United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

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# House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 25, 2021, at 1:30 p.m.

# Senate

FRIDAY, JANUARY 22, 2021

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

## PRAYER

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

Let us pray.

Sovereign King, our hope for years to come, deliver us from the sin of running from the truth. Remind us often that truth brings freedom.

Thank You that You are our helper, sustaining our lives and keeping us strong. You guide us through the wilderness and protect us through life's storms.

Lord, inspire our lawmakers to place themselves into Your hands, permitting You to fulfill Your purposes through their faithful toil. Fill them with reverential awe and give them a sanctified audacity, even when facing trials and setbacks.

We pray in Your loving Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## NATIONAL GUARD

Mr. SCHUMER. Mr. President, now, it came to our attention last night that members of the National Guard, after standing on duty to protect the Capitol for Inauguration Day, keeping us safe, were sleeping in parking garages and cramped quarters without proper space or ventilation. It was utterly unacceptable.

I have told those who run the security of the Capitol that it can never happen again, and I pledge to every National Guard member that it will not happen again.

The minute I heard about this outrage last night, we made sure it was fixed immediately. Every member of the Guard was found proper accommodations inside, and, as of this morning, everyone was accounted for and taken care of.

This morning I went over to the CVC and I spoke to a number of Guardsmen personally to make sure they were OK.

I want to thank Senators HASSAN, DUCKWORTH, KELLY, and HEINRICH for their work on this matter last night, as well as Senator LUJÁN, who went around late at night to make sure things were OK, as well. And I want to thank all the Members who were concerned and lent a hand.

I also want to particularly thank Acting Sergeant at Arms Jennifer Hemingway, who, when we told her about this situation, patrolled the floors of the Capitol Complex until past 3 a.m. to ensure that no one was left behind or not where they belonged. And she was back at her desk first thing today to follow up.

We owe an enormous debt of gratitude to the men and women who worked to keep us safe on January 6 and the days since. A situation like last night will never happen again.

## BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Now, I have spoken about the Senate's agenda for the next several weeks. We have three essential items on our plate: one, the confirmation of President Biden's Cabinet and other key officials; two, legislation to provide desperately needed COVID relief; three, a second impeachment trial of Donald Trump. The Senate must and will do all three—COVID relief, confirmation of nominees, and an impeachment trial.

Now, the first order of business is to fulfill our constitutional duty to advise and consent on the President's appointments to his Cabinet. This morning the Senate will vote to confirm President Biden's nominee for Secretary of Defense, Lloyd Austin. Mr. Austin will be the first African American to ever helm the Defense Department in its history—a powerful symbol of the diversity and history of America's Armed Forces.

Mr. Austin has a storied career in the Army, but those days are behind him. As Secretary of Defense, he has promised to empower and lift up his civilian staff, and I believe he will be an outstanding Secretary of Defense for everyone at the Pentagon—servicemembers and civilian employees alike.

The Secretary of Defense, of course, has a hugely important task ahead of him. He must once again demonstrate

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



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to the world that the U.S. military will always support our friends, deter our adversaries, and, if necessary, defeat them.

Lloyd Austin is the right person for the job. He has the experience, the vision, and the competence to run the largest agency in our government. I look forward to confirming his nomination shortly.

Afterward, the Senate must continue to install President Biden's team by confirming Secretaries of State, Homeland Security, and Treasury. We need Republican cooperation to confirm these nominees, but we expect that cooperation to continue. The continuity of our national security, military, and intelligence policy, as well as our ability to effectively respond to the current health and economic crises, depend on having these Cabinet officials confirmed.

Now, as I mentioned, the Senate will also conduct a second impeachment trial for Donald Trump. I have been speaking to the Republican leader about the timing and duration of the trial, but—make no mistake—a trial will be held in the U.S. Senate, and there will be a vote on whether to convict the President.

I have spoken to Speaker PELOSI, who informed me that the article will be delivered to the Senate on Monday.

Now, I have heard some of my Republican colleagues argue that this trial would be unconstitutional because Donald Trump is no longer in office—an argument that has been roundly repudiated, debunked by hundreds of constitutional scholars—left, right, and center—and defies basic common sense. It makes no sense whatsoever that a President or any official could commit a heinous crime against our country and then be permitted to resign so as to avoid accountability and a vote to disbar them from future office. It makes no sense.

Regardless, the purveyors of this unusual argument are trying to delay the inevitable. The fact is, the House will deliver the Article of Impeachment to the Senate. The Senate will conduct a trial of the impeachment of Donald Trump. It will be a full trial. It will be a fair trial. But make no mistake, there will be a trial, and when that trial ends, Senators will have to decide if they believe Donald John Trump incited the insurrection against the United States.

Now, over the course of elections in November and January, the American people chose to retire four Republican Senators and elect a Democratic majority to this Senate. The Senate must now take the basic step of passing an organizing resolution and setting up the rules for a Senate where there are 50 Members of either party.

Luckily, we have a clear precedent for what to do in this situation. In 2001, then-Majority Leader Lott and Minority Leader Daschle came together and agreed on a set of rules to govern a 50–50 Senate. We should follow that precedent.

We have offered to abide by the same agreement the last time there was a 50–50 Senate. What is fair is fair. That is precedent. We could organize the Senate today if both sides agreed to abide by the same rules as last time.

The Republican leader, however, has made an extraneous demand that would place additional constraints on the majority—constraints that have never been in place before. In fact, his proposal would remove a tool that the Republican leader himself used twice in just the last Congress to accelerate the confirmation of Republican nominees.

Leader MCCONNELL's proposal is unacceptable, and it won't be accepted. And the Republican leader knew that when he first proposed it.

Only 2 days ago, we celebrated the inauguration of a new President and the turning over of a new leaf. The American people want us to work together and move past the meaningless political fights and gridlock that have plagued us for too long.

It is time to get to work. A first step is for the Republican caucus to agree to follow the same precedent that governed the Senate the last time around.

I yield the floor.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MANCHIN). The Republican leader is recognized.

## NATIONAL GUARD

Mr. MCCONNELL. Mr. President, yesterday evening, we learned that some of the National Guard forces who were helping protect the Capitol Complex were being made to rest in parking garages between their shifts. I don't think a single Senator feels that was acceptable. I am glad the situation was resolved, and I hope we learn exactly what happened.

In that regard, I want to thank all the National Guard, including more than 300 Kentucky Guardsmen, and local and Federal law enforcement who helped supplement our very own Capitol Police in the wake of January 6. Your Congress and your country appreciate all you have done to secure the Capitol and the inauguration.

Later today, I will have the honor of meeting a number of my Kentuckians who have been helping out here at the Capitol. It is going to be the highlight of my day.

In the near future, Congress needs to smartly transition toward a more sustainable security presence. Keeping the Capitol safe cannot and will not require huge numbers of uniformed troops and vast systems of emergency fencing to remain in place forever. With the inauguration behind us, we should find the right middle ground between the unacceptable lapses 3 weeks ago and the extraordinary short-term measures that have been put in place since that time. In the meantime, we need to make darn sure that we look after the men and women who look after us.

## FILIBUSTER

Mr. MCCONNELL. Now, Mr. President, on a totally different matter, while business proceeds on the floor, the Democratic leader and I are continuing to flesh out the structure of this 50–50 Senate.

When Leaders Lott and Daschle wrote a similar agreement 20 years ago, there wasn't a need at all to reaffirm the basic standing rules that govern legislation here in the Senate. It was safely assumed that no majority would break this rule for short-term gain.

Floor remarks surrounding those 2001 discussions specifically cite the legislative filibuster as an important and unquestioned part of the backdrop that lay beneath the negotiations on the finer details. It was assumed no one would ever take that step.

After the fact, Leader Daschle, the Democrat, praised the legislative filibuster as a crucial rule. President Biden has praised this distinctive feature of the Senate on many occasions.

Our current Democratic colleagues used it liberally—liberally—over the last several years when they were in the minority. More than two dozen signed a bipartisan letter in 2017 saying our Republican majority should not break the rule by brute force. Let me say that again. Two dozen Democrats signed a bipartisan letter in 2017 saying our Republican majority should not break this rule by brute force. I agreed. I didn't do it. President Trump was not happy with that. He tweeted against me numerous times because I didn't put an end to the legislative filibuster. So the Democrats used it constantly, as they had every right to. They were happy to insist on a 60-vote threshold for practically every major bill I took up.

So we will continue to request that our Democratic colleagues reaffirm this standing rule of the Senate, which they have been happy to use on many occasions, I can attest. If we are going to truly replicate the 2001 agreement, we need to reaffirm this crucial part of the foundation that lay beneath it.

## IMPEACHMENT

Mr. MCCONNELL. Mr. President, yesterday I also shared a proposal for the pretrial steps in the Senate impeachment process that appears to be headed our way and, as I understand it, will be headed our way on Monday. By Senate rules, if the article arrives, we have to start a trial right then.

This impeachment began with an unprecedentedly fast and minimal process over in the House. The sequel cannot be an insufficient Senate process that denies former President Trump his due process or damages the

Senate or the Presidency itself. Senate Republicans strongly believe we need a full and fair process where the former President can mount a defense and the Senate can properly consider the factual, legal, and constitutional questions at stake.

For that reason, we suggest the House transmit this article next Thursday, but that apparently is going to be next Monday; that former President Trump's answer and the House's pretrial brief, I suggested, be due on February 4; and that the former President's pretrial brief be due, I suggested, on February 11. That timeline would have provided the Senate some more floor time before we step fully into the unknown of a trial—which, by the way, would have been of substantial benefit to the incoming administration and allowed them to get more of their Cabinet confirmed, on which we are cooperating as best we can to expedite.

