HEUMANN

Mr. CASEY. Mr. President, I rise to join my colleagues in honoring the life of Judy Heumann, one of the most important disability and civil rights leaders of our time.

While Judy spent most of her childhood and early adult life in New York, she is a native Pennsylvanian, born in Philadelphia in 1947. She was an advocate for disability equality and access to education from an early age. When her mother attempted to enroll her in public kindergarten, the school principal denied her admission because Judy's wheelchair was determined to be ''a fire hazard.'' That determination wasn't by any official means; it was only in the opinion of a principal who had the power to bar her from receiving an education. It took over 4 years for Judy's parents to find a school where she could enroll, starting regular attendance at school at the age of 9.

At the start of her adult life, Judy experienced similar discrimination when the New York City schools denied her a job as a teacher, despite having passed all requirements but one, the physical examination. Judy sued the New York City Public Schools and won her case and was hired as the first teacher with a disability in the New York City schools. That was 1970.

One year later, partly inspired by the successful advocacy of Judy, Pennsylvania parents of children with intellectual disabilities filed suit to secure enrollment of their children in Pennsylvania public schools. That successful case, known as PARC v. Pennsylvania, was the foundation for the 1975 Education of All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, or IDEA.

After many years of advocacy, that included the development and passage of IDEA and the Americans with Disabilities Act, Judy was appointed by President Clinton to be the Assistant Secretary of Special Education and Rehabilitation Services in the Department of Education, a position she held from 1993 to 2001.

With that appointment, Judy had come full circle, from being barred from attending public school as a kindergartener, to being responsible for ensuring public schools across the country were accessible to and educating all children with disabilities.

Successfully advocating for such groundbreaking change in education of children with disabilities would have been enough for one life, but Judy did much more than advocate to secure access to education for children with disabilities. Her work included implementation of section 504 of the Rehabilitation Act, which requires all governments and public entities that receive Federal funding to ensure their services and settings are accessible to people with disabilities. She was a key partner with Democrats and Republicans in the writing and implementation of the Americans with Disabilities Act in 1990 and the Americans with Disabilities Act Amendments in 2008.

Judy's work was not limited to the United States. In 1983, Judy, along with Ed Roberts, one of the fathers of the disability rights movement, established the World Institute on Disability. She felt that the disability rights achieved in America needed to be spread throughout the world. Judy became the first Advisor on Disability and Development at the World Bank in 2002. And in 2010, President Obama appointed her to the position of Special Advisor on International Disability Rights at the State Department, a role she filled until 2017.

Along the way, Judy rarely forgot that she was working for individual people with disabilities. When visiting countries, she made it a point to seek out young people with disabilities and encourage them to speak out and to become leaders in their own towns, districts, States, and countries. She knew the power of policy to change lives and the importance of individuals to implement that change.

Judy Heumann changed the world in big and small ways for people with disabilities and all of us.

ADDITIONAL STATEMENTS

RECOGNIZING JERALD SULKY COMPANY

• Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial

spirit. This week, it is my privilege to recognize the Jerald Sulky Company of Waterloo, IA, as the Senate Small Business of the Week for the week of March 13, 2023.

The Jerald Sulky Company has been synonymous with excellence for over 125 years. Since 1898, the company has manufactured sulkies, vehicles similar to horse sleighs, leading the company to become world famous in the showring and on the racetrack. Today, Jerald Sulky Company is the last commercial manufacturer of horse-drawn vehicles in the world. The company began in Osage, IA, when Samuel E. Jerald, Sr., a top craftsman in the horse-drawn vehicle business, decided to build race sulkies. Shortly after, Samuel and his team relocated to Waterloo in 1901 and became known as one of the most innovative companies in the industry, utilizing the latest materials and pioneering new technology. In the early 1900s, there were over a dozen sulky manufacturers; however, the 1930s saw the introduction of the automobile, World War I, and the Great Depression. Innovations in technology, global war, and mass economic downturn took a toll on the sulky industry, and when the dust settled, Jerald Sulky Company was one of only two companies that were still in operation.

During WWII, Jerald Sulky Company recognized the importance of aiding the country's war effort and began manufacturing field ambulances, also know as litter carriers, to hurry fallen soldiers off the battlefield. The company ensured that each field ambulance was crafted with care, to honor each injured soldier, knowing the journey on the field ambulance might be a soldier's last. The company achieved great success during the post-war boom due to the abundance of materials and an influx of horsemen eager for vehicles that were not available during the war; the company modernized many of their classical designs which are still in production today such as the Fine Harness Buggy and the Show Pleasure Cart. Hard times fell on the Jerald Sulky Company in 2014, forcing them to close. Fortunately, at this same time, Erik and Shelli Lee were looking to buy a show cart. They called up Jerald Sulky Company to inquire about purchasing a cart and ended up buying the whole company. Erik and Shelli turned the company around, and now, they ship sulkies domestically and internationally to customers all over the world, while still focusing on the excellence and integrity of their product.

In a world that is growing increasingly automated, the Jerald Sulky Company is committed to handcrafting each of their horse carriages because, for them, it is not a product, it is an art. Their custom-made horse carriages take 6 to 10 weeks to create and are worked on by a staff of 12 artisans who, all combined, have over 200 years of experience in the craft. The carriages range from $1,500 to $15,000 due to the time and labor spent to make them. Furthermore, they source most of their materials locally. As they only want to use the best materials for their carriages and because there are not many producers that create the parts they want, the company's biggest challenge is combating supply chain issues. Even though their supply chain can be difficult to navigate and despite the fact there is not a large market for traditional horse carriages, the Jerald Sulky Company is not worried. They have a loyal customer base that maintains a constant demand for horse carriages. Today, the company, on average, builds 150 new carts each year, a vast improvement from 2014. Additionally, through expanding to more foreign markets, Jerald Sulky Company has continued to grow their customer base, proving that this 125-year-old company is resilient as ever.

The Jerald Sulky Company's commitment to excellence also extends to their local community. In the chaotic days of the beginning of the COVID–19 pandemic, they did not hesitate in offering to use part of their warehouse as a temporary assembly operation to put together disposable face shields for hospital and clinic staff. More than 60 volunteers from the local community came together at the warehouse to assemble 10,000 shields. Additionally, this past year in March 2022 when tornados ravaged Iowa and destroyed two local horse barns, the Jerald Sulky Company raised awareness about the tragedy and rallied the local community to donate to a GoFundMe for each barn. Similar to when the company sprang to action during the First World War, Jerald Sulky Company continues to answer the call of their community.

Through their drive for excellence, the Jerald Sulky Company has been referred to by some as the Rolls-Royce of the horse-drawn vehicle world. They have received numerous accolades throughout the years. Their sulkies have been on the cover of Sport Illustrated several times. Furthermore, the company's impact on the U.S. horse world has been so great that their sulky was featured on a U.S. postage stamp. In 1996, the company was inducted into the Iowa Harness Racing Hall of Fame. More recently, their sulkies have been featured in pop culture on the hit television series ''Duck Dynasty.'' Never compromising the integrity of their product or cutting any corners, the company has gone on to become a leader in the horse world and has achieved great success. I want to congratulate the entire team at the Jerald Sulky Company for their continued commitment to excellence in their work both locally in Iowa and throughout the world. I look forward to seeing their continued growth and success in Iowa.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 870. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

H.R. 502. An act to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9 11 Educational Assistance, and for other purposes.

H.R. 815. An act to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–744. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Annual Reporting and Disclosure'' (RIN1210–AB97) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–745. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Annual Information Return/Reports'' (RIN1210–AB97) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–746. A communication from the Regulatory Policy Analyst, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Change of Address; Technical Amendment'' (Docket No. FDA–2019–N–0646) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–747. A communication from the Regulations Coordinator, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Possession, Use, and Transfer of Select Agents and Toxins—Addition of SARS–CoV–2 Chimeric Viruses Resulting From Any Deliberate Manipulation of SARS–CoV–2 To Incorporate

Nucleic Acids Coding for SARS–CoV Virulence Factors to the HHS List of Select Agents and Toxins'' (RIN0920–AA79) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Health, Education, Labor, and Pensions.

EC–748. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Health Service Corps for the Year 2023''; to the Committee on Health, Education, Labor, and Pensions.

EC–749. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year (FY) 2022 Ryan White HIV/AIDS Program (RWHAP) Parts A and B Supplemental Awards''; to the Committee on Health, Education, Labor, and Pensions.

EC–750. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2021 Progress Report on Understanding the Long-Term Health Effects of Living Organ Donation''; to the Committee on Health, Education, Labor, and Pensions.

EC–751. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Tick-Borne Disease Working Group 2022''; to the Committee on Health, Education, Labor, and Pensions.

EC–752. A communication from the Supervisory Workforce Analyst, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Adverse Effect Wage Rate Methodology for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States'' (RIN1205–AC05) received in the Office of the President of the Senate on March 6, 2023; to the Committee on the Judiciary.

EC–753. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''USPTO Officially Transitions to Issuing Electronic Patent Grants in 2023'' (RIN0651–AD54) received in the Office of the President of the Senate on March 6, 2023; to the Committee on the Judiciary.

EC–754. A communication from the Assistant General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''International Terrorism Victim Expense Reimbursement Program'' (RIN1121–AA78) received in the Office of the President of the Senate on March 6, 2023; to the Committee on the Judiciary.

EC–755. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Section 508 Report to Congress and the President: Accessibility of Federal Electronic and Information Technology''; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHATZ, from the Committee on Indian Affairs, without amendment:

S. 277. A bill to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians, and for other purposes (Rept. No. 118–2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CRUZ:

S. 876. A bill to establish a 90-day limit to file a petition for judicial review of a permit, license, or approval for a highway or public transportation project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRUZ:

S. 877. A bill to amend the FAST Act to improve the Federal permitting process, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. COTTON, Mr. GRAHAM, Mr. CRUZ, and Mrs. BRITT):

S. 878. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes; to the Committee on the Judiciary.

By Mr. CRUZ:

S. 879. A bill to provide greater output, price stability, and regulatory certainty with respect to domestic energy production in the United States and exports, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 880. A bill to require MedPAC and MACPAC to biennially conduct a coordinated review and analysis of Medicare and Medicaid policy with respect to dually eligible beneficiaries, and to jointly submit recommendations for policy changes, and for other purposes; to the Committee on Finance.

By Mr. SCHATZ (for himself and Mr. MARKEY):

S. 881. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of certain new electric bicycles; to the Committee on Finance.

By Mr. WARNOCK (for himself, Mr. OSSOFF, and Mr. PADILLA):

S. 882. A bill to amend title 49, United States Code, to clarify the use of certain taxes and revenues; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 883. A bill to establish the National Office of New Americans, to reduce obstacles to United States citizenship, to support the integration of immigrants into the social, cultural, economic, and civic life of the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. SINEMA (for herself and Ms. LUMMIS):

S. 884. A bill to establish a Government-wide approach to improving digital identity, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ROSEN (for herself and Mrs. BLACKBURN):

S. 885. A bill to establish a Civilian Cybersecurity Reserve in the Department of Homeland Security as a pilot project to address the cybersecurity needs of the United States with respect to national security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Mrs. BLACKBURN, Mr. BENNET, Ms. LUMMIS, Ms. DUCKWORTH, Mrs. GILLIBRAND, and Mrs. SHAHEEN):

S. 886. A bill to authorize the location of a monument on the National Mall to commemorate and honor the women's suffrage movement and the passage of the 19th Amendment to the Constitution, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. BRAUN, and Mr. GRASSLEY):

S. 887. A bill to amend the Federal Reserve Act to prohibit the Federal reserve banks from offering certain products or services directly to an individual, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE:

S. 888. A bill to amend title 49, United States Code, to add definitions for the terms ''common carrier'' and ''personal operator'', and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY (for himself and Mr. DURBIN):

S. 889. A bill to provide consumer protections for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE:

S. 890. A bill to improve the program providing for private screening companies to conduct security screening at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 891. A bill to amend title 49, United States Code, to require the Administrator of the Federal Aviation Administration to give preferential consideration to individuals who have successfully completed air traffic controller training when hiring air traffic control specialists, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINRICH:

S. 892. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID–19 pandemic driven declines in colorectal cancer screening, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MANCHIN, Mr. GRASSLEY, Ms. LUMMIS, Mrs. BLACKBURN, Mr. KELLY, and Mrs. FISCHER):

S. 893. A bill to amend title 49, United States Code, to raise the retirement age for pilots engaged in commercial aviation operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Ms. CORTEZ MASTO, Mr. BRAUN, Mr. CASEY, and Mr. COONS):

S. 894. A bill to require the Secretary of Health and Human Services to collect and disseminate information on concussion and traumatic brain injury among public safety officers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Mr. MULLIN):

S. 895. A bill to provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on unruptured intracranial aneurysms; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE:

S. 896. A bill to authorize Counter-UAS activities on and off commercial service airport property, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself and Mr. MORAN):

S. 897. A bill to amend title 38, United States Code, to make a permanent increase in the number of judges presiding over the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mrs. BLACKBURN, Mr. CASSIDY, Mr. CRAPO, Mr. DAINES, Mr. LANKFORD, and Mr. TILLIS):

S. 898. A bill to amend the Internal Revenue Code of 1986 to prohibit audits based on Merchant Category Codes; to the Committee on Finance.

By Mr. LEE (for himself, Mr. BRAUN, and Mr. SULLIVAN):

S. 899. A bill to prohibit the Federal Government from mandating vaccination against COVID–19 for interstate travel; to the Committee on Commerce, Science, and Transportation.