## NOMINATIONS

Mr. MCCONNELL. Finally, Mr. President, on one final matter regarding nominees, we are considering President Biden's nominees to key Cabinet posts.

On Wednesday, Admiral Haines was confirmed as Director of National Intelligence on a big bipartisan vote, including my own. We hope to be able to consider Tony Blinken to be the Secretary of State early next week.

Today, we are considering GEN Lloyd Austin, President Biden's nominee to serve as Secretary of Defense. I voted to approve the waiver that would allow him to serve in this post yesterday, notwithstanding the 7-year cooling-off period after military service, and I will be voting in favor of his confirmation.

I am voting yes because the nominee is clearly qualified and because Presidents should get real latitude to fill their teams with qualified and mainstream people of their choosing. At the same time, the Senate should pause and reflect on the fact that we will have begun two consecutive Presidential administrations by issuing a waiver to a four-star general and former CENTCOM commander to lead the Pentagon.

The Armed Services Committee held a hearing last week to examine the waiver and the current state of civil-military relations at the Pentagon. I expect the committee will continue to pay close attention to this important issue in the months ahead and will investigate steps that Congress can take to help restore balance over at the Pentagon.

The law that we keep waiving actually exists for a good reason. Civilian control of the military is a fundamental principle of our Republic. We emphatically do not want high-ranking military service to become a tacit prerequisite for a civilian leadership post over at the Department of Defense.

It is not just about a simplistic fear that the military will end up running itself. To the contrary, many experts worry that military leaders' appropriate fixation on being nonpolitical may not prepare them for the job, to forcefully fight for our armed services amid the political rough-and-tumble in the executive branch and here in Congress. To put it another way, they are taught from the beginning to stay out of politics entirely. But we do want a Secretary of Defense who is willing to engage in the issue-based discussions that we have related to the Department.

Nevertheless, I will vote today to confirm a clear patriot with an impressive career, but I will cast that vote with the understanding that our new Secretary of Defense specifically commits to balancing civil-military relations, empowering civilian leaders at the Pentagon, and playing an active role in the inherently political budget process to get our forces what they need. Our intensifying competition with China, Russia, and all the other threats we face demand nothing less.

## RESERVATION OF LEADER TIME

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Lloyd James Austin, of Georgia, to be Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form.

### NOMINATION OF LLOYD JAMES AUSTIN

Mr. PAUL. Mr. President, our Founding Fathers believed strongly in the civilian control of our military. Having escaped from the tyranny of the British crown, they did not want the powers of government and military to be fused. In America, the people would control their Armed Forces. This standard has endured, and was enshrined in law in 1947. Congress had to pass a waiver to the 1947 law in 2017, and we are being asked to do it again in 2021. I hope that this is the last time Congress will be asked to pass such a waiver.

Civilian control of the military goes beyond the basic question of how long ago a nominee wore the uniform. It is also a question of whether the nominee is enmeshed in the interests of our vast defense contracting industry, an industry whose bottom line depends on an expansive American military posture and, with it, an ever-growing defense budget. Going from firing the missiles to selling the missiles is technically a move into a civilian role, but nothing more. It is every bit as corrosive to the principle of civilian rule for the head of the Pentagon to churn from the military to the boardroom to the Pentagon, working with many of the same people at every step along the way.

General Austin retired from the Army in 2016, and he immediately joined the board of United Technologies, which was acquired by Raytheon. He was very well-compensated for his work there, and is reportedly due a buy-out of up to $1.7 million when he leaves Raytheon and his other work and returns to the Pentagon. All we are doing by confirming these types of nominees, no matter their other qualifications, is tightening the ever-increasing bonds between the military and the contractors who serve it. It is getting hard to see where one stops and the other begins. No pledge of recusal from a nominee will solve this larger problem. We are not limited to selecting our Secretary of Defense from the world of defense contractors, and our country would be better off if we stopped. However, with regard to experience and expertise, I do not question General Austin's qualifications and will vote to allow the President his choice.

Mrs. FEINSTEIN. Mr. President, I rise today in support of General Lloyd Austin's confirmation to be Secretary of Defense, and I urge my colleagues to support his nomination in the vote we are about to take.

General Austin has proven through his 41-year military career that he is extremely capable of leading our military as they confront multiple challenges.

First, General Austin is a proven leader that will provide stability within our military ranks. After 4 years of tumultuous leadership under the Trump administration, our troops deserve a steady hand to lead them in the defense of our Nation.

Moreover, our allies need a Secretary of Defense who speaks reliably on behalf of the President.

Second, General Austin brings a wealth of experience to counter global defense challenges. He oversaw U.S. and coalition forces in Iraq, served as a Vice Chief of Staff of the Army where he worked to increase diversity in the highest ranks of our military, and commanded U.S. Central Command in its fight against ISIS and other regional threats.

Third, General Austin's previous appointments to the Joint Staff and as Vice Chief of Staff of the Army prepared him to tackle strategic issues in the Department of Defense. He has committed to filling key positions with personnel that bring civilian expertise,

a sign he fully respects civilian control of the military.

Finally, our country faces several threats that President Biden's administration must address immediately. General Austin's intimate knowledge of our military will allow him to hit the ground running at the Department and make wise investments that deter global aggressors.

I especially welcome General Austin's pledge to support our country's pandemic response efforts, such as helping with the distribution of vaccines nationwide. Through his leadership, the military can provide much needed medical and logistical support to counter the COVID pandemic.

We are facing an unprecedented set of national security challenges, both at home and overseas. I have full confidence in General Austin's ability to help us overcome these challenges, and I urge my colleagues to vote in favor of his confirmation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, it is my understanding that Chairman INHOFE is in route to provide his comments, and I just want to begin by thanking him for his tremendous leadership. Without his dedication to a bipartisan, thoughtful process, we would not be here today, and it is the hallmark of his leadership throughout the years we have worked together. I anticipate his arrival.

The PRESIDING OFFICER. Duly noted.

Mr. REED. In order to expedite the vote, I will proceed.

Mr. President, I rise to express my support for the confirmation of Lloyd Austin to be the Secretary of Defense of the United States.

General Austin is an exceptionally qualified leader with a long and distinguished career in the U.S. military. He has served at the highest echelons of the Army and capped his service as the commander of U.S. Central Command. His character and integrity are unquestioned, and he possesses the knowledge and skills to effectively lead the Pentagon.

The United States faces many complex security threats. If confirmed as Secretary of Defense, General Austin will lead the Department during a time when U.S. strategic priorities have shifted to focus increasingly on near-peer competition with China and Russia. The Department must also transform how it operates with an increased focus on critical technologies like artificial intelligence, quantum computing, biotechnology, and cyber security, while also emphasizing rapid delivery of advanced new weapons systems on timelines that keep pace with technological change.

In addition, President Biden must address the urgent and dire challenges that few of us would have anticipated 4 years ago. Our country is in the midst of a pandemic that has claimed hundreds of thousands of lives and infected millions more and resulted in billions in economic damage, and the virus is still not under control. Recently, it was revealed that large segments of the Federal Government and major companies were hacked by Russia. We are still trying to ascertain the extent of the breach, but it could be the most significant cyber intrusion in the history of our country or perhaps the world. This event, too, should prompt us to move promptly to fill Cabinet positions that are critical to our national security.

Unfortunately, the Department of Defense is adrift and in desperate need of steadfast leadership. Over the course of the past 4 years, there has been repeated turnover at senior levels of the Department and a concerted effort to purposefully leave multiple civilian offices unfilled, necessitating the installment of career or midlevel officials into positions in an acting capacity.

Unlike other nominees for Cabinet positions, Congress must provide, as Senator MCCONNELL indicated, an exception for General Austin to serve as Secretary of Defense. Under the current statute, individuals are prohibited from appointment if they are within 7 years of military service. Congress found itself in a similar situation 4 years ago when President Trump nominated Gen. James Mattis to be the Secretary of Defense.

Prior to General Austin's confirmation hearing, the Senate Armed Services Committee held a hearing on civilian control of the Armed Forces that focused on the erosion of civil-military relations. At the hearing, valid concerns were raised about providing another waiver so soon after Secretary Mattis. However, at his nomination hearing earlier this week, General Austin pledged his commitment to repairing civil-military relations while also empowering civilian personnel within the Department of Defense. These are critical commitments by General Austin and ones that I support.

Therefore, yesterday I voted in favor of the legislation to provide General Austin with an exception to serve as Secretary of Defense, and I was pleased the legislation received strong bipartisan support.

General Austin is an outstanding choice to serve as Secretary of Defense. I am proud to support his nomination, given the unique challenges we face. I think from now on, in a few moments, we can refer to him as Secretary Austin, which is the appropriate title for his role.

With that, I yield the floor to my colleague, the chairman.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. Mr. President, yesterday I had the opportunity to respond to the majority on my support for Tony Blinken to be the Secretary of State. He is someone I have known for a long period of time. I think we will see that with the new administration here and myself being a conservative Republican, there will be some appointments that I will not really be excited about and agree with, in which case I will state it. But in the case of the Secretary of State, I expressed myself yesterday and I want to do it again today for what I consider to be a really critical first appointment—second appointment that the new administration makes, and that would be for General Austin to be the person in charge at a time that is very unique.

I agree with the Senator who just spoke about the qualities of this general. We know that he rose through the ranks through the Army to become the first four-star general and commander of Central Command from 2013 to 2016. He has done everything right.

We, right now—I know the Presiding Officer is aware of this and certainly the ranking member of the committee is aware of this—we are in the most threatening times that we have ever been in. We have China and Russia out there with capabilities that we didn't really believe we would find ourselves with. So that is going to be the primary concern of this new administration, and I can't think of a better person to take the helm than General Austin to provide the leadership.