By Mr. YOUNG (for himself, Ms. SMITH, Mr. BRAUN, and Mr. SCHATZ):

S. 900. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to establish a competitive grant program under which the Secretary of Agriculture provides grants to land-grant colleges and universities to support agricultural producers in adopting conservation and innovative climate practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRAUN (for himself, Ms. SMITH, Mr. COONS, and Mr. WICKER):

S. 901. A bill to amend the Animal Health Protection Act to improve the prevention of the spread of animal diseases, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEE:

S. 902. A bill to require the Administrator of the Federal Aviation Administration to designate an overland supersonic and hypersonic testing corridor in the United States to test military passenger and nonpassenger aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. ROSEN (for herself and Mrs. BLACKBURN):

S. 903. A bill to require the Secretary of the Army to carry out a pilot project to establish a Civilian Cybersecurity Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. BOOKER:

S. 904. A bill to amend title XIX of the Social Security Act to establish a demonstration project to improve outpatient clinical care for individuals with sickle cell disease; to the Committee on Finance.

By Mr. LEE:

S. 905. A bill to prescribe zoning authority with respect to commercial unmanned aircraft systems and to preserve State, local, and Tribal authorities and private property with respect to unmanned aircraft systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAWLEY:

S. 906. A bill to withdraw normal trade relations treatment from products of the People's Republic of China, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 116. A resolution supporting the goals and ideals of ''Deep Vein Thrombosis and Pulmonary Embolism Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 95

At the request of Mrs. HYDE-SMITH, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 95, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

S. 96

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 96, a bill to address the history of discrimination against Black farmers and ranchers, to require reforms within the Department of Agriculture to prevent future discrimination, and for other purposes.

S. 106

At the request of Ms. BALDWIN, the names of the Senator from North Dakota (Mr. CRAMER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 106, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants to States to improve outreach to veterans, and for other purposes.

S. 113

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 113, a bill to require the Federal Trade Commission to study the role of intermediaries in the pharmaceutical supply chain and provide Congress with appropriate policy recommendations, and for other purposes.

S. 120

At the request of Mr. CASSIDY, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 120, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students.

S. 133

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 134

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 134, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 316

At the request of Mr. KAINE, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 316, a bill to repeal the authorizations for use of military force against Iraq.

S. 321

At the request of Ms. KLOBUCHAR, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 321, a bill to amend title 18, United States Code, to define intimate partner to include someone with whom there is or was a dating relationship, and for other purposes.

S. 347

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 347, a bill to protect Americans from the threat posed by certain foreign adversaries using current or potential future social media companies that those foreign adversaries control to surveil Americans, gather sensitive data about Americans, or spread influence campaigns, propaganda, and censorship.

S. 389

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. DAINES) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 389, a bill to deter the trafficking of illicit fentanyl, provide justice for victims, and for other purposes.

S. 443

At the request of Mr. BROWN, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Ohio (Mr. VANCE) were added as cosponsors of S. 443, a bill to treat certain liquidations of new motor vehicle inventory as qualified liquidations of LIFO inventory for purposes of the Internal Revenue Code of 1986.

S. 541

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 541, a bill to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid.

S. 545

At the request of Ms. BALDWIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 545, a bill to protect the rights of passengers with disabilities in air transportation, and for other purposes.

S. 569

At the request of Mrs. GILLIBRAND, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Virginia (Mr. KAINE) were added

as cosponsors of S. 569, a bill to amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program.

S. 584

At the request of Mr. RUBIO, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 584, a bill to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

S. 597

At the request of Mr. BROWN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 597, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 610

At the request of Ms. SINEMA, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 610, a bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

S. 622

At the request of Mrs. MURRAY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 622, a bill to improve services provided by the Department of Veterans Affairs for veteran families, and for other purposes.

S. 655

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 655, a bill to amend the Internal Revenue Code of 1986 to permit high deductible health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible.

S. 686

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 686, a bill to authorize the Secretary of Commerce to review and prohibit certain transactions between persons in the United States and foreign adversaries, and for other purposes.

S. 740

At the request of Mr. BOOZMAN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 740, a bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 747

At the request of Ms. COLLINS, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 747, a bill to authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.

S. 794

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 794, a bill to require a pilot program on the participation of non-asset-based third-party logistics providers in the Customs-Trade Partnership Against Terrorism.

S. 796

At the request of Ms. LUMMIS, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 796, a bill to exempt discharges of fire retardant by Federal land management agencies, State governments, political subdivisions of States, and Tribal governments from the permitting requirements of the National Pollutant Discharge Elimination System, and for other purposes.

S. 800

At the request of Mr. BLUMENTHAL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Ms. SMITH), the Senator from Virginia (Mr. WARNER) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 800, a bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses and profits from sales of stock received by executives employed by failing banks that were closed and for which the Federal Deposit Insurance Corporation has been appointed as conservator or receiver.

S. 842

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 842, a bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of dental and oral health services, vision services, and hearing services under the Medicare and Medicaid programs.

S. 867

At the request of Mr. SCHATZ, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 867, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants for State firearms dealer licensing programs, and for other purposes.

S. 875

At the request of Mr. RUBIO, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 875, a bill to prohibit the receipt of Federal funds by individuals or entities conducting business with social media companies associated with countries of concern, and for other purposes.

S.J. RES. 2

At the request of Mr. CRUZ, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 7

At the request of Mrs. CAPITO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S.J. Res. 7, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to ''Revised Definition of 'Waters of the United States''' .

S. RES. 107

At the request of Mrs. HYDE-SMITH, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of S. Res. 107, a resolution recognizing the expiration of the Equal Rights Amendment proposed by Congress in March 1972, and observing that Congress has no authority to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States or after the amendment has expired.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Mrs. BLACKBURN, Mr. CASSIDY, Mr. CRAPO, Mr. DAINES, Mr. LANKFORD, and Mr. TILLIS):

S. 898. A bill to amend the Internal Revenue Code of 1986 to prohibit audits based on Merchant Category Codes; to the Committee on Finance.

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

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

S. 898

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Merchant Category Code Neutrality Act''

SEC. 2. PROHIBITION ON AUDITS BASED ON MERCHANT CATEGORY CODES.

Section 7602 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) PROHIBITION OF AUDITS BASED ON MERCHANT CATEGORY CODES.—

''(1) IN GENERAL.—The Secretary shall not take any action described in paragraph (1), (2), or (3) of subsection (a) based primarily on the Merchant Category Codes, or other similar codes, used to classify the goods or services provided or furnished by the business of the respective taxpayer.

''(2) ANNUAL REPORT.—For each taxable year, the Secretary shall issue a public report providing a tally of each Merchant Category Code for any action described in paragraph (1), (2), or (3) of subsection (a) initiated in such year.

''(3) MERCHANT CATEGORY CODE.—The term 'Merchant Category Code' means classification codes assigned by payment card organizations to merchants or payees that accept

its payment cards to classify the goods or services provided or furnished by a merchant or payee.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 116—SUPPORTING THE GOALS AND IDEALS OF ''DEEP VEIN THROMBOSIS AND PULMONARY EMBOLISM AWARENESS MONTH''

Mr. GRASSLEY (for himself and Mr. LUJÁN) submitted the following resolution; which was considered and agreed to:

S. RES. 116

Whereas deep vein thrombosis (referred to in this preamble as ''DVT'') is a condition that occurs when a blood clot forms in the deep veins of the body, such as in the arm, abdomen, around the brain, and most commonly in the leg;

Whereas a potentially life-threatening complication of DVT is pulmonary embolism (referred to in this preamble as ''PE''), where a blood clot breaks off, travels through the blood stream, and lodges in the lung;

Whereas DVT and PE are serious but often preventable medical conditions;

Whereas DVT and PE affect as many as 900,000 individuals in the United States each year;

Whereas DVT and PE kill an estimated 60,000 to 100,000 individuals in the United States each year, and 1 out of 4 individuals who have a PE die without warning;

Whereas DVT and PE deaths are often preventable;

Whereas DVT and PE are leading causes of preventable hospital death in the United States;

Whereas DVT and PE are a common complication faced by cancer patients, and survival rates are lower for individuals with cancer who also have blood clots;

Whereas pregnancy increases the risk of DVT and PE, and that risk remains elevated for up to 3 months after giving birth;

Whereas immobility, surgery, older age, and a family history of clotting and thrombophilia increase the risk of DVT and PE;

Whereas DVT and PE contributes to up to $10,000,000,000 in incremental medical costs each year in the United States; and

Whereas the establishment of March as ''Deep Vein Thrombosis and Pulmonary Embolism Awareness Month'' would raise awareness about this life-threatening but preventable condition: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''Deep Vein Thrombosis and Pulmonary Embolism Awareness Month''; and

(2) recognizes the importance of raising awareness of deep vein thrombosis and pulmonary embolism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table.

SA 3. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 4. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 5. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 6. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 7. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 8. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 9. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 10. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 11. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 12. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 13. Mr. SCOTT of Florida (for himself, Mr. TILLIS, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 14. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 15. Mr. SCHUMER proposed an amendment to the bill S. 316, supra.

SA 16. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 17. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 18. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 19. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 20. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 21. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 22. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 23. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 24. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 25. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 26. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 27. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 28. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 29. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 30. Mr. RICKETTS submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 31. Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 32. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 33. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 34. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 35. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA. 2. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REPEAL OF 2001 AUTHORIZATION FOR USE OF MILITARY FORCE.

The Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note) is repealed effective 180 days after the date of the enactment of this Act.

SA 3. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. CONGRESSIONAL REVIEW WITH RESPECT TO FTO DESIGNATION OF ISLAMIC REPUBLIC REVOLUTIONARY GUARD.

(a) IN GENERAL.—Not later than 30 days before the Secretary of State rescinds the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), the Secretary shall submit to Congress a notice of intent to rescind such designation.

(b) LIMITATION ON EXERCISE OF AUTHORITY DURING CONGRESSIONAL REVIEW.—Notwithstanding any other provision of law, during the 30-day period described in subsection (a), the Secretary may not rescind the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization unless a joint resolution of approval is enacted.

(c) EFFECT OF ENACTMENT OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a notice of intent submitted under subsection (a) is enacted during the 30-day period described in

subsection (a), the Secretary may not rescind the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization.

(d) PROCESS FOR JOINT RESOLUTIONS OF APPROVAL OR DISAPPROVAL.—

(1) DEFINITIONS.—In this section:

(A) COVERED JOINT RESOLUTION.—The term ''covered joint resolution'' means a joint resolution of approval or a joint resolution of disapproval.

(B) JOINT RESOLUTION OF APPROVAL.—The term ''joint resolution of approval'' means only a joint resolution of either House of Congress—

(i) which does not have a preamble;

(ii) the title of which is as follows: ''A joint resolution approving the Secretary of State's rescindment of the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization.''; and

(iii) the sole matter after the resolving clause of which is as follows: ''That Congress approves the Secretary of State's rescindment of the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), submitted to Congress on _____.'', with the blank space being filled with the appropriate date.

(C) JOINT RESOLUTION OF DISAPPROVAL.—The term ''joint resolution of disapproval'' means only a joint resolution of either House of Congress—

(i) which does not have a preamble;

(ii) the title of which is as follows: ''A joint resolution disapproving the Secretary of State's rescindment of the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization.''; and

(iii) the sole matter after the resolving clause of which is as follows: ''That Congress disapproves Secretary of State's rescindment of the designation of the Islamic Republic Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), submitted to Congress on _____.'', with the blank space being filled with the appropriate date.

(2) INTRODUCTION.—During the 30- calendar day period described in subsection (a), a covered joint resolution may be introduced—

(A) in the Senate, by the majority leader (or the designee of the majority leader) or the minority leader (or the designee of the minority leader); and

(B) in the House of Representatives, by the Speaker of the House of Representatives or the minority leader.

(3) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a covered joint resolution has been referred has not reported such joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the covered joint resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A covered joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the committee to which a covered joint resolution was referred has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Foreign Relations reports the covered joint resolution to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the covered joint resolution, and all points of order against the covered joint resolution (and against consideration of the covered joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULES OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to the joint resolution of approval or the joint resolution of disapproval shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to the joint resolution of approval or the joint resolution of disapproval, including all debatable motions and appeals in connection with such joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a covered joint resolution received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The covered joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a covered joint resolution has been referred has not reported the covered joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after each committee to which a covered joint resolution has been referred reports the covered joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the covered joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the covered joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The covered joint resolution shall be considered as read. All points of order against the covered joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the covered joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the covered joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the covered joint resolution shall not be in order.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) If, before the passage by the Senate of a covered joint resolution, the Senate receives an identical covered joint resolution from the House of Representatives, the following procedures shall apply:

(I) That covered joint resolution shall not be referred to a committee.

(II) With respect to that covered joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) If, following passage of a covered joint resolution in the Senate, the Senate receives an identical covered joint resolution from the House of Representatives, that covered joint resolution shall be placed on the appropriate Senate calendar.

(iii) If a covered joint resolution is received from the House of Representatives, and no companion covered joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the covered joint resolution of the House of Representatives.

(6) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a covered joint resolution under this section, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 4. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 10, insert ''30 days after the President certifies to Congress that Iran has stopped providing financial, technical, and material support to terrorist organizations and other violent groups in Iraq and Syria'' after ''hereby repealed''.

SA 5. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 10, insert ''30 days after the President certifies to Congress that Iran has released all United States citizens detained as of the date of the enactment of this Act and has committed to refrain from wrongfully and unjustly detaining United States citizens in the future before a repeal comes into effect'' after ''hereby repealed''.

SA 6. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REQUIREMENT FOR CERTIFICATION REGARDING RESPECT FOR HUMAN RIGHTS OF WOMEN BEFORE ENTERING AGREEMENTS WITH IRAN.

The President shall certify to Congress that Iran is respecting the internationally-recognized human rights of women before entering into any new agreement with the Government of Iran.

SA 7. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 10, insert ''30 days after the Director of National Intelligence submits to Congress an unclassified certification that there are no longer any threats in or emanating out of Iraq to United States persons and personnel by Iranian-backed militias and proxies'' after ''hereby repealed''.

SA 8. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REMEDIES FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR SUBJECT TO ADVERSE ACTION UNDER THE COVID–19 VACCINE MANDATE.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary of Defense may not issue any COVID–19 vaccine mandate as a replacement for the mandate rescinded under section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 absent a further act of Congress expressly authorizing a replacement mandate.

(b) REMEDIES.—Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note prec.) is amended—

(1) in the section heading, by striking ''**TO OBEY LAWFUL ORDER TO RECEIVE**'' and inserting ''**TO RECEIVE**'';

(2) in subsection (a)—

(A) by striking ''a lawful order'' and inserting ''an order''; and

(B) by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be an honorable discharge.'';

(3) by redesignating subsection (b) as subsection (e); and

(4) by inserting after subsection (a) the following new subsections:

''(b) PROHIBITION ON ADVERSE ACTION.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID–19.

''(c) REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR SUBJECT TO ADVERSE ACTION BASED ON COVID–19 STATUS.—At the election of a covered member discharged or subject to adverse action based on the member's COVID–19 vaccination status, and upon application through a process established by the Secretary of Defense, the Secretary shall—

''(1) adjust to 'honorable discharge' the status of the member if—

''(A) the member was separated from the Armed Forces based solely on the failure of the member to obey an order to receive a vaccine for COVID–19; and

''(B) the discharge status of the member would have been an 'honorable discharge' but for the refusal to obtain such vaccine;

''(2) reinstate the member to service at the highest grade held by the member immediately prior to the involuntary separation, allowing, however, for any reduction in rank that was not related to the member's COVID–19 vaccination status, with an effective date of reinstatement as of the date of involuntary separation;

''(3) for any member who was subject to any adverse action other than involuntary separation based solely on the member's COVID–19 vaccination status—

''(A) restore the member to the highest grade held prior to such adverse action, allowing, however, for any reduction in rank that was not related to the member's COVID–19 vaccination status, with an effective date of reinstatement as of the date of involuntary separation; and

''(B) compensate such member for any pay and benefits lost as a result of such adverse action;

''(4) expunge from the service record of the member any adverse action, to include nonpunitive adverse action and involuntary separation, as well as any reference to any such adverse action, based solely on COVID–19 vaccination status; and

''(5) include the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retainer pay of the member.

''(d) RETENTION AND DEVELOPMENT OF UNVACCINATED MEMBERS.—The Secretary of Defense shall—

''(1) make every effort to retain covered members who are not vaccinated against COVID–19 and provide such members with professional development, promotion and leadership opportunities, and consideration equal to that of their peers;

''(2) only consider the COVID–19 vaccination status of a covered member in making deployment, assignment, and other operational decisions where—

''(A) the law or regulations of a foreign country require covered members to be vaccinated against COVID–19 in order to enter that country; and

''(B) the covered member's presence in that foreign country is necessary in order to perform their assigned role; and

''(3) for purposes of deployments, assignments, and operations described in paragraph (2), create a process to provide COVID–19 vaccination exemptions to covered members with—

''(A) a natural immunity to COVID–19;

''(B) an underlying health condition that would make COVID–19 vaccination a greater risk to that individual than the general population; or

''(C) sincerely held religious beliefs in conflict with receiving the COVID–19 vaccination.

''(e) APPLICABILITY OF REMEDIES CONTAINED IN THIS SECTION.—The prohibitions and remedies described in this section shall apply to covered members regardless of whether or not they sought an accommodation to any Department of Defense COVID–19 vaccination policy on any grounds.''.

SA 9. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 3, strike ''The Authorization'' and insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) Article II of the United States Constitution empowers the President, as Commander-in-Chief, to direct the use of military force to protect the Nation from an attack or threat of imminent attack.

(2) This authority empowers the President to use force against forces of Iran, a state responsible for conducting and directing attacks against United States forces in the Middle East and to take actions for the purpose of ending Iran's escalation of attacks on, and threats to, United States interests.

(3) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is not independently required to authorize the activities described in paragraphs (1) and (2).

(b) REPEAL.—The Authorization

SA 10. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ASSESSMENT OF EXISTING LARGE POWER TRANSFORMERS.

The Secretary of Energy, in consultation with the Secretary of Defense, shall conduct an assessment of existing large power transformers in the United States, identify Government resources that could be leveraged to enhance the domestic manufacturing of large power transformers, and identify any authorities needed to provide such assistance.

SA 11. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. ANY WORLD HEALTH AGENCY CONVENTION OR AGREEMENT OR OTHER INTERNATIONAL INSTRUMENT RESULTING FROM THE INTERNATIONAL NEGOTIATING BODY'S FINAL REPORT DEEMED TO BE A TREATY SUBJECT TO ADVICE AND CONSENT OF THE SENATE.

(a) SHORT TITLE.—This section may be cited as the ''No WHO Pandemic Preparedness Treaty Without Senate Approval Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) On December 1, 2021, at the second special session of the World Health Assembly (referred to in this section as the ''WHA'') decided—

(A) to establish an intergovernmental negotiating body (referred to in this section as the ''INB'') to draft and negotiate a WHO convention (referred to in this section as the ''Convention''), agreement, or other international instrument on pandemic prevention, preparedness, and response, with a view to adoption under article 19 or any other provision of the WHO Constitution; and

(B) that the INB shall submit a progress report to the Seventy-sixth WHA and a working draft of the convention for consideration by the Seventy-seventh WHA, which is scheduled to take place beginning on March 18, 2024.

(2) On February 24, March 14 and 15, and June 6 through 8 and 15 through 17, 2022, the INB held its inaugural meeting at which the Director-General proposed the following 5 themes to guide the INB's work in drafting the Convention:

(A) Building national, regional, and global capacities based on a whole-of-government and whole-of-society approach.

(B) Establishing global access and benefit sharing for all pathogens, and determining a global policy for the equitable production and distribution of countermeasures.

(C) Establishing robust systems and tools for pandemic preparedness and response.

(D) Establishing a long-term plan for sustainable financing to ensure support for global health threat management and response systems.

(E) Empowering WHO to fulfill its mandate as the directing and coordinating authority on international health work, including for pandemic preparedness and response.

(3) On July 18 through 22, 2022, the INB held its second meeting at which it agreed that the Convention would be adopted under

article 19 of the WHO Constitution and legally binding on the parties.

(4) On December 5 through 7, 2022, the INB held its third meeting at which it accepted a conceptual zero draft of the Convention and agreed to prepare a zero draft for consideration at the INB's next meeting.

(5) In early January 2023, an initial draft of the Convention was sent to WHO member states in advance of its formal introduction at the fourth meeting of the INB. The draft includes broad and binding provisions, including rules governing parties' access to pathogen genomic sequences and how the products or benefits of such access are to be distributed.

(6) On February 27 through March 3, 2023, the INB held its fourth meeting at which it—

(A) formally agreed to the draft distributed in January as the basis for commencing negotiations; and

(B) established an April 14, 2023 deadline for member states to propose any changes to the text.

(7) Section 723.3 of title 11 of the Department of State's Foreign Affairs Manual states that when ''determining whether any international agreement should be brought into force as a treaty or as an international agreement other than a treaty, the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole'' and includes the following criteria to be considered when determining whether an international agreement should take the form of a treaty or an executive agreement:

(A) ''The extent to which the agreement involves commitments or risks affecting the nation as a whole''.

(B) ''Whether the agreement is intended to affect state laws''.

(C) ''Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress''.

(D) ''Past U.S. practice as to similar agreements''.

(E) ''The preference of the Congress as to a particular type of agreement''.

(F) ''The degree of formality desired for an agreement''.

(G) ''The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement''.

(H) ''The general international practice as to similar agreements''.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a significant segment of the American public is deeply skeptical of the World Health Organization, its leadership, and its independence from the pernicious political influence of certain member states, including the People's Republic of China;

(2) the Senate strongly prefers that any agreement related to pandemic prevention, preparedness, and response adopted by the World Health Assembly pursuant to the work of the INB be considered a treaty requiring the advice and consent of the Senate, with two-thirds of Senators concurring;

(3) the scope of the agreement which the INB has been tasked with drafting, as outlined by the Director-General, is so broad that any application of the factors referred to in subsection (b)(11) will weigh strongly in favor of it being considered a treaty; and

(4) given the level of public distrust, any relevant new agreement by the World Health Assembly which cannot garner the two-thirds vote needed for Senate ratification should not be agreed to or implemented by the United States.

(d) APPLICABILITY OF SENATE ADVICE AND CONSENT CONSTITUTIONAL REQUIREMENT.—Notwithstanding any other provision of law, any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly pursuant to the recommendations, report, or work of the International Negotiating Body established by the second special session of the World Health Assembly is deemed to be a treaty that is subject to the requirements of article II, section 2, clause 2 of the Constitution of the United States, which requires the advice and consent of the Senate, with two-thirds of Senators concurring.

SA 12. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. AGREEMENTS RELATED TO NUCLEAR PROGRAM OF IRAN DEEMED TREATIES SUBJECT TO ADVICE AND CONSENT OF THE SENATE.

(a) TREATY SUBJECT TO ADVICE AND CONSENT OF THE SENATE.—Notwithstanding any other provision of law, any agreement reached by the President with Iran relating to the nuclear program of Iran is deemed to be a treaty that is subject to the requirements of article II, section 2, clause 2 of the Constitution of the United States requiring that the treaty is subject to the advice and consent of the Senate, with two-thirds of Senators concurring.

(b) LIMITATION ON SANCTIONS RELIEF.—Notwithstanding any other provision of law, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions under any other provision of law or refrain from applying any such sanctions pursuant to an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and any other parties, and any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance, technical or other understandings, and any related agreements, whether entered into or implemented prior to the agreement or to be entered into or implemented in the future, unless the agreement is subject to the advice and consent of the Senate as a treaty and receives the concurrence of two-thirds of Senators.

SA 13. Mr. SCOTT of Florida (for himself, Mr. TILLIS, and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. JOINT SELECT COMMITTEE ON AFGHANISTAN.

(a) ESTABLISHMENT.—There is established a joint select committee of Congress to be known as the ''Joint Select Committee on Afghanistan'' (in this section referred to as the ''Joint Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Joint Committee shall be composed of 12 members appointed pursuant to paragraph (2).

(2) APPOINTMENT.—Members of the Joint Committee shall be appointed as follows:

(A) The majority leader of the Senate shall appoint 3 members from among Members of the Senate.

(B) The minority leader of the Senate shall appoint 3 members from among Members of the Senate.

(C) The Speaker of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(D) The minority leader of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(3) CO-CHAIRS.—

(A) IN GENERAL.—Two of the appointed members of the Joint Committee shall serve as co-chairs. The Speaker of the House of Representatives and the majority leader of the Senate shall jointly appoint one co-chair, and the minority leader of the House of Representatives and the minority leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(B) STAFF DIRECTOR.—The co-chairs, acting jointly, shall hire the staff director of the Joint Committee.

(4) DATE.—Members of the Joint Committee shall be appointed not later than 14 calendar days after the date of the enactment of this Act.

(5) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Joint Committee. Any vacancy in the Joint Committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original designation was made. If a member of the Joint Committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the Joint Committee and a vacancy shall exist.

(c) INVESTIGATION AND REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Joint Committee shall conduct an investigation and submit to Congress a report on the United States 2021 withdrawal from Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A summary of any intelligence reports that indicated an imminent threat at the Hamid Karzai International Airport preceding the deadly attack on August 26, 2021, and the risks to United States and allied country civilians as well as Afghan partners for various United States withdrawal scenarios.

(B) A summary of any intelligence reports that indicated that withdrawing military personnel and closing United States military installations in Afghanistan before evacuating civilians would negatively affect the evacuation of United States citizens, green card holders, and Afghan partners and thus put them at risk.

(C) A full review of planning by the National Security Council, the Department of State, and the Department of Defense for a noncombatant evacuation from Afghanistan, including details of all scenarios used by the Department of State or the Department of Defense to plan and prepare for noncombatant evacuation operations.

(D) An analysis of the relationship between the retrograde and noncombatant evacuation operation plans and operations.

(E) A description of any actions that were taken by the United States Government to protect the safety of United States forces and neutralize threats in any withdrawal scenarios.

(F) A full review of all withdrawal scenarios compiled by the intelligence community and the Department of Defense with timelines for the decisions taken, including all advice provided by military leaders to President Joseph R. Biden and his national security team beginning in January 2021.

(G) An analysis of why the withdrawal timeline expedited from the September 11, 2021, date set by President Biden earlier this year.

(H) An analysis of United States and allied intelligence shared with the Taliban.

(I) An analysis of any actions taken by the United States Government to proactively prepare for a successful withdrawal.