And it is true that we had to have a waiver yesterday. That waiver was overwhelmingly supported in a bipartisan way. So everyone knows that we gave a lot of thought to it. And this is at a time where we really needed someone with the background of General Austin to take that position, and I strongly support it and look forward to serving with him.

I yield the floor.

VOTE ON AUSTIN NOMINATION

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

Mr. INHOFE. 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from West Virginia (Mrs. CAPITO), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Kansas (Mr. MORAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted ''yea.''

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 5 Ex.]

YEAS—93

| | | |
|---|---|---|
| Baldwin | Blackburn | Booker |
| Barrasso | Blumenthal | Boozman |
| Bennet | Blunt | Braun |

| | | |
|---|---|---|
| Brown | Hoeven | Romney |
| Cantwell | Inhofe | Rosen |
| Cardin | Johnson | Rounds |
| Carper | Kaine | Rubio |
| Casey | Kelly | Sanders |
| Cassidy | Kennedy | Sasse |
| Collins | King | Schatz |
| Coons | Klobuchar | Schumer |
| Cornyn | Lankford | Scott (FL) |
| Cortez Masto | Leahy | Scott (SC) |
| Cotton | Luján | Shaheen |
| Cramer | Lummis | Shelby |
| Crapo | Manchin | Sinema |
| Cruz | Markey | Smith |
| Daines | Marshall | Stabenow |
| Duckworth | McConnell | Sullivan |
| Durbin | Menendez | Tester |
| Ernst | Merkley | Thune |
| Feinstein | Murkowski | Toomey |
| Fischer | Murphy | Tuberville |
| Gillibrand | Murray | Van Hollen |
| Graham | Ossoff | Warner |
| Grassley | Padilla | Warnock |
| Hagerty | Paul | Warren |
| Hassan | Peters | Whitehouse |
| Heinrich | Portman | Wicker |
| Hickenlooper | Reed | Wyden |
| Hirono | Risch | Young |

NAYS—2

| | |
|---|---|
| Hawley | Lee |

NOT VOTING—5

| | | |
|---|---|---|
| Burr | Hyde-Smith | Tillis |
| Capito | Moran | |

The nomination was confirmed.

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

The Senator from Oregon is recognized.

## MORNING BUSINESS

Mr. WYDEN. Madam President, first, I ask unanimous consent 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.

## NOMINATION OF JANET LOUISE YELLEN

Mr. WYDEN. Madam President, a few minutes ago, Chair Janet Yellen was approved by the Senate Finance Committee to be Secretary of the Treasury by an extraordinary 26-to-0 vote.

I have seen times around here in the Senate where you come away convinced you couldn't get 26 to 0 among Senators to buy a soda. I want to thank Senators GRASSLEY and CRAPO for working very closely with me and Senate Democrats to achieve this remarkable vote this morning.

The fact is, Janet Yellen has been confirmed by this body four times. She really belongs in the Senate confirmation hall of fame, and the reason that she has been confirmed all of these times is because of what we saw at her confirmation hearing on Tuesday. She did a superb job. After the hearing, she responded in a substantive way to hundreds of questions that came from colleagues and has made a real commitment to transparency.

Now, I know that Senators are working on a variety of issues now, but I would like to say that I think, given the urgency of the economic challenge our country faces, in a truly perilous economic time, I would very much like to work with all of my colleagues, particularly Senators CRAPO and GRASSLEY, to find a way to, today, bring up Chair Yellen for confirmation to be our Secretary of the Treasury.

I want to say I very much appreciate the conciliatory way this was discussed today, and I really hope the Senate can vote on her nomination today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. COTTON. Madam President, I ask unanimous consent that at the end of my remarks the Senator from Oklahoma, Senator INHOFE, be recognized.

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

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks from the Senator from Arkansas that I be recognized.

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

## CHINA

Mr. COTTON. Madam President, on Wednesday, just moments after Joe Biden took office, China's Ministry of Foreign Affairs sanctioned 28 members of the outgoing administration, including Secretary of State Mike Pompeo, National Security Advisor Robert O'Brien, and UN Ambassador Kelly Craft.

According to Chinese State media, these Trump administration officials were guilty of ''crazy moves which gravely interfered in China's internal affairs.'' Those ''crazy moves'' include presumably condemning the Chinese Communist Party's genocidal campaign against religious minorities in Xinjiang Province or its atheistic crackdown on Chinese Christians. In addition to interfering, these officials allegedly offended the Chinese people and seriously disrupted U.S.-China relations. I guess that refers to some, such as Secretary of Health and Human Services Alex Azar, who traveled to Taiwan.

Under the new sanctions, these officials are now barred from entering China, but more important and more ominous, institutions associated with them are also restricted from doing business with China.

Now, it is tempting to laugh off these sanctions, as I did last summer when China sanctioned me. You know you won't have a second honeymoon in Wuhan or you will have to vacation in a nongenocidal country.

But these sanctions are no laughing matter. They are not bluster. They are another step in China's long-term campaign to coerce Americans at every level of government and business. They are a direct attack on the independence of U.S. policy toward China and an attempt to blackmail the Biden administration with personal financial ruin in the future if they dare to stand up to the Chinese Communist Party.

Some may start to think about the potential damage to their future, and they may start to sweat a little bit. Now, you may say: Good. I am glad that former government officials can't cash in on their service and go to influence-peddling firms like WestExec or Albright Stonebridge and sell access to the Chinese.

I might even agree with that point, but consider a few other hypotheticals. The Chinese State media singled out book publishers as just one example of who could pay the price. Many public officials like to write memoirs, and these memoirs often add a lot to our understanding of current events, but Chinese State media singled out book publishers as an example of companies that would be banned from China if they associated with sanctioned individuals.

In fact, China has already used American books as pawns in the trade war with the United States. So will major publishing houses really risk losing access to the Chinese market for all their other titles to strike a book deal with, say, a former Biden Cabinet official who was tough on China and ended up getting sanctioned? It is unclear but, I would say, doubtful.

Other public officials practice at big law firms. And I know that we all make jokes about lawyers, but it is an honorable profession. There is nothing wrong with practicing at a big law firm, and they may plan to return to their firms after the administration is over. A lot of those firms have clients with close ties to China. And even if a former public official has no client with any business in China, will those law firms really take back their old employees if it means potentially losing valuable clients who are afraid of angering the Chinese Communist Party? Again, I would say it is unclear but, perhaps, doubtful.

Once you consider these hypotheticals and others that don't involve influence peddling or anything untoward, you can begin to see the insidious consequences of these new sanctions. Beijing wants to scare the Biden administration into doing its bidding, and they want to scare U.S. businesses into blacklisting any official who irritates the Chinese Communist Party.

Therefore, I call on the Biden administration to treat these sanctions as a day-one assault on the independence of its foreign policy by denouncing this intimidation in the strongest possible terms.

But as the Chinese Communist Party is determined to prove, actions speak louder than words, so I also call upon President Biden to act reciprocally by sanctioning Chinese officials who are responsible for this blackmail campaign against his administration.

Those officials shouldn't be able to ferret away their fortunes in the U.S. banking system the way so many corrupt Chinese oligarchs do, nor should

their princeling children get degrees from our top universities or internships at prestigious Washington think tanks.

President Biden should also refuse to nominate for senior positions individuals who are professionally or financially entangled with China, who could be compromised by the mere threat of sanctions.

Finally, President Biden should determine whether Chinese Ambassador Cui Tiankai was involved in these sanctions, and if so, he should be expelled immediately for this egregious effort to subvert American foreign policy.

And that is just for the short term. America must also begin to disentangle our economy from China, to decouple our economies. The Chinese Communist Party sanctions pose a threat only because American society is so deeply compromised by Chinese influence.

American corporations, the big banks, think tanks, universities, film studios, even our sports leagues—even LeBron James—are all addicted to Chinese cash. They are all part of a new China lobby that is deeply invested in the status quo and, thus, hostile to any efforts to redefine U.S.-China relations in America's interest.

This lobby makes their money in China. They make their products in China. They have made their bed in China, and now they are all vulnerable to pressure from the Chinese Government.

America hasn't been in such a bind since our earliest days, when our young Republic was encircled by hostile imperial powers.

Even during the Cold War, America had few entanglements of the sort we face today. The United States had very little trade with the Russians. We competed in separate lanes, like runners in a race.

The new Cold War with China isn't so orderly. Communist China is wealthier and has more people than did Soviet Russia, and our economies have become deeply entangled. These new sanctions are just the latest example of how that entanglement threatens our security and prosperity.

Here is how the United States can beat China in this strategic competition. First, the United States should impose restrictions on inbound and outbound investment with China. Wall Street has financed China's industrial and technological development for more than four decades and has become compromised for the bargain. That has to end.

Second, the United States should move supply chains for critical goods, such as semiconductors and pharmaceuticals, out of China and back to American soil. China, today, may be the so-called factory of the world, but it was corporate America, with its Army of bankers and lawyers and consultants, who built that factory. That has got to end as well.

Third, the United States must restrict the flow of knowledge and advanced technology between our country and China. American colleges, universities, and research laboratories are the finest in the world, but they allow Chinese nationalists to participate, even in cutting-edge research with military applications. This research has an alarming tendency to end up in China, in the weapons fielded by the People's Liberation Army against our own troops. That information pipeline needs to be shut off, and many of those Chinese nationalists need to go.

None of these steps will be easy, but the Chinese Communist Party's punitive sanctions against Trump administration officials and his blackmail campaign against the Biden administration officials demonstrate that decoupling our economies is both necessary and urgent.

The Communists in Beijing have lulled too many Americans into complacency and dependency over the course of many years. They now intend to blackmail even our government into inaction. Our intention must be different. The United States must break free of the Chinese Communist's suffocating grasp, fight back, and win.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, let me just compliment my friend from Arkansas on his great remarks. People are not aware of the threats we are facing in this country. I want to join him in encouraging the new administration to understand and address these threats.