(J) A summary of intelligence that informed statements and assurances made to the American people that the Taliban would not take over Afghanistan with the speed that it did in August 2021.

(K) A full and unredacted transcript of the phone call between President Joe Biden and President Ashraf Ghani of Afghanistan on July 23, 2021.

(L) A summary of any documents, reports, or intelligence that indicates whether any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission warned that the Taliban would swiftly reclaim Afghanistan.

(M) A description of the extent to which any members of the intelligence community, the United States Armed Forces, or NATO partners supporting the mission advised steps to be taken by the White House that were ultimately rejected.

(N) An assessment of the decision not to order a noncombatant evacuation operation until August 14, 2021.

(O) An assessment of whose advice the President heeded in maintaining the timeline and the status of forces on the ground before Thursday, August 12, 2021.

(P) A description of the initial views and advice of the United States Armed Forces and the intelligence community given to the National Security Council and the White House before the decisions were taken regarding closure of United States military installations, withdrawal of United States assets, and withdrawal of United States military personnel.

(Q) An assessment of United States assets, as well as any assets left behind by allies, that could now be used by the Taliban, ISIS–K, and other terrorist organizations operating within the region.

(R) An assessment of United States assets slated to be delivered to Afghanistan, if any, the delivery of which was paused because of the President's decision to withdraw, and the status of and plans for those assets now.

(S) An assessment of vetting procedures for Afghan civilians to be evacuated with a timeline for the decision making and ultimate decisions taken to ensure that no terrorist suspects, persons with ties to terrorists, or dangerous individuals would be admitted into third countries or the United States.

(T) An assessment of the discussions between the United States Government and allies supporting our efforts in Afghanistan and a timeline for decision making regarding the withdrawal of United States forces, including discussion and decisions about how to work together to repatriate all foreign nationals desiring to return to their home countries.

(U) A review of the policy decisions with timeline regarding all Afghan nationals and other refugees evacuated from Afghanistan by the United States Government and brought to third countries and the United States, including a report on what role the United States Armed Forces performed in vetting each individual and what coordination the Departments of State and Defense engaged in to safeguard members of the Armed Forces from infectious diseases and terrorist threats.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Joint Committee have been appointed, the Joint Committee shall hold its first meeting.

(2) FREQUENCY.—The Joint Committee shall meet at the call of the co-chairs.

(3) QUORUM.—A majority of the members of the Joint Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(4) VOTING.—No proxy voting shall be allowed on behalf of the members of the Joint Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—To enable the Joint Committee to exercise its powers, functions, and duties, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Joint Committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(2) EXPENSES.—In carrying out its functions, the Joint Committee is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized by section 11 of Public Law 79–304 (15 U.S.C. 1024 (d)).

(3) HEARINGS.—

(A) IN GENERAL.—The Joint Committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the Joint Committee considers advisable.

(B) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(i) ANNOUNCEMENT.—The co-chairs of the Joint Committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(ii) WRITTEN STATEMENT.—A witness appearing before the Joint Committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(4) COOPERATION FROM FEDERAL AGENCIES.—

(A) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency shall provide technical assistance to the Joint Committee in order for the Joint Committee to carry out its duties.

(B) PROVISION OF INFORMATION.—The Secretary of State, the Secretary of Defense, the Director of National Intelligence, the heads of the elements of the intelligence community, the Secretary of Homeland Security, and the National Security Council shall expeditiously respond to requests for information related to compiling the report under subsection (c).

(f) STAFF OF JOINT COMMITTEE.—

(1) IN GENERAL.—The co-chairs of the Joint Committee may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for employees of the Senate and following all applicable rules and employment requirements of the Senate.

(2) ETHICAL STANDARDS.—Members on the Joint Committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the Joint Committee and staff of the Joint Committee shall comply with the ethics rules of the Senate.

(g) TERMINATION.—The Joint Committee shall terminate on the date that is one year after the date of the enactment of this Act.

(h) FUNDING.—Funding for the Joint Committee shall be derived in equal portions from—

(1) the applicable accounts of the House of Representatives; and

(2) the contingent fund of the Senate from the appropriations account ''Miscellaneous Items'', subject to the rules and regulations of the Senate.

SA 14. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

Strike section 2 and insert the following:

SEC. 2. REDUCED AUTHORITY UNDER THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is amended—

(1) by striking the preamble;

(2) in section 1, by striking ''Against Iraq Resolution of 2002'' and inserting ''Against Iranian backed Militias Operating in Iraq'';

(3) by striking section 2;

(4) by redesignating sections 3 and 4 as sections 2 and 3, respectively;

(5) in section 2, as redesignated by paragraph (4)—

(A) in subsection (a), by striking ''necessary and appropriate in order to'' and all that follows through the period at the end and inserting ''necessary and appropriate to defend the national security of the United States against Iranian-backed militias operating in Iraq.''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''alone either'' and all that follows through ''regarding Iraq'' and inserting ''alone will not adequately protect the national security of the United States against the continuing threat posed by Iranian backed militias operating in Iraq''; and

(ii) in paragraph (2), by striking '', including'' and all that follows through ''September 11, 2001''; and

(6) in section 3, as so redesignated—

(A) in subsection (a)—

(i) by striking ''section 3'' and inserting ''section 2''; and

(ii) by striking '', including'' and all that follows through ''(Public Law 105–338)''; and

(B) by striking subsection (c).

SA 15. Mr. SCHUMER proposed an amendment to the bill S. 316, to repeal the authorizations for use of military force against Iraq; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 16. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

SEC. _____01. SHORT TITLE.

This title may be cited as the ''Regulations from the Executive in Need of Scrutiny Act of 2023''.

SEC. _____02. PURPOSE.

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. _____03. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days; or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day; or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint

resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter:

''(1) The term 'Federal agency' means—

''(A) the Board of Governors of the Federal Reserve System;

''(B) the Securities and Exchange Commission;

''(C) the Commodity Futures Trading Commission;

''(D) the Office of the Comptroller of the Currency;

''(E) the Federal Deposit Insurance Corporation;

''(F) the Federal Housing Finance Agency;

''(G) the Federal Housing Administration;

''(H) the Financial Crimes Enforcement Network; and

''(I) the Bureau of Consumer Financial Protection.

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100 million or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''(5) The term 'submission or publication date', except as otherwise provided in this chapter, means—

''(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

''(B) in the case of a nonmajor rule, the later of—

''(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

''(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. _____04. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. _____05. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains the findings of the study conducted under subsection (a).

SA 17. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. EXPIRATION OF SPECIAL PRESIDENTIAL DRAWDOWN AUTHORITY.

Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended, in the undesignated matter following subparagraph (B), by inserting '', provided that the authority for any drawdown authorized under this paragraph shall expire on the last day of the fiscal year of such authorization, after which date no defense articles or equipment may be delivered to a foreign country or international organization without another authorization'' before the period at the end.

SA 18. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. TERMINATION OF DESIGNATION OF RUSSIAN INVASION OF UKRAINE AS AN UNFORESEEN EMERGENCY UNDER SECTION 506 OF THE FOREIGN ASSISTANCE ACT OF 1961.

Beginning on the date of the enactment of this Act, the President may no longer designate the Russian invasion of Ukraine, which began in February 2022, as an unforeseen emergency for purposes of section 506(a)(1) of the Foreign Assistance Act.

SA 19. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. RESTORATION OF STANDARD SPECIAL PRESIDENTIAL DRAWDOWN AUTHORITY CAP.

Section 1701 of the Additional Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328) is repealed.

SA 20. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ALLIED BURDEN SHARING REPORT.

(a) FINDING; SENSE OF CONGRESS.—

(1) FINDING.—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 63 Stat. 2241)—

(A) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (b)(2) for threats; and

(B) requires the Secretary to submit to Congress an annual report on the contributions of allies to the common defense.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the threats facing the United States—

(i) extend beyond the global war on terror; and

(ii) include near-peer threats; and

(B) the President should seek from each country described in subsection (b)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with the collective defense agreements or treaties to which such country is a party.

(b) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

(3) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(4) AVAILABILITY.—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SA 21. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PROHIBITION ON USE OF FORCE AGAINST THE RUSSIAN FEDERATION.

(a) NO AUTHORITY FOR USE OF FORCE.—No provision of law enacted before the date of the enactment of this Act may be construed to provide authorization for the use of military force against the Russian Federation.

(b) PROHIBITION ON FUNDING FOR USE OF MILITARY FORCE AGAINST THE RUSSIAN FEDERATION.—

(1) IN GENERAL.— No Federal funds may be made available for the use of military force in or against the Russian Federation unless—

(A) Congress has declared war; or

(B) there is enacted specific statutory authorization for such use of military force that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(2) COMMANDER-IN-CHIEF EXCEPTION.—The prohibition under paragraph (1) does not apply to a use of military force that is consistent with section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)).

(c) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the President from using necessary and appropriate force to defend United States allies and partners if Congress enacts specific statutory authorization for such use of force consistent with the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.);

(2) to relieve the executive branch of restrictions on the use of force, reporting, or consultation requirements set forth in the War Powers Resolution (50 U.S.C. 1541 et seq.); or

(3) to authorize the use of military force.

(d) SCOPE OF MILITARY FORCE.—In this section, the term ''military force''—

(1) includes—

(A) sharing intelligence with Ukraine for the purpose of enabling offensive strikes against the Russian Federation;

(B) providing logistical support to Ukraine for offensive strikes against the Russian Federation; and

(C) any situation involving any use of lethal or potentially lethal force by United States forces against Russian forces, irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof; and

(2) does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093).

SA 22. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. TWO-YEAR TIME LIMIT FOR AUTHORIZATIONS FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Any law authorizing the use of military force that is enacted on or after the date of the enactment of this Act shall terminate two years after the date of the enactment of such law unless a joint resolution of extension is enacted pursuant to subsection (b) extending such authority prior to such termination date.

(b) CONSIDERATION OF JOINT RESOLUTION OF EXTENSION.—

(1) JOINT RESOLUTION OF EXTENSION DEFINED.—In this subsection, the term ''joint resolution of extension'' means only a joint resolution of either House of Congress—

(A) the title of which is as follows: ''A joint resolution extending the [_____] for a two-year period beginning on the date of the enactment of this joint resolution.'', with the blank being filled with the title of the law authorizing the use of military force that is being extended pursuant to subsection (a); and

(B) the sole matter after the resolving clause of which is the following: ''Congress extends the authority for the use of military force provided under [_____] for a two-year period beginning on the date of the enactment of this joint resolution.'', with the blank being filled with the title of the law authorizing the use of military force that is being extended pursuant to subsection (a).

(2) INTRODUCTION.—A joint resolution of extension may be introduced by any member of Congress.

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of extension has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of extension introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee of Foreign Relations reports a joint resolution of extension to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of extension shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of extension, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of extension received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) If, before the passage by the Senate of a joint resolution of extension, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) If, following passage of a joint resolution of extension in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) If a joint resolution of extension is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 23. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REPORTING AND NOTIFICATION REQUIREMENTS.

(a) DECLASSIFIED LIST.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a declassified list of nations, organizations, or persons the United States is using force against or authorized to use force against pursuant to section 2(a) of the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note) (commonly known as the ''2001 AUMF'').

(b) RELEASE OF CERTAIN EXECUTIVE BRANCH LEGAL OPINIONS.—The head of each executive branch agency shall make available to the public, with minimal redactions, each legal opinion of the agency relied upon for the use of force in United States counterterrorism operations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall make available to each Member of Congress a report on the legal and policy frameworks for the use of military force by, and related security operations of, the United States that includes—

(A) a full list of security assistance programs, including programs under—

(i) section 333 of title 10, United States Code;

(ii) section 127(e) of title 10, United States Code; and

(iii) section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639); and

(B) the legal, factual, and policy justifications for any modification to such legal and policy frameworks during the period beginning on the date of the enactment of this Act and ending on the date on which the report is submitted.

(2) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) NOTIFICATION.—Not later than 30 days after the date on which a modification is made to the legal and policy frameworks for the use of military force by, and related security operations of, the United States, the President shall notify Congress of such modification and provide the legal, factual, and policy justification for the modification.

SA 24. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RESCISSIONS.

There is rescinded any unobligated balance greater than $150,000,000 (as of January 31, 2023) made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4).

SA 25. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REQUIREMENT FOR EXPRESSIONS OF INTEREST UNDER THE MINERAL LEASING ACT.

Section 17(q) of the Mineral Leasing Act (30 U.S.C. 226(q)) is amended—

(1) by striking ''Secretary'' each place it appears and inserting ''Secretary of the Interior''; and

(2) by adding at the end the following:

''(3) REQUIREMENT.—Notwithstanding any other provision of this section, the Secretary of the Interior shall offer for lease under this section under the applicable resource management plan not less than 80 percent of available parcels of land nominated for oil and gas development in an expression of interest submitted in accordance with the procedures established under paragraph (1).''.

SA 26. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the geographic area in which a particular band described in paragraph (1) is being used;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 27. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXEMPTIONS FROM FDA REQUIREMENTS WITH RESPECT TO INFANT FORMULA.