## NATIONAL GUARD

Mr. INHOFE. Madam President, since last week, there have been over 20,000 members of the National Guard stationed here at the Capitol. They are here—and have been here and are still here—to keep us safe, keep the Members safe, Senators safe, staff, press—all of us. It seems that people are speculating that maybe this was overkill, maybe we didn't really need this many people here. They are wrong. This was a nice, successful inauguration and successful, peaceful transfer of power because they were there. I made that very clear to the ones I have been talking to in the field over the last 3 days. I know, firsthand, that they are really outstanding professionals, these guards.

We have about 400 guards here from the Oklahoma National Guard. I visited with them—I guess it was on Wednesday—in five different groups. I went around and talked to them because they weren't all in the same location, and we thanked them for the service and the sacrifices they are making. Long hours. These guys are having long hours. They are the best of the best. The many I saw did deployments in Afghanistan.

When I was talking to them, they would remember, and say: Well, Senator INHOFE, I remember we were together in Afghanistan; we were together in Ukraine. These guys—that was 10 years ago, and they are still on the job working. I don't know what we could have done without them.

In fact, I asked several of them, how many of you in this group, from Oklahoma, in the Guard, have never been to Washington before, that this is your first trip. More than half of them had never been to Washington before. That was a great opportunity for them too. But I am really humbled and grateful for what they are doing for us, and I am sure all of our colleagues are.

That is why I was so shocked and really angry last night—and I picked it up on TV—I didn't know anything about it—when I heard that the guards were being made to feel like they were unwelcome by some person in the Capitol Police, and they were to take their rest breaks someplace else and actually sent to the parking garage, of all places. Our Guard members are being lodged in hotels. They are working shifts, 12-hour shifts a day. They are long shifts, on their feet, so they need to have rest breaks. And they can't do that lying in the Senate garage.

They have 2 hours on and 1 hour off, plus time for eating and that type of thing. We can all agree they should be comfortable on their breaks, a place to sit and lie down, eat, charge their batteries, and things they have to do—talk to their families at home. That is what they are supposed to be doing. That is precisely where they were. They were using the buildings here in the Capitol before they were made to feel unwelcome and pushed to the garage.

I understand, and I am glad that they have moved back in and they are now well taken care of. And that is a good thing. But they should never have had to go through this in the first place.

What we did, you have to find out—you get to the bottom of it. And that is what we are doing now. We are getting answers. I called the acting chief of the Capitol Police this morning. I called General McConville. General McConville is the Chief of Staff of the Army, and they are all working to find out how this happened. The acting chief, Pittman, says the guards were never asked to leave yesterday.

I know that she believes that. But several—multiple members of the military said, no, they were told to leave. We know one thing; that whether it was confusion from the fog and the friction and the environment or whatever it was, the troops didn't move on their own, so they were asked by somebody.

This isn't a blame game. But I do want to know what happened to make sure it doesn't happen again. This is what happened. There was one uniformed police officer who issued an order without authority or without going through the chain of command. I am glad that the U.S. Capitol Police and the Guard are talking and trying to figure this out. We are going to be

able to identify who that person was, and we will make that public. But, ultimately, one message for our National Guard up here: You are appreciated. You are welcome. We are very, very grateful for the sacrifices that you made. And if you are ever told at any point that you need to vacate and don't have a comfortable place, just go to Russell 205, and I will make sure that you will be very comfortable in my office.

I know that there is bipartisan outrage about this, so I think you will have plenty of places to rest. You have done a great job. You will be returning home soon. And you will be able to say: Job well done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

## BIDEN ADMINISTRATION

Mr. SULLIVAN. Madam President, I want to congratulate now-Secretary of Defense Lloyd Austin on his confirmation to be Secretary of Defense. I spoke yesterday about his confirmation, the two votes that had to happen. I had the honor of introducing this great American at his confirmation hearing at the Armed Services Committee. I served with him in the military many years ago. And I think he is going to be an important addition to President Biden's team.

One of the things that we have been working on, over the last several years, is rebuilding our military after drastic cuts by the Obama-Biden administration. Hopefully, we are not going to see that again. One of the reasons I was strongly supporting now-Secretary Austin was because I believe—and I certainly hope this is a correct belief, and I have commitments from him—he won't agree with that, although I am sure some, unfortunately, in this body and others in the Biden administration are going to agree with drastic cuts to the military. It will hurt readiness. So one of the reasons that I think he is going to be a good Secretary is not just his exceptional character, humility, leadership but because he knows what will happen if there are dramatic cuts like there were in the second term of the Obama-Biden administration to our military. Not good.

One of the things I had the opportunity to talk to him about—one of the things that has been a huge positive for America over the last decade, for so many reasons, is that we have become the world's energy superpower again—like we were, essentially, during World War II.

What do I mean by that? Prior to the pandemic, we were the No. 1 producer of oil. Yes, people still need to use oil. I know some of my colleagues in this body don't believe that, but it is true; the No. 1 producer of natural gas, clean burning natural gas. We are starting to export it all around the world; No. 1 producer of renewables. So all of the above, America is the superpower of energy.

This is good. It is great for the national security of our Nation, for a whole host of reasons. General Austin understands that—Secretary Austin understands that. It is great for jobs. In the 2008–2009 recession, the No. 1 sector of the economy that got us out of the great recession was the energy sector, in terms of GDP growth and jobs.

It is great for the environment. Why do I say that? Some people tilt their heads. It is great for the environment because in America—certainly, in my State, Alaska—we have the highest standards on the environment of any place in the world by far. It is not even close. If you need energy, which you do, you should do it, produce it in the place that respects the environment the most—not Russia, not Saudi Arabia—America, Alaska.

It is good for energy security. It is good for manufacturing low-cost natural gas throughout the country. Like I said, it is really good for jobs. These are really good jobs. Resource development jobs are really good jobs. They support working families and the middle class. Everybody knows that. That is a good thing that is happening in the United States of America.

There are some fringe groups that don't like energy. Unfortunately, some of my colleagues in the Senate don't like hydrocarbons. By the way, as we became the world's energy superpower, our greenhouse gas emissions declined probably more than any other industrialized economy in the world. Why? Because natural gas is clean-burning. So this is a win-win-win-win-win on so many fronts.

Here is why I am speaking right now: Because it is all at risk. It is all at risk. The first few days of the new Biden Administration have seen an unprecedented assault on resource development and energy jobs, an attack on the men and women—working men and women with good wages—who produce really important resources for this great Nation and now for other countries because we export a lot of these resources. It is an assault on good energy jobs, good resource development jobs that have been the bedrock of millions of middle-class Americans for decades.

Let me just give you an example, just in my State. Everybody knows about ANWR, right? This body moved in terms of legislation for leases. We did it the right way, with a law passed by the Senate and the House, signed by the President to move forward on leases.

The first day on the job, the new President decides he is going to suspend everything with regard to ANWR. OK, that wasn't a surprise, to be honest, but, of course, it was a huge disappointment. I am not sure it is legal. Like I said, we did it the legal way. He is doing it the old-fashioned, ''Obama pen and phone'' way. There are probably a lot of questionable legalities there. That is one. We were expecting that.

Here is the other one. We have another part of Alaska called the National Petroleum Reserve in Alaska, set aside by Congress for oil and gas development. It is not controversial. We have been doing it for decades. It was originally called the Naval Petroleum Reserve for America. This is not controversial. And we have a lot of energy projects in the NPRA that are ongoing. Heck, even the Obama-Biden administration allowed us to drill there because that is what Congress said for decades, and it is good for the country.

We need energy. We need energy. So if we need it, shouldn't we get it from America? Shouldn't we get it from American workers? That is better than getting it from Russia. The NPRA is a really important area of America's energy production in my State—the National Petroleum Reserve in Alaska. It has been that way for decades.

So there is a moratorium on any more permits for energy production in the NPRA yesterday. I woke up to text messages from Alaskans saying: Senator, help us. My little company is going to go out of business. I have to lay off a bunch of workers.

Workers who are doing what? Producing American energy.

Since when was that bad, Mr. President? Since when was that bad?

One more thing, they say: Well, it is only a 60-day moratorium.

In Alaska, because we have the highest standards in the world on producing energy, exploring for energy, we only do exploration in the winter. It costs more for energy companies. Why do we do that? Because it is the high standards that we have—the highest standards of any place on the planet Earth. What do I mean by that?

We build what are called ice roads and ice pads on the tundra when we explore and when we drill. That means we just do it in the winter. You build these ice roads and ice pads that cost a lot of money and when you move equipment across the tundra on ice, you drill for 3 months and when the winter is over, you move it off. The ice melts, and there is not one tiny impact. It is called zero-impact drilling and exploration.

I used to be in charge of this in Alaska. I am very familiar with it. We have the highest standards on the planet. So if you put a 60-day moratorium on drilling on the NPRA, guess what. You lose the whole season. You lose the whole season. That is what the Biden Administration did yesterday. I literally have people back home in my great State calling frantically saying hundreds—if not thousands—of jobs are at risk. That was day two of the Biden Administration: Let's crush every single energy job in America.

Why? I don't know why. I don't know why.

Since when is it bad to produce energy for your fellow Americans? We need it. We have the highest standards in the world. These are great middle-class jobs. But on day one in this administration, they are attacking the

men and women who produce energy for this great Nation—shameful.

Now, it is not just me who is a little bit upset. You can tell I am a little bit upset. The Keystone pipeline was canceled again—again, no idea why they would do that. There is nothing about climate change. As a matter of fact, that pipeline was going to be all union jobs, and they had it developed and worked on in a way that was going to be emissions neutral.