(a) WAIVERS.—

(1) IN GENERAL.—In the case that an infant formula shortage is established through a joint resolution, with respect to any infant formula imported into the United States during the 90-day period beginning on the date specified in such joint resolution—

(A) the requirements under section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) shall not apply;

(B) such infant formula may be manufactured, processed, packed, or held in a facility in a country described in subsection (d) that is not registered under section 415 of such Act (21 U.S.C. 350d);

(C) the requirements under parts 106 and 107 of title 21, Code of Federal Regulations, shall not apply; and

(D) such infant formula shall not be considered to be misbranded or adulterated solely on the basis of not being in compliance with the requirements of such section 412 or 415, or such part 106 or 107.

(2) RENEWAL OF WAIVER PERIOD.—A waiver of requirements under paragraph (1) shall automatically renew for additional 90-day periods until such infant formula shortage is terminated through a subsequent joint resolution.

(b) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—A person who introduces or delivers for introduction into interstate commerce an infant formula pursuant to subsection (a) shall notify the Secretary if such person has knowledge which reasonably supports the conclusion that such infant formula—

(A) may not provide the nutrients required by section 412(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(i)); or

(B) is a product that meets any criterion under section 402(a) of such Act (21 U.S.C. 342(a)), or which otherwise may be unsafe for infant consumption.

(2) KNOWLEDGE DEFINED.—For purposes of paragraph (1), the term ''knowledge'' as applied to a person subject to such subparagraph means—

(A) the actual knowledge that the person had; or

(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

(c) RECALL AUTHORITY.—If the Secretary determines that infant formula introduced or delivered for introduction into interstate commerce pursuant to subsection (a) is a product described in subsection (b)(1)(B), the manufacturer or importer shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary.

(d) COUNTRIES DESCRIBED.—A country described in this subsection is any of the following:

(1) Australia.
(2) Israel.
(3) Japan.
(4) New Zealand.
(5) Switzerland.
(6) South Africa.
(7) The United Kingdom.
(8) A member country of the European Union.
(9) A member country of the European Economic Area.

(e) DEFINITION.—In this section, the term ''infant formula'' has the meaning given that term in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)).

SA 28. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITING MEDICARE PAYMENTS TO AND ENROLLMENT OF PROVIDERS WHO FURNISH GENDER-TRANSITION PROCEDURES.

Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following:

''(p) PROHIBITING PAYMENTS TO AND ENROLLMENT OF PROVIDERS WHO FURNISH GENDER-TRANSITION PROCEDURES.—

''(1) IN GENERAL.—Effective on the date of the enactment of this subsection—

''(A) no payment may be made under this title with respect to any item or service that is furnished by a provider of services or supplier who furnishes a gender-transition procedure; and

''(B) a provider of services or supplier who furnishes a gender-transition procedure may not enroll or reenroll in the program under this title under section 1866(j).

''(2) DEFINITIONS.—In this subsection:

''(A) BIOLOGICAL SEX.—The term 'biological sex' means the genetic classification of an individual as male or female, as reflected in the organization of the body of such individual for a reproductive role or capacity, such as through sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth, without regard to the subjective sense of identity of the individual.

''(B) GENDER-TRANSITION PROCEDURE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'gender-transition procedure' means—

''(I) the prescription or administration of puberty-blocking drugs for the purpose of changing the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex;

''(II) the prescription or administration of cross-sex hormones for the purpose of changing the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex; or

''(III) a surgery to change the body of an individual so that it conforms to the subjective sense of identity of the individual, in the case such identity is at odds with the individual's biological sex.

''(ii) EXCEPTION.—The term 'gender-transition procedure' does not include—

''(I) an intervention described in clause (i) that is performed on—

''(aa) an individual with biological sex characteristics that are inherently ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with undervirilization, or having both ovarian and testicular tissue; or

''(bb) an individual with respect to whom a physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action, for a biological male or biological female;

''(II) the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of an intervention described in clause (i) without regard to whether the intervention was performed in accordance with State or Federal law; or

''(III) any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of major bodily function unless the procedure is performed.''.

SA 29. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ASSESSMENT OF EXISTING LARGE POWER TRANSFORMERS.

The Secretary of Energy, in consultation with the Secretary of Defense, shall conduct an assessment of existing large power transformers in the United States, identify Government resources that could be leveraged to enhance the domestic manufacturing of large power transformers, and identify any authorities needed to provide such assistance.

SA 30. Mr. RICKETTS submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

Amend section 2 to read as follows:

SEC. 2. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

(a) REPEAL.—The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed 30 days after the President certifies to Congress that Iraq, Israel, and other United States partners and allies in the region have been meaningfully consulted on the ramifications of repeal.

(b) DESCRIPTION OF RISKS.—The certification submitted under subsection (a) shall include a detailed description of how Iraq, Israel, and other United States partners and allies in the region perceive the risks and benefits of a repeal.

SA 31. Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. SHORT TITLE.

Sections 3 through 7 of this Act may be cited as the ''Build the Wall Now Act''.

SEC. 4. RESUME CONSTRUCTION OF BARRIERS AND ROADS ALONG UNITED STATES AND MEXICO BORDER.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) PHYSICAL BARRIERS.—The term ''physical barriers'' has the meaning given such term in section 102(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 5(5) of this Act.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) TACTICAL INFRASTRUCTURE; TECHNOLOGY.—The terms ''tactical infrastructure'' and ''technology'' have the meanings given such terms in section 102(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 5(5) of this Act.

(b) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER BARRIER CONSTRUCTION.—Not later than 1 day after the date of the enactment of this Act, the Secretary shall resume all projects relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico that were underway, or being planned for, prior to January 20, 2021.

(2) NO CANCELLATIONS.—The Secretary may not cancel any contract for activities related to the construction of the border barrier system that was entered into on or before January 20, 2021.

(3) USE OF FUNDS.—To carry out this section, the Secretary shall expend all funds that were appropriated or explicitly obligated for the construction of the border barrier system on or after October 1, 2016.

(c) UPHOLD NEGOTIATED AGREEMENTS.—The Secretary shall ensure that all agreements entered into before January 20, 2021, that were executed in writing between the Department and any State, local, or Tribal government, private citizen, or other stakeholder are honored by the Department relating to current and future construction of the border barrier system in accordance with such agreements.

(d) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, any amount appropriated or otherwise made available during fiscal year 2018, 2019, 2020, or 2021 for any project relating to the construction of physical barriers, tactical infrastructure, and technology along the southern border shall remain available until expended.

(e) USE OF FUNDS.—Any amounts appropriated or otherwise made available for fiscal year 2021 that remain available pursuant to subsection (d) may only be used for barriers, technology, or roads that—

(1) use—

(A) operationally effective designs deployed as of the date of enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety; or

(B) operationally effective adaptations of such designs that help mitigate community or environmental impacts of barrier system construction, including adaptations based on consultation with jurisdictions within which barrier system will be constructed; and

(2) are constructed in the highest priority locations as identified in the Border Security Improvement Plan.

SEC. 5. IMPROVING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

(a) IN GENERAL.—Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''to install'' and all that follows and inserting ''(including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''this section''; and

(II) by striking ''roads, lighting, cameras, and sensors to gain'' and inserting ''tactical infrastructure, and technology to achieve situational awareness and'';

(ii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The Secretary, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.'';

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking ''the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and'' and inserting ''appropriate Federal agency partners, appropriate representatives of Federal,

State, Tribal, and local governments, and appropriate private''; and

(bb) by striking ''fencing is'' and inserting ''physical barriers are''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

(cc) by adding at the end the following:

''(III) create any right or liability for any party.''; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''this subsection and shall commence construction of fences'' and inserting ''this section and shall commence the construction of physical barriers'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in consultation with the labor organization representing agents of U.S. Border Patrol, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) by striking subsection (c);

(4) by inserting after subsection (b) the following:

''(c) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.''; and

(5) by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means areas in the vicinity of the United States border that—

''(A) are within the responsibility of U.S. Customs and Border Protection; and

''(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security.

''(3) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(4) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border barrier system, and levee walls.

''(5) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(6) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(7) TECHNOLOGY.—The term 'technology' means border surveillance and detection technology, including—

''(A) tower-based surveillance technology;

''(B) deployable, lighter-than-air ground surveillance equipment;

''(C) Vehicle and Dismount Exploitation Radars (VADER);

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(E) advanced unattended surveillance sensors;

''(F) mobile vehicle-mounted and manportable surveillance capabilities;

''(G) unmanned aircraft systems; and

''(H) other border detection, communication, and surveillance technology.

''(8) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801(12) of title 49, United States Code.''.

(b) EXISTING WAIVERS NOT AFFECTED.—A waiver issued by the Secretary of Homeland Security pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) that was published in the Federal Register before the date of the enactment of this Act shall not be affected by the amendment made by subsection (a).

SEC. 6. RECODIFYING THE SECRETARY OF HOMELAND SECURITY'S WAIVER AUTHORITY; ADDING PREVIOUSLY WAIVED LEGAL REQUIREMENTS.

(a) IN GENERAL.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h) WAIVER AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements that the Secretary determines necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, and operation of the physical barriers, tactical infrastructure, and technology under this section and section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note). Such waiver authority shall also apply with respect to any maintenance carried out on such physical barriers, tactical infrastructure, or technology. Any such decision by the Secretary shall be effective upon publication in the Federal Register.

''(2) NOTIFICATION.—Not later than 7 days after the date on which the Secretary of Homeland Security exercises the waiver authority under paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.

''(3) FEDERAL COURT REVIEW.—

''(A) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1). A cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court shall not have jurisdiction to hear any claim not specified in this subparagraph.

''(B) TIME FOR FILING OF COMPLAINT.—Any cause or claim brought pursuant to subparagraph (A) shall be filed not later than 60 days after the date of the action or decision made by the Secretary of Homeland Security. A claim shall be barred unless it is filed within the time specified.

''(C) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.

''(4) PREVIOUSLY WAIVED LEGAL REQUIREMENTS.—

''(A) IN GENERAL.—Any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico shall be exempt from any law or regulation referred to in subparagraph (B).

''(B) ELEMENTS.—The laws and regulations referred to in this subparagraph are—

''(i) an Act to facilitate the work of the Forest Service (Public Law 87–869);

''(ii) subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(iii) the Arizona Desert Wilderness Act (6 U.S.C. 460ddd et seq.);

''(iv) the Arizona-Idaho Conservation Act of 1988 (Public Law 100–696);

''(v) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the 'Bald and Golden Eagle Protection Act');

''(vi) the Clean Air Act (42 U.S.C. 7401 et seq.);

''(vii) the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) (commonly known as the 'Clean Water Act');

''(viii) the Coastal Zone Management Act (16 U.S.C. 1451 et seq.);

''(ix) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

''(x) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(xi) the Farmland Protection Policy Act (7 U.S.C. 4201 et seq.);

''(xii) the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.);

''(xiii) chapter 63 of title 31, United States Code (originally enacted as the 'Federal Grants and Cooperative Agreements Act of 1977');

''(xiv) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(xv) the Fish and Wildlife Coordination Act (16 U.S.C. 662 et seq.);

''(xvi) the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715 et seq.);

''(xvii) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

''(xviii) the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65);

''(xix) the Act of June 12, 1960 (Public Law 86–517; 16 U.S.C. 528 et seq.) (commonly known as the 'Multiple-Use and Sustained-Yield Act of 1960');

''(xx) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(xxi) the National Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.);

''(xxii) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

''(xxiii) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(xxiv) the National Parks and Recreation Act of 1978 (Public Law 95–625);

''(xxv) the National Trails System Act (16 U.S.C. 1241 et seq.);

''(xxvi) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

''(xxvii) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(xxviii) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

''(xxix) the Otay Mountain Wilderness Act of 1999 (Public Law 106–145);

''(xxx) subtitle D of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 470aaa et seq.) (commonly known as the 'Paleontological Resources Preservation Act');

''(xxxi) section 10 of the Act of August 4, 1939 (43 U.S.C. 387) (commonly known as the 'Reclamation Project Act of 1939');

''(xxxii) the Act of March 3, 1899 (30 Stat. 1121, chapter 425; (33 U.S.C. 403 et seq.) (commonly known as the 'Rivers and Harbors Act of 1899');

''(xxxiii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(xxxiv) the Sikes Act (16 U.S.C. 670 et seq.);

''(xxxv) the Small Business Act (15 U.S.C. 631 et seq.);

''(xxxvi) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the 'Resource Conservation and Recovery Act of 1976');

''(xxxvii) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

''(xxxviii) the Act of December 15, 1971 (16 U.S.C. 1331 et seq.) (commonly known as the 'Wild Free-Roaming Horses and Burros Act of 1971');

''(xxxix) the Wilderness Act (16 U.S.C. 1131 et seq.);

''(xl) sections 2304, 2304c, 2305, 2505a, and 2306a of title 10, United States Code;

''(xli) section 550 of title 40, United States Code;

''(xlii) title 41, United States Code;

''(xliii) sections 100101(a), 100751(a), and 102101 of title 54, United States Code;

''(xliv) chapters 1003, 1005, 1007, 1009, 1021, 3125, 3201, and 3203 of title 54, United States Code;

''(xlv) division A of subtitle III of title 54, United States Code;

''(xlvi) part 125 of title 13, Code of Federal Regulations; and

''(xlvii) sections 16.504, 16.505, 17.205, 17.207, 22.404, 22.404–5, and 28.102–1 of title 48, Code of Federal Regulations.

''(5) DEFINITIONS.—In this subsection, the terms 'physical barriers', 'tactical infrastructure', and 'technology' have the meanings given such terms in section 102(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Powers and duties of the Secretary, the Under Secretary, and the Attorney General.''.

SEC. 7. PROHIBITION AGAINST USE OF FUNDS TO IMPLEMENT OR ENFORCE PRESIDENTIAL PROCLAMATION 10142.

No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of any Federal agency by any Act of Congress for any fiscal year, may be used to implement or enforce Presidential Proclamation 10142 of January 20, 2021 (86 Fed. Reg. 7225).

SA 32. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. EFFECTIVE DATE.

The repeals under sections 1 and 2 shall take effect on the date on which the President has rescinded a determination of the Secretary of State that the Government of Iran has repeatedly provided support for acts of international terrorism by submitting—

(1) a report in accordance with section 1754(c)(4) of the Exports Controls Act of 2018 (50 U.S.C. 4813(c)(4)) with respect to the Government of Iran;

(2) a report in accordance with section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) with respect to the Government of Iran; and

(3) a report in accordance with section 620A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(c)) with respect to the Government of Iran.

SA 33. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

Strike section 2 and insert the following:

SEC. 2. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2022.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed 30 days after the Director of National Intelligence certifies in an intelligence assessment to Congress that repeal will not degrade the effectiveness of United States-led deterrence against Iranian aggression.

SEC. 3. RULE OF CONSTRUCTION REGARDING ABILITY TO COUNTER ATTACKS BY IRAN AND ITS PROXY FORCES.

Nothing in this Act shall be construed to restrict the ability of the United States to respond rapidly and decisively to threats by the Government of Iran or its proxy forces against United States facilities or persons, or those of United States allies and partners, as appropriate under the authorities provided to the President in Article II of the Constitution.

SA 34. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 10, insert ''30 days after the Director of National Intelligence certifies in an intelligence assessment to Congress that Iranian leadership will not perceive such repeal as weakening United States strength in the region'' after ''hereby repealed''.

SA 35. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 10, insert ''30 days after the Director of National Intelligence certifies in an intelligence assessment to Congress that China's malign influence in the region will not be advantaged as a result of such repeal'' after ''hereby repealed''.

PRIVILEGES OF THE FLOOR

Mr. TUBERVILLE. Madam President, I ask unanimous consent that Will Bridges, in my office, be granted floor privileges until May 1, 2023.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101–509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Denise A. Hibay of New York.

SUPPORTING THE GOALS AND IDEALS OF DEEP VEIN THROMBOSIS AND PULMONARY EMBOLISM AWARENESS MONTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 116, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 116) supporting the goals and ideals of ''Deep Vein Thrombosis and Pulmonary Embolism Awareness Month''.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

FISCAL YEAR 2023 VETERANS AFFAIRS MAJOR MEDICAL FACILITY AUTHORIZATION ACT

Mr. SCHUMER. Mr. President, in 1 minute, I will ask unanimous consent on Calendar No. 24, S. 30. I am just proud to say that there are a good number of major facilities for Veterans Affairs to go forward, including the final installation on the Canandaigua veterans facility, up near Rochester, to complete its modernization. We have been working a long time on this, and this finally completes that action.

Mr. President, now, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 30.

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

The senior assistant legislative clerk read as follows:

A bill (S. 30) to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2023, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting

clause and insert the part, printed in italic, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fiscal Year 2023 Veterans Affairs Major Medical Facility Authorization Act''.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2023.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2023 at the locations specified and in an amount for each project not to exceed the amount specified for such location:

(1) Construction of a community-based outpatient clinic and national cemetery in Alameda, California, in an amount not to exceed $395,000,000.

(2) Construction of a community living center and renovation of domiciliary and outpatient facilities in Canandaigua, New York, in an amount not to exceed $506,400,000.

(3) Construction of a new health care center in El Paso, Texas, in an amount not to exceed $700,000,000.

(4) Seismic upgrade and specialty care improvements in Fort Harrison, Montana, in an amount not to exceed $88,600,000.

(5) Realignment and closure of the Livermore campus in Livermore, California, in an amount not to exceed $490,000,000.

(6) Construction of a new medical facility in Louisville, Kentucky, in an amount not to exceed $1,013,000,000.

(7) Seismic retrofit and renovation, roadway and site improvements, construction of a new specialty care facility, demolition, and expansion of parking facilities in Portland, Oregon, in an amount not to exceed $523,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2023 or the year in which funds are appropriated for the Construction, Major Projects account, $3,716,000,000 for the projects authorized in subsection (a).

Mr. SCHUMER. I further ask that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

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

The bill (S. 30), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, MARCH 22, 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11 a.m., Wednesday, March 22—Members should remember that, 11 a.m.; 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 following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Gallagher nomination; further, that at 12 noon, the Senate vote on confirmation of the nomination and that following disposition of the Gallagher nomination, the Senate recess until 2:15 to allow for the weekly caucus meetings; further, that at 2:15 p.m., the Senate resume legislative session and resume consideration of Calendar No. 25, S. 316; finally, that if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

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

ORDER FOR ADJOURNMENT

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of my Democratic colleagues.

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

Mr. SCHUMER. Mr. President, I will note that four of my colleagues will come to the floor tonight to discuss the success of the ACA. This is the anniversary of the ACA.

Millions and millions of Americans have gotten good, reasonably priced medical coverage because of the ACA. It is one of the hallmarks that this Congress passed in this century. It is doing more good every year. More people are covered, and costs are going down.

Medical care is so essential to the American people. And here we are. Despite all the naysayers early on, it is a hugely successful, popular program that is making Americans more healthy.

I want to thank my colleagues, led by the Senators from Pennsylvania and New Jersey. I know the Senator from Oregon is coming as well to discuss the benefits and beauty of the ACA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AFFORDABLE CARE ACT

Mr. CASEY. Mr. President, I rise to talk about the Affordable Care Act, passed some 13 years ago, and in particular to talk about the Medicaid part of that, taking the Medicaid Program and allowing States to sign up for an expansion of Medicaid.

But I thought the best place to start, as any healthcare discussion should start, is to talk about just one family. This happens to be a Pennsylvania family. I will start with two sisters. I will start with the older sister. Her name is Haley. Haley wrote me a letter just about 2½ years ago now, talking about her little sister. Here is what Haley wrote to me. She talked about where her family lives in Pennsylvania, and then she said—her sister's name is Sienna—she said:

> My sister is my best friend. She has Down syndrome so sometimes things are harder for her. It took her a long time to walk and she is still learning to talk. Her therapists help her and sometimes I help her too.

Then she goes on to talk about how she, Haley, introduces her sister Sienna to her classmates. She said that she shares her sister with her friends, and I am quoting directly what Haley says:

> Mommy and me read a story at my school to explain Sienna's muscles work different than ours. Our muscles are like rubber bands but hers are more like play-doh. Now my friends understand why things are harder for her and they all love her. They think she is the cutest and so do I.

So said an older sister about her younger sister.

Of course, her mom wrote a much longer letter to me about what that family is facing every day. I won't go through all of it tonight, but when this family received that diagnosis of Down syndrome, Sienna's mom said:

> Sienna's diagnosis came as a surprise to us. After enduring four miscarriages, she was our miracle baby. Our miracle baby surprised us on the day of her birth with her diagnosis and a heart condition. We were completely unprepared to raise a child with a disability. After I delivered her, a kind nurse explained to me how lucky we were to have Sienna here in Pennsylvania after the passage of the Affordable Care Act.

Then her mom goes on to describe all the benefits that she received because of the Affordable Care Act and because of her residence in Pennsylvania.

That is what we are talking about here when we talk about healthcare. This isn't a budget question only. This isn't just a policy discussion. This is about real people's lives. And the further away you get from real people's lives, the easier it is to make the calculation, as some have made around here, some Members of Congress whose healthcare is made available to them because of the Federal Government—that is why they have healthcare, because of the Federal Government. Whether they are in the exchange or they have it some other way, most Members of the U.S. Senate and the House have that healthcare because of the Federal Government. So those with healthcare provided by the Federal Government seek relentlessly—too many seek relentlessly to use Federal power to cut people off of healthcare.

This is about real people's lives, not something abstract, not some remote discussion about policy and about budgets and deficits and appropriations. This is about real people's lives, like Haley's little sister.

I know there has been a lot of discussion of late about Social Security and Medicare and how we hope they are off the table, and that is good, those two earned benefit programs being off the table. But there is a third program that is not an earned benefit, but I would argue that Medicaid is—Medicaid tells us who we are as a nation. It is as if we look into a mirror when we consider the Medicaid Program, and it

tells us what kind of a nation we are or what kind of a nation we will be if we slash it the way that so many people around here have proposed in budget after budget, year after year, talking about slashing Medicaid arbitrarily and outrageously and obnoxiously. We are going to stop them from doing it once again, but I think it is important to remind people what we are talking about here.

Medicaid is a program basically about three Americans: children from low-income families—and not just in urban communities, but there are certainly a high number of children in our cities who benefit from Medicaid. Thank God we have the Medicaid Program all these decades later. The utilization rate is actually higher among rural children or children who live in rural communities. They have a higher utilization of Medicaid in the Children's Health Insurance Program than urban kids by percentage. That is a fact, and we need to remind people of that.

Medicaid is a program that also helps people with disabilities. You can't march around here every day or year after year and say that you really care about people with disabilities, that you fight for people with disabilities, and then go and cut the Medicaid Program like some have proposed. And the proposals to cut it haven't just been in the tens of billions of dollars. That is just the annual cut they want to propose. It has often been hundreds of billions of dollars over the 10 years within which we talk about budgets around here and appropriations—hundreds of billions of dollars in cuts. That is what some want to do.

We have to remind ourselves again that this is a program about children and about people with disabilities. The third group of Americans, of course, is older Americans, our seniors. A lot of middle-class families may not know it, but their mom or their dad or a loved one is in a nursing home solely because of Medicaid. You can't get into the nursing home, unless you can pay out of your own pocket, without the Medicaid Program.

We could actually call the Medicaid Program the senior long-term care program or we could call it the program that provides healthcare to kids or we could call it the program that helps children with disabilities.

Now we are told that the House Republican Study Committee fiscal year 2023 budget plans to cut Medicaid, the Children's Health Insurance Program, and the Affordable Care Act—all three. They want to cut the Affordable Care Act marketplace subsidy spending by nearly half over the next decade.

Again, when it comes to Medicaid, we are talking about a program that provides the funding for almost half of the births in America. So everyone who claims to care about children and babies and still wants to cut Medicaid has some explaining to do when you want to substantially cut a program that provides the funding for half of the births in the United States of America. It also provides almost half of the funding and support for long-term care services—services and supports, I should say—for older adults and people with disabilities. That is what the program is.

This Republican Study Committee goes on to say their budget plan converts Medicaid to a block grant program where Federal funding would be capped and States would receive a fixed amount regardless of their actual costs.

Here is what that means in real life: A State gets a block of money, a block grant, and when the State's costs go up for children or people with disabilities or seniors, and they hit the cap of that, those Americans are on their own. They are on their own because the State is out of money. That is what that means in the real world.

But it gets worse. This plan also, thirdly, wants to cut the Federal so-called FMAP, the Federal medical assistance percentage, the percentage that the Federal Government pays for Medicaid. They want to cut that all the way down to 50 percent instead of the numbers that it has been at for years—so much higher. That is also a bad idea.

So when we get back to this on what it means for families, we also have to consider what not just Sienna's sister said in her letter to me, but what about Sienna's mom, whom I quoted just a little bit a moment ago? Here is what Sienna's mom said:

As I entered this new world—

Because she just had a daughter diagnosed with Down syndrome.

As I entered this new world of early intervention, therapies, and medical needs, I began to realize just how much of a financial toll this would take on us if it weren't for the protections of the [Affordable Care Act] and Medicaid.

She goes on to describe that. She says:

Sienna receives 7 weekly therapies. The costs of those alone are $3,400 per week.

That is $3,400 per week for those seven therapies.

Without the ACA, her therapies and medical care would have quickly exceeded the lifetime cap—

Which was addressed in the ACA—

and Sienna would be uninsurable for the rest of her life and left without access to life saving care.

Uninsurable. I can't tell you the number of times that has been in letters that I receive from parents worried about their child who has a disability in the United States of America, the most powerful country in the history of the world. These families are worried about their child with a disability not having access to services, not having access to those therapies, not having access to what they need to live their lives, and becoming ''uninsurable.'' That is an abomination. We are not the greatest country in the world if we do that. We are nowhere near the greatest country in the world if we do that. That would be a stain on America. Every one of us should be ashamed of that if that were to transpire. If that America transpired, it would diminish all of us. It doesn't matter what else we do around here if that happens.

That is not the America that I think most people believe we are and should be, but some want to go there. I know they have all this talk about, oh, well, the cost of Medicaid is getting so great, and it is ''unsustainable.'' That is Washington gobbledygook for people who do not have the guts, the political guts, to say: You know what, when you passed a tax bill in 2017 that gave away the store and so much else to big corporations for permanent corporate tax relief—and those same people who voted for that bill that gave permanent corporate tax relief to the biggest companies in the world, the biggest companies in the history of the world, are the same people who are saying: But we have to cut back on Medicaid because it is unsustainable. That is just throwing sand in the eyes of the people—that is what it is—blinding them with falsehoods. That is what that is. So we have work to do to prevent this from happening.

Now, Mr. President, I am getting close to my time—and I am over already—but I wanted to make maybe two final points.

We have had a concern, many of us, over the last number of years about access to Medicaid not being as stable as it should be; and that stability was enhanced by a provision called continuous coverage—that is the term of art, ''continuous coverage''—provisions that were enacted to ensure healthcare coverage during the COVID–19 pandemic.