Here is the head of the Laborers' International Union of North America—LIUNA, the laborers. Terry O'Sullivan is a great American. I know him well. His father was a marine. He served in the Chosin Reservoir during the Korean war.

Madam President, I ask unanimous consent to have printed in the RECORD a statement by Terry O'Sullivan on behalf of the Laborers' International Union of North America.

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

CANCELING KEYSTONE KILLS UNION JOBS

KILLING GOOD UNION JOBS ON DAY ONE WITH NOTHING TO REPLACE THEM, IS NOT BUILDING BACK BETTER

WASHINGTON, DC (January 20, 2021).—Terry O'Sullivan, General President of LIUNA—the Laborers' International Union of North America—made the following statement today:

The Biden Administration's decision to cancel the Keystone XL pipeline permit on day one of his presidency is both insulting and disappointing to the thousands of hard-working LIUNA members who will lose good-paying, middle class family-supporting jobs. By blocking this 100 percent union project, and pandering to environmental extremists, a thousand union jobs will immediately vanish and 10,000 additional jobs will be foregone.

We had hoped the new Administration would make a decision based on the facts as they are today, not as they were perceived years ago. The Keystone XL pipeline of today is dramatically different than the pipeline rejected while President Biden was in the Obama Administration. In an agreement with North America's Building Trades Unions, the project owner, TC Energy, had committed $1.7 billion to operate the pipeline with renewable energy and achieve net-zero emission within two years—all using union workers. Their commitment amounted to the equivalent of taking 650,000 cars off the road, one of the largest renewable energy investments ever.

We support the President's campaign to ''build back better.'' But for union members affected by this decision, there are no renewable energy jobs that come even close to replacing the wages and benefits the Keystone XL project would have provided. Killing good union jobs on day one with nothing to replace them, is not building back better. Hopefully, the Biden Administration will not continue to allow environmental extremists to control our country's energy agenda at the expense of union construction workers being forced to the unemployment lines.

Mr. SULLIVAN. This is a statement by Terry O'Sullivan:

The Biden Administration's decision to cancel the Keystone XL pipeline permit on day one of his presidency is both insulting and disappointing to the thousands of hard-working LIUNA members who will lose good-paying, middle class family-supporting jobs.

By the way, LIUNA is the largest labor union in construction, the largest labor construction union in America—500,000 members.

By blocking this 100 percent union project, and pandering to environmental extremists, a thousand union jobs will immediately vanish and 10,000 additional jobs will be foregone.

That is day one. This isn't me talking, the Senator from Alaska. This is the head of LIUNA.

We support the President's campaign to ''build back better.'' But for union members affected by this decision, there are no renewable energy jobs that come even close to replacing the wages and benefits the Keystone XL project would have provided. Killing good union jobs on day one with nothing to replace them is not building back better.

This is, again, Terry O'Sullivan, head of LIUNA.

Madam President, I ask unanimous consent to have printed in the RECORD a statement by Mark McManus.

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

Mark McManus, General President of the United Association: ''In revoking this permit, the Biden Administration has chosen to listen to the voices of fringe activists instead of union members and the American consumer on Day 1. Let me be very clear: When built with union labor by the men and women of the United Association, pipelines like Keystone XL remain the safest and most efficient modes of energy transportation in the world. Sadly, the Biden Administration has now put thousands of union workers out of work. For the average American family, it means energy costs will go up and communities will no longer see the local investments that come with pipeline construction.''

Mr. SULLIVAN. This is Mark McManus, General President of the United Association of Union Plumbers and Pipefitters. They were going to build the Keystone pipeline, too, just like the LIUNA members.

In revoking this permit, the Biden Administration has chosen to listen to the voices of fringe activists instead of union members and the American consumer on Day 1. Let me be very clear: When built with union labor by the men and women of the United Association—

Mr. McManus's union—

pipelines like Keystone XL remain the safest and most efficient modes of energy transportation in the world. Sadly, the Biden Administration has now put thousands of union workers out of work.

Let me close with this. There are a number of Senators who want to meet directly with the President on this issue. By the way, when they made these announcements about Alaska, no one from the Biden Administration reached out. No one called me. No one called Senator MURKOWSKI. No one called Congressman YOUNG. You would think if they were going to kill hundreds, if not thousands, of jobs in your State, that somebody would have reached out to us.

I just spent the last week working hard to make sure the Biden Administration's Secretary of Defense got confirmed. I probably worked harder than any other Senator in this body on that issue. I did that because I think it is going to be good for the military, good for America.

But we are trying. We are trying. I haven't heard from one person on the Biden Administration. A number of us tried to request a meeting with the President. The President talks a lot about his blue-collar background. Great, but guess what: The President is killing blue-collar jobs right now by the thousands. A lot of them are in my State.

I hope somebody in the new administration is listening to this. I hope he realizes what he is doing. We are in this pandemic. Our economy needs to grow. We have high unemployment. The idea that you would start your administration by targeting the men and women who have built this great Nation, who have good-paying jobs is astounding to me.

Mr. President—I am not talking about the President of the Senate, Madam President, I am talking about the President of the United States—you need to listen to us. This is not a good start. You talked in your inauguration about putting yourself in other people's shoes. Well, I hope you put yourself in the shoes of the energy workers in America whom you are crushing right now. Put yourself in their shoes and maybe rethink these crazy, crazy policies that are only harming Americans throughout the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. WARNER assumed the chair.)

(Mrs. GILLIBRAND assumed the chair.)

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

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

## IMPEACHMENT

Mr. SCHUMER. Mr. President, we have made good progress in our efforts to determine the timing and structure of the impeachment trial of Donald J. Trump.

For the information of all Senators, the House managers will come to read the Article of Impeachment at 7 p.m. on Monday, January 25. Members will then be sworn in the next day, Tuesday, January 26.

After that, both the House managers and the defense will have a period of time to draft their legal briefs, just as they did in previous trials. During that period, the Senate will continue to do other business for the American people,

such as Cabinet nominations and the COVID relief bill, which would provide relief for millions of Americans who are suffering during this pandemic.

Then, once the briefs are drafted, presentation by the parties will commence the week of February 8.

The January 6 insurrection at the Capitol, incited by Donald J. Trump, is a day none of us will ever forget. We all want to put this awful chapter in our Nation's history behind us, but healing and unity will only come if there is truth and accountability, and that is what this trial will provide.

## CONFIRMATION OF LLOYD JAMES AUSTIN

Mr. BENNET. Mr. President, yesterday, I voted for H.R. 335, which waived the requirement that a commissioned officer be retired from the military for at least 7 years before serving as Secretary of Defense. I believe civilian control and strong civilian-military relations strengthens our democracy. Congress designed the waiver process to guarantee that someone dedicated to the principle of civilian control can lead our military and to prevent the politicization of the officer corps. I continue to believe that the waiver should only be granted in unique cases. Secretary Austin is uniquely qualified to lead at this moment in our country's history, which is why I voted for his waiver. I believe Secretary Austin will work to maintain the safety and integrity of our institutions and further our Nation's interests at home and abroad. In the future, I will review any waiver that comes before this body with the care and consideration befitting this process and subject.

## 200TH ANNIVERSARY OF CANTON, MAINE

Ms. COLLINS. Mr. President, I rise today to commemorate the 200th anniversary of the Town of Canton, ME. Canton was built with a spirit of determination and resiliency that still guides the community today, and this is a time to celebrate the generations of hard-working and caring people who have made it such a wonderful place to live, work, and raise families.

The year of Canton's incorporation, 1821, was but one milestone in a long journey of progress. For thousands of years, the land of fields, rivers, lakes, and forests of what is now Oxford County was the home of the Abenaki Tribe, and Canton Point, or Rokomeko, was the headquarters of the Anasagunticook Band of the People of the Dawn. The reverence the Abenaki had for the natural beauty and resources of the region is upheld by the people of Canton today.

In the 1790s, following America's independence, an early settlement called Phipp's Canada was established. Maine achieved statehood in 1820, and on February 5 of the following year, the town of Canton was incorporated. With the mighty Androscoggin River providing power, Canton soon was home to lumber and grain mills, along with many other small industries. When the first paper mill opened in nearby Rumford in 1893, the people of Canton were part of the skilled and dedicated workforce that built a great Maine industry. The prosperity produced by hard work and determination was invested in schools and churches to create a true community.

Maine is known as ''Vacationland,'' and Canton has played a key role in the development of our State's tourism industry. A guidebook to the region published in 1888 described the easternmost town in Oxford County as ''one of the most beautiful and charming in all this attractive region.'' With guests arriving by train and, later, by bus and car, some of the first family vacation resorts were established on the shores of Lake Anasagunticook. Today, visitors and residents alike enjoy Canton's scenery, history, and outdoor recreation opportunities. The energy and planning that are going into Canton's yearlong bicentennial celebration demonstrate the pride townspeople have in their town.

The celebration of Canton's 200th anniversary is not merely about the passing of time. It is about human accomplishment. We celebrate the people who, from the dawn of our Nation to our time, have pulled together, cared for one another, and built a great community. Thanks to those who came before, Canton, ME, has a wonderful history. Thanks to those there today, it has a bright future.

## ADDITIONAL STATEMENTS

### REMEMBERING JAMES ''JIM'' MILLIMAN

• Mr. PAUL. Mr. President, today we honor the life and legacy of a great Kentuckian, James ''Jim'' Milliman. Jim was born October 29, 1942, in Norwalk, OH. He led a life of faith, passion for the law, and an unmatched enthusiasm for Notre Dame football. Jim attended Notre Dame, then earned his law degree from the University of Louisville Brandeis School of Law, which is where he would embark on a brilliant career as a lawyer.