Across the country, Medicaid enrollment has increased since the beginning of the pandemic. For example, Pennsylvania's number went up to about 3.6 million people currently enrolled in Medicaid to keep their healthcare coverage uninterrupted.

Over the last 3 years, States were prevented from disenrolling people with Medicaid. If not for the legislation passed in February of 2020, at the very beginning of the pandemic just before the CARES Act, people would have had to reapply for Medicaid on an annual basis.

Studies have shown that this annual enrollment process can lead to unnecessary coverage losses due to administrative and procedural issues. This can be yet another barrier to ensuring that people with Medicaid continue to receive the coverage that they need.

Now, here is the problem. Here is the challenge ahead of us. The appropriations bill passed in December set an end for the Medicaid ''continuous coverage requirement'' because we are not in the pandemic anymore, and that was enacted during the pandemic; and that appropriations bill provided guidance to mitigate coverage losses as this requirement ends. So this kind of

unwinding of some parts of Medicaid is set to begin April 1. States can start to disenroll people from Medicaid at the start of next month.

So here comes our responsibility. Both parties in the Senate, both parties in the House—I should say, all three parties, Democrat, Republican, Independent—we have an obligation, a legal duty, a moral obligation that is inescapable to make sure that people know what they need to do to maintain that coverage. The Centers for Medicare and Medicaid Services are working with States to provide information, to promote continuous coverage, and, thirdly, to avoid inappropriate terminations as they begin to unwind this continuous coverage requirement.

In Pennsylvania, the State I represent, the State is working diligently to clarify coverage in formats and languages accessible to enrollees to ensure that everyone understands their eligibility and can access the coverage that they are entitled to.

My constituents are fortunate because Pennsylvania expanded Medicaid years ago, yet there are still States that have chosen not to expand Medicaid. We know that the expansion of Medicaid became easier with the passage of the American Rescue Plan. So we have to continue to encourage States to expand to make sure that more and more people get coverage.

Let me end with this, Mr. President. As I outlined before, this is not just something nice to have. This is about life and death. It is about quality of life for families and for children, especially; but it is also about the risk of death if you don't have coverage. That is as true as any statement we could make, that this is about life and death.

Here is what Sienna's mom—you heard from her sister, but here is what Sienna's mom said. And I will end with this. Towards the end of her letter, she said:

I am proud to be Sienna's mom. This journey is full of wonder, joy, and unimaginable love. It changes life's most ordinary moments into the extraordinary. But with constant attacks on our healthcare, it's also agonizing work, hard decisions, and constant advocacy. It gets exhausting fighting for your child, having to prove their value to the world.

This is a mother talking about her child and having to live almost a separate life as an advocate because people in this town, year after year, are proposing cuts that would badly damage the life of her daughter Sienna.

She goes on to say:

Once again, we as parents are forced to suit up for battle and prove that our children are worthy of healthcare.

In America? Is that what we are asking parents to do? Parents who have had a reliance upon this program for years and, in some cases, decades and decades, we are asking them to suit up—again, as she said, ''to suit up for battle,'' to make the case to Washington as to why they shouldn't cut the Medicaid Program in America? That is an insult to all of us.

She shouldn't have to suit up for legislative or policy battles. She should have the opportunity to not worry about that and just to live her life and take care of her children and to live a life that she has been able to live with the help that we provided through Medicaid and other supports.

So we have some work to do here, to stop—not to talk about and hold hands and compromise—to stop them from cutting what they want to cut in Medicaid at all costs. So that is what I am going to be doing. We are going to stop this from happening.

We can compromise on a lot of things around here, but not on that—not on cuts of hundreds of billions of dollars over 10 years to Medicaid. Not in this America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey

Mr. BOOKER. Mr. President, I am grateful to the Presiding Officer for recognizing me.

I want to say I am excited to be standing up tonight and talking, along with Senator WYDEN, Senator HASSAN, and we just heard from Senator CASEY who is marking this 13th anniversary celebration with extraordinary determination not to see these great programs cut.

I was not in Congress when the ACA was passed into law. But in an affirmation of that old adage about politics being local, I saw in my local community of Newark, NJ, the powerful difference that the ACA made, the difference that health reform had on my community.

Folks would come up to me immediately in the months and years afterwards and talk about how they were finally able to get the healthcare that they needed, not only for themselves, but for their loved ones—how they moved from anxiety and fear to security and strength.

You had folks with preexisting conditions who were discriminated against in the United States of America before the law's passage, but now they had a pathway for quality, affordable healthcare.

Folks had to choose often between putting food on the table, paying rent, or just visiting a doctor; a choice between buying school supplies and getting their prescription drugs. Choices that, in this Nation—the richest Nation on the planet Earth—are outrageous, unacceptable, and fiscally irresponsible. What I saw as Newark's mayor is that, often, people would let their healthcare needs go until they ended up in the emergency room, which was a cost then borne by them and their family for unnecessary illness, but also to all of us. This should not be the Nation we live in, and we are celebrating the fact that 13 years ago this body made a difference.

I have seen this passion for the Affordable Care Act echoed in my 9 years as a U.S. Senator. One of my constituents told me, as a registered nurse from New Jersey, she spent her entire professional life caring for patients. Before the ACA, she witnessed those in need delay or simply refuse healthcare until it was too late. Soon, though, she almost became one of those patients herself after she retired and confronted her own health challenges and their accompanying costs. It was only thanks to the Affordable Care Act that she didn't have to resort to emptying her retirement accounts in order to afford the healthcare. She said it best herself:

The Affordable Care Act saved my life.

Another constituent of mine, a recent widow, wrote to me a few years ago. After losing her husband, she relied on the marketplace to get insurance—the Affordable Care Act marketplace. She was diabetic, had preexisting conditions, and told me:

I'm afraid of having no coverage. I could lose my home and everything I have saved during my 35-year marriage.

Now, despite the partisan attacks that you hear against the Affordable Care Act, despite the challenges in the courts, we know the Affordable Care Act has worked. The data is clear. From 2010 to 2021, the number of uninsured, nonelderly individuals has decreased substantially in the United States of America from 46.5 million to 27.5 million. That number has been nearly cut in half.

We also know that the ACA has been invaluable in the fight to achieve just greater healthcare justice by dramatically decreasing the uninsured rate for many ethnic minorities in our country. For example, those rates have gone from 20 percent uninsured in 2010 to just 11 percent in 2021; for Black folks, 33 percent to 19 percent; for Latino folks, 17 percent to 6 percent. We have seen a dramatic decrease for Asian Americans, Latino Americans, Black Americans, and more.

The law has saved lives, unequivocally. A 2014 study showed that the ACA prevented an estimated 50,000 preventable patient deaths in just 3 years from 2010 to 2013. And in the midst of the COVID–19 pandemic, the ACA marketplace was a lifeline to folks who were laid off and had no insurance.

One of the most important things that this law has done is to get people insured, to reduce deaths, to lower healthcare costs, and to expand access to Medicaid to people who were previously ineligible.

I live in a State that was one of the first to expand Medicaid to more of our citizens. We did it under a Republican Governor who recognized just how important it was that we expand Medicaid, how lifesaving it was, how good for the empowerment of families and children it was. It has helped so many more people in New Jersey obtain health insurance, and it has helped my State fight the opioid crisis by providing us the vital resources to do so.

New Jersey is one of 39 States, plus the District of Columbia, that has chosen to expand Medicaid. By all accounts, these 39 States with Medicaid

expansion are outperforming those who have inexplicably—you might say outrageously—chosen to reject Medicaid expansion, despite the overwhelming evidence that it helps countless Americans stay healthier and better access quality affordable care.

Perhaps that is one reason why the State of North Carolina, with a Republican-led legislature and a Democratic Governor, are in the middle of a bipartisan process to expand Medicaid in their State, right now as we speak.

States that expanded Medicaid have continuously shown to have lower uninsured rates, lower premiums on exchange policies, to have lower mortality rates. States that expanded Medicaid better live up to the ideals of this country that, fundamentally, we are about life—life—liberty, and the pursuit of happiness.

Expanding healthcare access lowers death rates. It is about life. Expanding healthcare access is about liberty, freeing people from fear and anxiety, from being chained to the worry that comes from not being able to afford even an ambulance ride. And, ultimately, it is about happiness.

People in these States are going to the doctor more often for preventive screenings, visiting the dentist for dental care, getting mental health treatment. They have seen an increase in early stage cancer diagnosis when cancer is more treatable. People in those States have lower medical debt than in States that have neglected to expand Medicaid. It has actually had a positive effect on the overall economy. And I have led the charge to make sure that those States which expand Medicaid also provide coverage for birthing people, for moms, for a year postpartum.

We live in a country that shamefully has a maternal mortality rate that is far higher than our peer nations and especially higher for marginalized communities.

New data was recently released showing a significant increase in the maternal mortality rate in 2021. This problem is getting worse, with maternal mortality rates nearly doubling in the United States since 2018. The maternal mortality rate is bad for all Americans, and it is even worse for African Americans.

Given that Medicaid coverage covers half the births in the United States, the continuing expansion of coverage and care will help address these concerning trends and address those disparities and help ensure that more women can get access to the reproductive care that they need, and we could have more healthy births with healthy moms.

The bottom line is clear: Medicaid is integral to helping Americans get the care they need and to affirm our common values.

We love our children in this Nation, and the data for their births, for the children and their mothers, should reflect that love.

What does love look like in public? It looks like justice. It looks like healthy children being born. It looks like lowering the death rates for women giving birth.

Look, we have much work to do. We should note the progress on this 13th anniversary. We should stop the politicization of healthcare in this country when we make strides that belie all the outrageous claims that were made about what the Affordable Care Act would turn into. All of the lies that were said about this legislation, all the dire predictions have not come true.

Look, when I think about the ACA, I think back to the night I sat with my dear friend John Lewis, a hero to people on both sides of the aisle in this Chamber, a truly great American. When the Affordable Care Act was in crisis and threatened to be repealed, we sat on the Capitol steps, opened up Facebook Live, and started having a conversation.

I will never forget. Hundreds of people came to join us on the steps of the Capitol, and I will never forget that John Lewis made it clear to this large crowd of people and to a live, online audience—he said:

> Affordable healthcare is the birthright of every American. At stake are not just the details of policy but the character [the character] of our country.

Think about that for a second, the character of our country.

Who are we? What do we stand for? Not just those unbelievable words on those founding documents, not just the spirit of America, but, in truth, you can judge the greatness of a country by the well-being of its people.

I believe that when we talk about healthcare, we aren't just talking about policy and legislation and politics, but we are taking about the very fabric—the moral fabric—of this Nation. We cannot be a nation that stands for life, liberty, and the pursuit of happiness if people don't have access to what is fundamental to those ideals, which is quality healthcare.

We are a nation that should be a beacon to the world. I believe we are. We are a nation of promise, a nation of hope, a nation of possibility, a nation of infinite potential. But there are still too many people in this country where that potential and that possibility are undermined by the mere fact that they cannot access a doctor, preventive care, birthing care. That is wrong.

I am endlessly grateful for the Affordable Care Act for helping us to make a stride toward our ideals, for bending the arc of the moral universe more toward justice, for making this a more perfect union.

Yes, tonight is a 13-year anniversary, but we should commit ourselves to going from doing good work, from making progress, to ultimately doing what we are called to be, which is a nation that is a light unto all nations. It sets the highest standards for healthcare and health outcomes; that we are not a nation that proclaims a nation of life, liberty, and the pursuit of happiness but demonstrates it relative to all other nations in the true fabric of our living. That is a cause that calls this body and the House of Representatives and our Federal Government that should call us not just to celebrate a 13-year anniversary but to continue to improve upon the good work that was done.

I am concluded with my remarks. I am just a warmup act for the Senator who is coming right now, from my second favorite ''new'' State after New Jersey, the great State of New Hampshire.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Well, Mr. President, thank you to my colleague Senator BOOKER for that kind introduction and as important, if not more, for his great comments about the importance of the Affordable Care Act to our constituents, to our communities, to our State, to our country, to the cause of human dignity.

I rise today to join my colleagues in commemorating the passage of the Affordable Care Act 13 years ago. I am so grateful to be here not only with Senator BOOKER but Senator WYDEN and Senator CASEY and grateful for their advocacy and their efforts to really help people understand the difference that this law has made for the people of our country.

I want to take a moment to discuss the difference that this law has made for the people in New Hampshire. I also want to build on what Senator BOOKER just talked about by talking about the growing bipartisan support for Medicaid expansion and how that shows just how much we can accomplish when we put politics aside and we work together. It also shows the urgent need that we have for remaining States to follow New Hampshire's bipartisan example and adopt Medicaid expansion.

The Affordable Care Act, and Medicaid expansion in particular, has done more to improve the health of the people of our country than any law passed in the last 50 years. This law was based on a simple proposition that when everyone has access to quality, affordable care, our country is stronger and our people are more free.

Our people are more free because, as the adage goes, when you have your health, you have everything.

We do not fully appreciate these words until we or someone we love falls ill. Facing health challenges is never easy, but it is easy to forget how much more daunting they used to be before the Affordable Care Act.

Thanks to the Affordable Care Act, millions of Americans now have the freedom and peace of mind of knowing that they will not be denied access to affordable healthcare, even if they lose their job or have a preexisting condition. For too long, many Americans had to pay painfully high premiums or were even denied coverage altogether just because they had a preexisting

condition. These conditions range from diseases like cancer and diabetes to pregnancy or asthma. Often, people with these conditions are the very people who need care the most.

No matter your political party, all of us should be united in celebrating that the days of denying someone coverage on account of a preexisting condition have ended.

Granite Staters know the difference that the Affordable Care Act has made. As Governor, I led the effort to get Medicaid expansion done, signing it into law in March of 2014. Only a handful of months later, the plan was implemented, thanks to extraordinary work by the employees of our State's Department of Health and Human Services.

Medicaid expansion has made an incredible difference for tens of thousands of Granite Staters. Medicaid expansion has made our people healthier and our workforce stronger. Since 2014, the uninsured rate in New Hampshire fell by over 40 percent. More than 200,000 Granite Staters have participated in expanded Medicaid.

All of us in this Chamber have entered public service with the hope that we will help our communities and our country. Make no mistake, behind these statistics, and similar statistics for other States, are countless stories of people whose lives were transformed or even saved by the law.

For many, it made their families more financially secure. For others, it allowed them to address longstanding health challenges that prevented them from participating in the workforce.

I want to share one of these stories. The Affordable Care Act has made a great difference for people struggling with addiction and substance misuse. Some may not know this, but in many States, Medicaid expansion marked the first time that substance misuse treatment was covered by Medicaid. This is particularly important for a State like New Hampshire, which has been hit hard by the substance misuse crisis.

Whenever I talk about expanding Medicaid, one of the first people I think of is a woman I met in Manchester named Ashley. For nearly a decade, Ashley struggled with heroin addiction. At one point, she was arrested, and eventually her then-husband overdosed, but that was not the end of Ashley's story.

In 2016, she became one of the tens of thousands of Granite Staters who have received substance misuse or mental health treatment covered by New Hampshire's Medicaid expansion. She went into recovery, found work, and has rebuilt her life. Ashley now works for a recovery community organization, helping others get the help and support that they need. None of this would have been possible without Ashley's strength and perseverance or if we failed to expand Medicaid.

Ashley's story is a reminder of why Medicaid expansion matters for so many Americans. It has helped countless people get the care that they need to be healthy, have a job, and participate in their communities.

The benefits of expanded Medicaid for people like Ashley is, in part, why Medicaid expansion has gained bipartisan support over the last decade. Even when partisan politicians have been slow to act, voters from both parties have come together and pushed Medicaid expansion forward.

Just last November, voters in South Dakota voted to expand Medicaid. They were the latest in a long line of Republican-led States whose voters went to the polls and passed Medicaid expansion, including Nebraska, Oklahoma, Idaho, and Utah. These ballot initiatives only passed because voters from both parties stood together, and we can learn from their example.

This growing bipartisan consensus is an example of our capacity to solve problems when we work together. This has certainly been true in my own State.

It was not that long ago that Medicaid expansion was at the center of our most polarizing, partisan debates. I know because I was in the middle of them as Governor. The debates were long, and the negotiations tough, with a divided State legislature. But, ultimately, we adopted bipartisan Medicaid expansion in New Hampshire. By listening to each other and finding ways to work together, we were able to put people's health ahead of politics and get it done.

Just recently, the New Hampshire Republican-controlled State Senate voted unanimously to support reauthorizing the expanded Medicaid Program. What was once a political lightning rod is now an essential part of our public healthcare system.

It has also strengthened both our economy and our workforce. Workers are more secure in seeking new and better jobs, knowing that if they have to switch insurance plans, they will not be denied coverage on account of a preexisting condition.

And people who couldn't get healthcare for a medical condition and, in turn, couldn't work because of their condition, can now get health insurance, get the treatment that they need, and join the workforce.

In short, this law has become a fundamental part of our State's promise to do right by Granite Staters.

New Hampshire's bipartisan Medicaid expansion as well as the bipartisan efforts in other States are an important reminder of what we can accomplish when we work together. When we take the politics out of an issue, when we care more about whether an idea is good rather than whether it is red or blue, we can accomplish tremendous things. We can make our country a better place because, ultimately, the Affordable Care Act was nothing less than a step forward for the cause of human dignity and freedom.

To be sure, there is much more work we need to do to improve the quality and affordability of healthcare, and I welcome my colleagues to join me in bipartisan efforts to do just that.

Having listened to my colleague Senator CASEY just a few minutes ago, I want to note my agreement with him that cutting Medicaid or repealing the Affordable Care Act are not measures that will meet that goal.

I also urge Governors and legislators in the remaining States that have not expanded Medicaid to follow the bipartisan example that New Hampshire and other States have set. Look at the difference it has made in my State and in States across the country. This is an effort that has the support of majorities in both parties and should unite all Americans.

Thank you to everyone in this body and in legislatures across the country who made the Affordable Care Act and Medicaid expansion a reality. I sincerely hope that we bring the same bipartisan commitment that Medicaid expansion enjoys now to tackle future challenges, because today is a reminder that, when we leave partisan debates in the past and find ways to work together, we can build a country that is stronger and more free.

With that, Mr. President, I am very proud and grateful to yield the floor to my colleague Senator WYDEN, who has been such an extraordinary leader in improving and expanding access to healthcare and dignity for all Americans. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before the Senator leaves the floor, I just want everyone to note that what the Senate just heard was Senator HASSAN—vintage Senator HASSAN—saying repeatedly: Let us find a way to move forward in a bipartisan way. And through example after example, she cited the progress. It has always been that, even before the Affordable Care Act.

I was the author of the Healthy Americans Act, the first bipartisan universal coverage bill in the history of the Senate—14 Senators, 7 Democrats and 7 Republicans—because we learned the lesson Senator HASSAN has described and took it into the Affordable Care Act. So I thank my colleague for her wonderful remarks. And for people who are paying attention, this is what we get in the Senate Finance Committee every single time Senator HASSAN is in the house.

Mr. President, the landscape of American healthcare is shifting dramatically in the 13 years since the Affordable Care Act was signed into law.

I believe many find it hard to even recall the day when an American could be denied health insurance because of preexisting medical conditions, but we ought to remember the history. Those were the days when healthcare was for the healthy and the wealthy. The insurance companies, under the law, could just clobber—clobber—somebody

with a preexisting condition. You were basically on your own.

And, apropos of the implications to the economy, I have talked to the President of the Senate often about encouraging innovation enterprise. When we discriminated against people with preexisting conditions, the big problem we saw was job loss. When somebody had the opportunity to be mobile and to move somewhere else, they weren't able to do it because they were tethered to their position because they had coverage, and they couldn't get it if they moved on. Now, tens of millions of Americans have health and financial security thanks to 39 States—39 States—that have moved beyond just ending the discrimination against those with preexisting conditions to expanding Medicaid coverage.

The Affordable Care Act was also, we should remember, passed in a moment of great need. The recession—the great recession—caused massive economic damage and layoffs across the country. Millions lost the employer-provided health insurance they had. More than 50 million Americans lacked any form of health insurance coverage, and there was no backstop for them.

At that time, you basically were literally on your own. If you were sick and you were faced with providing for your family, you could lose virtually everything in those tragic kind of days when people didn't realize the importance of the changes that needed to be made.

It is now clear, for example, how important the Medicaid safety net truly is. The number of uninsured Americans has been cut in half. In addition to Medicaid, the individual marketplace hit record enrollment with 16 million people buying plans. In Oregon, that amounts to 140,000 Oregonians getting high quality, affordable health insurance. This was particularly obvious when the pandemic hit in 2020. Not only was the individual marketplace there to help the millions who lost their jobs, but Medicaid was the lifeline to help families get healthcare.

By the way, it is clear now that Medicaid can be a leader when it comes to innovative healthcare. I was particularly proud that in the rescue plan in 2021, we were able to bring together, for the first time, mental health leaders and law enforcement leaders to develop a multidisciplinary system with mental health and law enforcement to provide crisis services when someone on the streets of this country is struggling.

At the end of last year, the Congress passed a nationwide—nationwide—guarantee of a full year of continuous health coverage for kids up to 19 years of age who were enrolled in Medicaid and a permanent option for States to provide a full year of postpartum coverage for new moms. I am proud that Oregon pioneered this continuous coverage policy for kids before it was adopted nationwide.

It is just commonsense that kids need reliable health coverage even if their parents' income is changing from month to month, and all of the research—all of the healthcare research about brain development—makes that very clear.

We understand that there is a lot more to do. Tomorrow, we will hear from the administration in the Senate Finance Committee about some of the next steps. The Affordable Care Act moved forward significantly to resolve the crisis of health coverage, but there are still gaps.

I also mention that, for a lot of us, we now recognize that it is not just a question of expanding coverage. It is a question of controlling costs, and we are going to be focusing on that in the days ahead as well. Elected officials are often pretty good talking about expanding coverage, but not so good at controlling costs.

With respect to that, the Inflation Reduction Act made a significant down payment on cost containment by finally lifting that Holy Grail guarded zealously by Pharma—the prohibition on negotiating. Now Medicare can negotiate lower drug prices and implement what we wrote in the Senate Finance Committee in 2019—the price-gouging penalty. In 2019, with bipartisan support in the Finance Committee, we said, if Big Pharma raises prices faster than inflation, there is finally accountability for high pharmaceutical prices, and they are going to pay penalties.

Improvements to the affordable healthcare system is still in progress. Last week, the North Carolina State Senate passed a Medicaid expansion bill by an astounding 44-to-2 margin. That is a very obvious indication that, as Senator HASSAN talked about and Senator CASEY, there could be bipartisan support here. Medicaid expansion saves lives. It is a good deal for States, and it is wonderful to see States across the political spectrum following the example of North Carolina.

Finally, we took additional steps recently to help improve our coverage, particularly with the advanced premium tax credit, increasing the amount of financial help for middle-class families trying to balance health expenses against food, rent, and other costs. It also expanded eligibility for these tax credits for more middle-class Americans. The President's budget supports making these kinds of enhancements in coverage permanent and so do I.

I will close with this. One of the dividing lines in American Government is whether you think healthcare is a basic human right. My experience, having specialized in this for a lot of years, since the days when I was director of the Gray Panthers, is that there are a variety of ways you can get there. And that is what we do in the Congress. We debate ideas. But I feel right to the core of my time in public service and those days with the Gray Panthers that healthcare is a basic human right. The Affordable Care Act was a monumental step toward that long sought goal, and, as long as I have the honor and the privilege to chair the Senate Finance Committee, I will do everything I possibly can to work with Senators of both political parties to make that crucial goal a reality.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 7:25 p.m., adjourned until Wednesday, March 22, 2023, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

FARA DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL COMMUNICATIONS COMMISSION. (NEW POSITION)

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAMES J. BLANCHARD, OF MICHIGAN, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2025, VICE ANNE TERMAN WEDNER, TERM EXPIRED.

DEPARTMENT OF STATE

JOEL EHRENDREICH, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

KARA C. MCDONALD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

UNITED STATES INSTITUTE OF PEACE

JOHN JOSEPH SULLIVAN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS, VICE STEPHEN J. HADLEY, TERM EXPIRED.

NATIONAL MEDIATION BOARD

LOREN E. SWEATT, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2023, VICE GERALD W. FAUTH, TERM EXPIRED.

LOREN E. SWEATT, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2026. (REAPPOINTMENT)

THE JUDICIARY

TANYA MONIQUE JONES BOSIER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GERALD FISHER, RETIRED.

DANNY LAM HOAN NGUYEN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE FERN FLANAGAN SADDLER, RETIRED.

JEREMY C. DANIEL, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE GARY SCOTT FEINERMAN, RESIGNED.

BRENDAN ABELL HURSON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE GEORGE JARROD HAZEL, RESIGNED.

MATTHEW JAMES MADDOX, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PAUL WILLIAM GRIMM, RETIRED.

DEPARTMENT OF JUSTICE

TARA K. MCGRATH, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ROBERT S. BREWER, JR., RESIGNED.

ERIC G. OLSHAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE CINDY K. CHUNG, RESIGNED.

THE JUDICIARY

DARREL JAMES PAPILLION, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE CARL J. BARBIER, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CURTIS R. BASS
BRIG. GEN. KENYON K. BELL
BRIG. GEN. CHARLES D. BOLTON
BRIG. GEN. LARRY R. BROADWELL, JR.
BRIG. GEN. SCOTT A. CAIN
BRIG. GEN. SEAN M. CHOQUETTE
BRIG. GEN. ROY W. COLLINS
BRIG. GEN. JOHN R. EDWARDS
BRIG. GEN. JASON T. HINDS
BRIG. GEN. JUSTIN R. HOFFMAN
BRIG. GEN. STACY J. HUSER
BRIG. GEN. MATTEO G. MARTEMUCCI
BRIG. GEN. DAVID A. MINEAU
BRIG. GEN. PAUL D. MOGA
BRIG. GEN. TY W. NEUMAN
BRIG. GEN. CHRISTOPHER J. NIEMI
BRIG. GEN. BRANDON D. PARKER
BRIG. GEN. MICHAEL T. RAWLS
BRIG. GEN. PATRICK S. RYDER
BRIG. GEN. DAVID G. SHOEMAKER
BRIG. GEN. REBECCA J. SONKISS
BRIG. GEN. CLAUDE K. TUDOR, JR.
BRIG. GEN. DALE R. WHITE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL S. CEDERHOLM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRADFORD J. GERING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY L. MASIELLO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES P. DOWNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DANIEL W. DWYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DANIEL L. CHEEVER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANIEL T. TURAJ