Jim began his legal career at Middleton-Reutlinger Law firm, where he most notably appeared in the U.S. Supreme Court confirming his defendant's constitutional right to a speedy trial. He would continue his work fighting for the little guy always advocating for equal justice under the law. After a long successful tenure practicing law, Jim shifted to being my State director. With Jim's guidance, my staff and I have been able to fight for Kentuckians in Washington and throughout the State. The feats we have accomplished would not have been possible without the mentorship of Jim Milliman.

Jim passed January 5, 2021. A true testament to his impact on people, Jim's eulogy was not given by any of his law partners, business, or political friends—he had plenty—but by Muhammed Lasege, a former University of Louisville basketball star from Nigeria whose college career was cut short due to eligibility issues. A successful businessman himself, he told the story of how Jim provided guidance and hope when his basketball dreams were crushed. He described their relationship of a father-son bond, despite the fact that Jim never had a son and Muhammed never knew his father.

While our hearts are heavy acknowledging Jim's passing, we reminisce with great joy remembering all our accomplishments, but most of all our friendship. May Jim Milliman rest in peace.•

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2021, the following enrolled bill, previously signed by the Speaker pro tempore (Mr. HOYER) of the House, was signed on January 21, 2021, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY):

H.R. 335. An act to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

## 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–22. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report entitled ''Department of Defense 2017 Assessment of Racial and Ethnic Discrimination in the Active Component''; to the Committee on Armed Services.

EC–23. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Pale Cyst Nematode Regulations'' ((RIN0579–AE48) (Docket No. APHIS–2018–0041)) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC–24. A communication from the Deputy Administrator for Policy Support, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Employment and Training Opportunities in the Supplemental Nutrition Assistance Program'' (RIN0584–AE68) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC–25. A communication from the Deputy Director, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Act Disclosures'' (12 CFR Part 1022) received in the Office of the

President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–26. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in Hong Kong that was declared in Executive Order 13936 of July 14, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the Deputy Director, Office of the Comptroller of the Currency, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Appraisals for Higher-Priced Mortgage Loans Exemption Threshold'' (RIN1557–AF04) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–28. A communication from the Deputy Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending (Regulation Z) Annual Threshold Adjustments (Credit Cards, HOEPA, and Qualified Mortgages)'' (12 CFR Part 1026) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–29. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection Practices (Regulation F)'' (RIN3170–AA51) received during adjournment of the Senate in the Office of the President of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–30. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Equal Credit Opportunity (Regulation B); Special Purpose Credit Programs'' received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–31. A communication from the Deputy Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending (Regulation Z)'' (12 CFR Part 1026) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–32. A communication from the Policy Associate Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Home Mortgage Disclosure (Regulation C) Adjustment to Asset-Size-Exemption Threshold'' (12 CFR Part 1003) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–33. A communication from the Deputy Director of the Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending Act (Regulation Z) Adjustment To Asset-Size Exemption Threshold'' (12 CFR Part 1026) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–34. A communication from the Director, Office of Legislative and Intergovernmental Affairs, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption from the Definition of 'Clearing Agency' for Certain Activities of Security-Based Swap Dealers and Security-Based Swap Execution Facilities'' (RIN3235–AK74) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–35. A communication from the Director, Office of Legislative and Intergovernmental Affairs, Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Payments by Resource Extraction Issuers'' (RIN3235–AM06) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–36. A communication from the Deputy Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Consumer Leasing (Regulation M)'' ((RIN7100–AF98) (Docket No. R–1727)) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–37. A communication from the Branch Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Species Status for Coastal Distinct Population Segment of the of the Pacific Marten With a Section 4(d) Rule'' (RIN1018–BD19) received during adjournment of the Senate in the Office of the President of the Senate on January 16, 2021; to the Committee on Environment and Public Works.

EC–38. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Take of Migratory Birds'' (RIN1018–BD76) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC–39. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Subsistence Harvest in Alaska; Updates to the Regulations'' (RIN1018–BF12) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2021; to the Committee on Environment and Public Works.

EC–40. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and other Technical Amendments'' (FRL No. 10018–52–OAR) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Environment and Public Works.

EC–41. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; South Coast Air Quality Management District; Ventura County Air Pollution Control District'' (FRL No. 10017–02–Region 9) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Environment and Public Works.

EC–42. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from Airplanes and Airplane Engines; GHG Emission Standards and Test Procedures'' (FRL No. 10018–45–OAR) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Environment and Public Works.

EC–43. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7 and RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area'' (FRL No. 10019–22–Region 8) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Environment and Public Works.

EC–44. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Review of the Ozone National Ambient Air Quality Standards'' (FRL No. 10019–04–OAR) received in the Office of the President of the Senate on January 6, 2021; to the Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CARDIN (for himself and Mr. YOUNG):

S. 14. A bill to identify and combat corruption in countries, to establish a tiered system of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to evaluate foreign persons engaged in grand corruption for inclusion as specially designated nationals under the Global Magnitsky Human Rights Accountability Act; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. MORAN):

S. 15. A bill to require the Federal Trade Commission to submit a report to Congress on scams targeting seniors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN:

S. 16. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mrs. BLACKBURN:

S. 17. A bill to amend the Immigration and Nationality Act to provide for inadmissibility of certain aliens seeking citizenship for children by giving birth in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. CRAMER, and Mr. HOEVEN):

S. 18. A bill to designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the ''Jim Ramstad Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCOTT of South Carolina (for himself, Mr. MURPHY, Mr. BOOZMAN, Mr. BOOKER, Mr. CORNYN, Mr. WARNER, Mr. GRAHAM, Ms. SINEMA, and Mr. BLUMENTHAL):

S. 19. A bill to authorize the Administrator of the Federal Emergency Management Agency to approve State and local plans to partner with small and mid-size restaurants and nonprofit organizations to provide nutritious meals to individuals in need, to waive certain matching fund requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR:

S. 20. A bill to amend the Internal Revenue Code of 1986 to modify the global intangible low-taxed income by repealing the tax-free deemed return on investments and determining net CFC tested income on a per-country basis; to the Committee on Finance.

By Ms. ERNST (for herself and Mr. GRASSLEY):

S. 21. A bill to extend the period of the temporary authority to extend contracts and leases under the ARMS Initiative; to the Committee on Armed Services.

By Ms. LUMMIS (for herself and Mr. BARRASSO):

S. 22. A bill to designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 23. A bill to authorize an additional district judgeship for the district of Idaho; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI):

S. 24. A bill to protect the personal health data of all Americans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself, Mr. CRUZ, Ms. ERNST, Mr. DAINES, Mr. CRAMER, Mr. COTTON, and Mr. INHOFE):

S. 25. A bill to restrict certain Federal grants for States that grant driver licenses to illegal immigrants and fail to share information about criminal aliens with the Federal Government; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mrs. SHAHEEN, Mrs. CAPITO, and Mr. WHITEHOUSE):

S. 26. A bill to provide the Administrator of the Drug-Free Communities Support Program the authority to waive the Federal fund limitation for the Drug-Free Communities Support Program; to the Committee on the Judiciary.

By Mr. MANCHIN (for himself and Mr. CORNYN):

S. 27. A bill to require reporting of suspicious transmissions in order to assist in criminal investigations and counterintelligence activities relating to international terrorism, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO (for himself and Mr. SCOTT of Florida):

S. 28. A bill to include the State of Florida in the Gulf of Mexico outer Continental Shelf revenue sharing program, to extend the moratorium on oil and gas leasing in certain areas of the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself and Mr. RUBIO):

S. 29. A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. SHAHEEN (for herself, Mr. MURPHY, Mr. BLUMENTHAL, and Ms. BALDWIN):

S. 30. A bill to set forth a method of determining maximum out-of-pocket limits and annual updates to premium tax credit eligibility under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

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

S. 31. A bill to limit the establishment or extension of national monuments in the State of Utah; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself, Mr. BENNET, Mr. SCHATZ, Mr. MARKEY, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CASEY, Ms. DUCKWORTH, Mrs. FEINSTEIN, and Mr. REED):

S. 32. A bill to provide for the establishment of a standing Health Force and a Resilience Force to respond to public health emergencies and meet public health needs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON:

S. 33. A bill to amend title 18, United States Code, by increasing the maximum term of imprisonment for the offense of rioting, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. BENNET, Mr. BROWN, and Mr. PETERS):

S. 34. A bill to provide funding for cities, counties, and other units of general local government to prevent, prepare for, and respond to coronavirus; to the Committee on Appropriations.

By Mr. VAN HOLLEN (for himself, Mr. COONS, Mr. BROWN, Mr. CARDIN, Mr. TILLIS, Mr. CASEY, Mr. CRAPO, Mr. DURBIN, Mr. RISCH, Mr. BLUMENTHAL, Mrs. CAPITO, Mr. PETERS, Mr. MORAN, Mr. BOOZMAN, Mr. SCOTT of South Carolina, Mr. YOUNG, Mr. ROMNEY, Mrs. FISCHER, Mr. LANKFORD, Ms. BALDWIN, Mr. CARPER, Mr. SCHUMER, Mr. MERKLEY, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. TESTER, Ms. DUCKWORTH, Ms. SINEMA, Ms. WARREN, Mr. REED, Ms. STABENOW, Mr. LEAHY, Mr. WHITEHOUSE, Mr. WYDEN, Ms. ROSEN, and Mr. LUJAN):

S. 35. A bill to award a Congressional Gold Medal to Officer Eugene Goodman; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN (for himself and Ms. MURKOWSKI):

S.J. Res. 1. A joint resolution removing the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

By Mr. SCOTT of Florida:

S.J. Res. 2. A joint resolution proposing amendments to the Constitution of the United States relative to the line item veto, a limitation on the number of terms that a Member of Congress may serve, and requiring a vote of two-thirds of the membership of both Houses of Congress on any legislation raising or imposing new taxes or fees; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mr. BRAUN, Mr. TOOMEY, Mr. YOUNG, Mr. RUBIO, and Mr. SCOTT of Florida):

S.J. Res. 3. 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; to the Committee on the Judiciary.

By Mr. RUBIO (for himself, Mr. CRAMER, Mrs. BLACKBURN, Mr. YOUNG, Mr. ROMNEY, Mr. CRAPO, Mr. TOOMEY, Mrs. CAPITO, Mr. TILLIS, Mr. PORTMAN, Mr. CORNYN, and Mr. BRAUN):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of not more than 9 justices; to the Committee on the Judiciary.

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

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BRAUN:

S. Res. 12. A resolution memorializing the unborn by lowering the United States flag to half-staff on January 22, 2021; to the Committee on the Judiciary.

By Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. RUBIO, Mr. YOUNG, Mr. COTTON, Mr. INHOFE, and Mrs. BLACKBURN):

S. Res. 13. A resolution expressing the sense of the Senate that the International Olympic Committee should rebid the 2022 Winter Olympic Games to be hosted by a country that recognizes and respects human rights; to the Committee on Foreign Relations.

By Mr. BOOKER (for himself and Mr. MENENDEZ):

S. Res. 14. A resolution designating January 23, 2021, as ''Maternal Health Awareness Day''; to the Committee on the Judiciary.

By Mr. MANCHIN (for himself, Mrs. CAPITO, and Mr. ROMNEY):

S. Con. Res. 3. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the last Medal of Honor recipient of World War II, in order to honor the Greatest Generation and the more than 16,000,000 men and women who served in the Armed Forces of the United States from 1941 to 1945; to the Committee on Rules and Administration.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SCOTT of South Carolina, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Wyoming (Ms. LUMMIS) were added as cosponsors of S. 13, a bill to establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 12—MEMORIALIZING THE UNBORN BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON JANUARY 22, 2021

Mr. BRAUN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 12

Whereas, on January 22, 1973, the majority of the members of the Supreme Court of the United States ruled that abortion was a right secured by the Constitution; and

Whereas, since that fateful day, over 60 million unborn children have perished: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the recognition of the Day of Tears in the United States on January 22, 2021; and

(2) encourages the people of the United States to lower their flags to half-staff to mourn and honor the innocents who have lost their lives to abortion.

## SENATE RESOLUTION 13—EXPRESSING THE SENSE OF THE SENATE THAT THE INTERNATIONAL OLYMPIC COMMITTEE SHOULD REBID THE 2022 WINTER OLYMPIC GAMES TO BE HOSTED BY A COUNTRY THAT RECOGNIZES AND RESPECTS HUMAN RIGHTS

Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. RUBIO, Mr. YOUNG, Mr. COTTON, Mr. INHOFE, and Mrs. BLACKBURN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 13

Whereas the International Olympic Committee announced Beijing, People's Republic of China, as the host city of the 2022 Winter Olympic Games;

Whereas the Olympic charter states that the goal of Olympism is to promote ''a peaceful society concerned with the preservation of human dignity'';

Whereas, on January 19, 2021, the Department of State determined that the Communist Party of China has committed genocide against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region (XUAR);

Whereas the 2020 Trafficking in Persons Report of the Department of State relating to the People's Republic of China indicates that—

(1) authorities in the People's Republic of China have arbitrarily detained more than 1,000,000 ethnic Muslims, including Uyghur, ethnic Kazakh, and Kyrgyz individuals, in as many as 1,200 ''vocational training centers'', which are internment camps designed to erase ethnic and religious identities;

(2) the national household registry system of the People's Republic of China restricts the freedom of rural inhabitants to legally change their workplace or residence, placing the internal migrant population of the People's Republic of China at high risk of forced labor in brick kilns, coal mines, and factories;

(3) the Government of the People's Republic of China subjects Christians and members of other religious groups to forced labor in brick kilns, food processing centers, and factories as part of detention for the purpose of ideological indoctrination; and

(4) the Government of the People's Republic of China provides financial incentives for companies to open factories near the internment camps, and local governments receive additional funds from the Government of the People's Republic of China for each inmate forced to work in an internment camp;

Whereas, in June 2020, the Associated Press reported that—

(1) the Government of the People's Republic of China uses forced birth control, sterilizations, and abortions on Uyghur and other minority women to diminish the birth rate among Muslim populations; and

(2) Uyghur and other minority women are subjected to internment camps and large fines for giving birth to too many children, which is subjectively defined by the Government of the People's Republic of China;

Whereas, in October 2019, Radio Free Asia reported that—

(1) the Government of the People's Republic of China, as part of its Pair Up and Become Family program, assigns male Han Chinese ''relatives'' to monitor the homes of Uyghur families in the Xinjiang Uyghur Autonomous Region and to regularly sleep in the same beds as the wives of men detained in the internment camps of the region; and

(2) Uyghur individuals who protest hosting ''relatives'' or refuse to take part in study sessions or other activities with the officials in their homes are subject to additional restrictions and may face detention in the internment camps;

Whereas, in July 2019, Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, and the United Kingdom jointly condemned the arbitrary detention and surveillance of Uyghur individuals and other minorities in the Xinjiang Uyghur Autonomous Region;

Whereas, in June 2019, the Independent Tribunal Into Forced Organ Harvesting from Prisoners of Conscience in China of the China Tribunal found that—

(1) forced organ harvesting has been carried out for years throughout the People's Republic of China on a significant scale, and practitioners of Falun Gong have been the main source of organs; and

(2) the Government of the People's Republic of China has committed crimes against humanity with respect to Uyghur individuals and practitioners of Falun Gong;

Whereas the report of Freedom House entitled ''Freedom in the World 2019'' indicates that—

(1) women, ethnic and religious minorities, and the LGBT community in the People's Republic of China have no opportunity to gain meaningful political representation and are barred from advancing their interests outside the formal structures of the Communist Party of China;

(2) foreign journalists in the People's Republic of China were surveilled, harassed, physically abused, detained to prevent meetings with certain individuals, and had their visas withheld;

(3) hundreds of Falun Gong practitioners have recently received long prison terms, and many other individuals were arbitrarily detained in various ''legal education'' facilities, where they were tortured, sometimes fatally, until they abandoned their beliefs;

(4) limitations on due process in the People's Republic of China, including the excessive use of pretrial detention, are rampant, and an extended crackdown on human rights lawyers has weakened the access of defendants to independent legal counsel; and

(5) individuals attempting to petition the Government of the People's Republic of China with respect to grievances or injustices are routinely intercepted in their efforts to travel to Beijing, forcefully returned to their hometowns, or subjected to extralegal detention in ''black jails'', psychiatric institutions, and other sites at which they are at risk of abuse;

Whereas the annual report of the U.S. Congressional-Executive Commission on China for 2019 indicates that—

(1) the one-party authoritarian political system of the People's Republic of China deprives the people of the People's Republic of China of their right to meaningfully participate in electoral processes and public life generally;

(2) in 2019, the Government of the People's Republic of China detained and prosecuted individuals who criticized government officials and policies online and censored or distorted a range of news and information that the Government of the People's Republic of China considered ''politically sensitive'', including—

(A) the 30th anniversary of the Tiananmen Square massacre;

(B) human rights abuses in the Xinjiang Uyghur Autonomous Region; and

(C) the protests in Hong Kong against proposed extradition legislation;

(3) Hong Kong authorities, under the influence of the Government of the People's Republic of China, violated fundamental freedoms of the people of Hong Kong, as articulated in the Basic Law, including the freedoms of expression, association, and assembly;

(4) the Government of the People's Republic of China has used propaganda, disinformation, and censorship in an attempt to shape reporting on the Hong Kong protests, attributing the protests to influence by ''foreign forces'', and threatening protesters in Hong Kong;

(5) officials of the Government of the People's Republic of China and the Communist Party of China continue to abuse criminal law and police power to punish critics and ''maintain stability'' with the goal of perpetuating one-party rule, often targeting human rights advocates, religious believers, and ethnic minority groups; and

(6) the Government of the People's Republic of China is likely committing crimes against humanity;

Whereas, before the 2008 Summer Olympics were held in Beijing, the Department of State Country Report on Human Rights Practices for 2006 reported that the Government of the People's Republic of China practiced severe cultural and religious repression of minorities, especially of Uyghur individuals in the Xinjiang Uyghur Autonomous Region, and according to the Department of State Country Reports on Human Rights Practices for 2018, such repression has intensified since the 2008 Summer Olympics in Beijing;

Whereas four Special Rapporteurs of the United Nations have urged the governing authorities in Hong Kong and the People's Republic of China to ensure protestors in Hong Kong may fully exercise the right to peacefully assemble, including—

(1) the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(2) the Special Rapporteur on the situation of human rights defenders;

(3) the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and

(4) the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

Whereas police in Hong Kong have arrested more than 6,000 individuals and fired more than 16,000 rounds of tear gas during the seven months of protests by people of Hong Kong seeking to uphold their liberties and the autonomy of Hong Kong, as articulated in the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (referred to in this preamble as the ''Basic Law'');

Whereas, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (referred to in this preamble as the ''Hong Kong national security law'') is implemented to suppress pro-democracy demonstrators and remove the rights and liberties from the people of Hong Kong guaranteed in the Basic Law;

Whereas the report of the Network of Chinese Human Rights Defenders entitled ''Defending Rights in a 'No Rights Zone': Annual Report on the Situation of Human Rights Defenders in China (2018)'' indicates that—

(1) authorities in the People's Republic of China continue to charge Tibetans with ''inciting separatism'' for expressing political or religious dissent and impose heavy prison sentences on such individuals;

(2) the Government of the People's Republic of China continues to implement its draconian 2017 cybersecurity law, which authorizes invasive cyber surveillance and provides

broad authority to restrict and penalize online expression;

(3) the Government of the People's Republic of China intends to have ''full coverage, connectivity, and control'' of the entire People's Republic of China by police video surveillance; and

(4) the Government of the People's Republic of China boldly retaliates against human rights advocates for their work upholding international standards and cooperating with the United Nations human rights mechanisms;

Whereas, in January 2020, the editorial board of The Washington Post questioned whether the People's Republic of China should ''be allowed to host the 2022 Winter Olympics in one city while running concentration camps in another''; and

Whereas the flagrant human rights abuses committed by the Government of the People's Republic of China are inconsistent with Olympic values: Now, therefore, be it

*Resolved*, That—

(1) the Senate supports the values of Olympism and the principles of Team USA with respect to the protection of—

(A) the rights, safety, and well-being of athletes; and

(B) the integrity of sport; and

(2) it is the sense of the Senate that, consistent with the principles of the International Olympic Committee, unless the Government of the People's Republic of China demonstrates significant progress in securing fundamental human rights, including the freedoms of religion, speech, movement, association, and assembly, the International Olympic Committee should rebid the 2022 Winter Olympics to be hosted by a country that recognizes and respects human rights.

## SENATE RESOLUTION 14—DESIGNATING JANUARY 23, 2021, AS ''MATERNAL HEALTH AWARENESS DAY''

Mr. BOOKER (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 14

Whereas, every year in the United States, approximately 700 women die as a result of complications related to pregnancy and childbirth;

Whereas the pregnancy-related mortality ratio, defined as the number of pregnancy-related deaths per 100,000 live births, more than doubled between 1987 and 2017;

Whereas the United States is the only developed country whose maternal mortality rate has increased over the last several decades;

Whereas, of all pregnancy-related deaths between 2011 and 2016—

(1) nearly 32 percent occurred during pregnancy;

(2) about 35 percent occurred during childbirth or the week after childbirth; and

(3) 33 percent occurred between 1 week and 1 year postpartum;

Whereas more than 60 percent of maternal deaths in the United States are preventable;

Whereas, in 2014 alone, 50,000 women suffered from a ''near miss'' or severe maternal morbidity, which includes potentially life-threatening complications that arise from labor and childbirth;

Whereas around 17 percent of women who gave birth in a hospital in the United States reported experiencing 1 or more types of mistreatment, such as—

(1) loss of autonomy;

(2) being shouted at, scolded, or threatened; and

(3) being ignored or refused or receiving no response to requests for help;

Whereas certain social determinants of health, including bias and racism, have a negative impact on maternal health outcomes;

Whereas significant disparities in maternal health exist, including that—

(1) Black women are more than 3 times as likely to die from a pregnancy-related cause as are White women;

(2) American Indian and Alaska Native women are more than twice as likely to die from a pregnancy-related cause as are White women;

(3) Black, American Indian, and Alaska Native women with at least some college education are more likely to die from a pregnancy-related cause than are women of all other racial and ethnic backgrounds with less than a high school diploma;

(4) Black, American Indian, and Alaska Native women are about twice as likely to suffer from severe maternal morbidity as are White women;

(5) women who live in rural areas have a greater likelihood of severe maternal morbidity and mortality compared to women who live in urban areas;

(6) less than ½ of rural counties have a hospital with obstetric services;

(7) counties with more Black and Hispanic residents and lower median incomes are less likely to have access to hospital obstetric services;

(8) more than 50 percent of women who live in a rural area must travel more than 30 minutes to access hospital obstetric services, compared to 7 percent of women who live in urban areas; and

(9) American Indian and Alaska Native women living in rural communities are twice as likely as their White counterparts to report receiving late or no prenatal care;

Whereas pregnant women may be at increased risk for severe outcomes associated with COVID–19, as—

(1) pregnant women with symptomatic COVID–19 are more likely to be admitted to an intensive care unit, receive invasive ventilation, and receive ECMO treatment, compared to nonpregnant women with symptomatic COVID–19;

(2) pregnant women with symptomatic COVID–19 are at a 70-percent increased risk for death compared to nonpregnant women with symptomatic COVID–19; and

(3) pregnant women with COVID–19 may be at risk for preterm delivery;

Whereas more than 40 States have designated committees to review maternal deaths;

Whereas State and local maternal mortality review committees are positioned to comprehensively assess maternal deaths and identify opportunities for prevention;

Whereas more than 30 States are participating in the Alliance for Innovation on Maternal Health, which promotes consistent and safe maternity care to reduce maternal morbidity and mortality;

Whereas community-based maternal health care models, including midwifery childbirth services, doula support services, community and perinatal health worker services, and group prenatal care, in collaboration with culturally competent physician care, show great promise in improving maternal health outcomes and reducing disparities in maternal health outcomes;

Whereas many organizations have implemented initiatives to educate patients and providers about—

(1) all causes of, contributing factors to, and disparities in maternal mortality;

(2) the prevention of pregnancy-related deaths; and

(3) the importance of listening to and empowering all women to report pregnancy-related medical issues; and

Whereas several States, communities, and organizations recognize January 23 as ''Maternal Health Awareness Day'' to raise awareness about maternal health and promote maternal safety: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates January 23, 2021, as ''Maternal Health Awareness Day'';

(2) supports the goals and ideals of Maternal Health Awareness Day, including—

(A) raising public awareness about maternal mortality, maternal morbidity, and disparities in maternal health outcomes; and

(B) encouraging the Federal Government, States, territories, Tribes, local communities, public health organizations, physicians, health care providers, and others to take action to reduce adverse maternal health outcomes and improve maternal safety;

(3) promotes initiatives—

(A) to address and eliminate disparities in maternal health outcomes; and

(B) to ensure respectful and equitable maternity care practices;

(4) honors those who have passed away as a result of pregnancy-related causes; and

(5) supports and recognizes the need for further investments in efforts to improve maternal health, eliminate disparities in maternal health outcomes, and promote respectful and equitable maternity care practices.

## SENATE CONCURRENT RESOLUTION 3—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LAST MEDAL OF HONOR RECIPIENT OF WORLD WAR II, IN ORDER TO HONOR THE GREATEST GENERATION AND THE MORE THAN 16,000,000 MEN AND WOMEN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES FROM 1941 TO 1945

Mr. MANCHIN (for himself, Mrs. CAPITO, and Mr. ROMNEY) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 3

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. HONORING THE LAST SURVIVING MEDAL OF HONOR RECIPIENT OF WORLD WAR II.**

(a) USE OF ROTUNDA.—The individual who is the last surviving recipient of the Medal of Honor for acts performed during World War II shall be permitted to lie in state in the rotunda of the Capitol upon death, if the individual (or the next of kin of the individual) so elects.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a).

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, January 21, 2021, at 10 a.m., to conduct a closed hearing.

## FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2020

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Barrasso | | | | | | | | | |
| United States | Dollar | | | | 11,488.05 | | | | 11,488.05 |
| Charles Ziegler | | | | | | | | | |
| United States | Dollar | | | | 11,010.55 | | | | 11,010.55 |
| Delegation Expenses* | | | | | | | | | |
| Qatar | Riyal | | | | | | 306.05 | | 306.05 |
| Total | | | | | 22,498.60 | | 306.05 | | 22,804.65 |

*Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR JAMES E. RISCH,
Chairman, Committee on Foreign Relations, Jan. 19, 2021.

## SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2020

On Thursday, December 17, 2020, the Senate passed S. 2165, as follows:

S. 2165

*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 ''Safeguard Tribal Objects of Patrimony Act of 2020''.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to carry out the trust responsibility of the United States to Indian Tribes;

(2) to increase the maximum penalty for actions taken in violation of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), in order to strengthen deterrence;

(3) to stop the export, and facilitate the international repatriation, of cultural items prohibited from being trafficked by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and archaeological resources prohibited from being trafficked by the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) by—

(A) explicitly prohibiting the export;

(B) creating an export certification system; and

(C) confirming the authority of the President to request from foreign nations agreements or provisional measures to prevent irremediable damage to Native American cultural heritage;

(4) to establish a Federal framework in order to support the voluntary return by individuals and organizations of items of tangible cultural heritage, including items covered by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(5) to establish an interagency working group to ensure communication between Federal agencies to successfully implement this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(6) to establish a Native working group of Indian Tribes and Native Hawaiian organizations to assist in the implementation of this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(7) to exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'')—

(A) information submitted by Indian Tribes or Native Hawaiian organizations pursuant to this Act; and

(B) information relating to an Item Requiring Export Certification for which an export certification was denied pursuant to this Act; and

(8) to encourage buyers to purchase legal contemporary art made by Native artists for commercial purposes.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ARCHAEOLOGICAL RESOURCE.—The term ''archaeological resource'' means an archaeological resource (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) that is Native American.

(2) CULTURAL AFFILIATION.—The term ''cultural affiliation'' means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group.

(3) CULTURAL ITEM.—The term ''cultural item'' means any 1 or more cultural items (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(4) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(5) ITEM PROHIBITED FROM EXPORTATION.—The term ''Item Prohibited from Exportation'' means—

(A) a cultural item prohibited from being trafficked, including through sale, purchase, use for profit, or transport for sale or profit, by—

(i) section 1170(b) of title 18, United States Code, as added by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); or

(ii) any other Federal law or treaty; and

(B) an archaeological resource prohibited from being trafficked, including through sale, purchase, exchange, transport, receipt, or offer to sell, purchase, or exchange, including in interstate or foreign commerce, by—

(i) subsections (b) and (c) of section 6 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee); or

(ii) any other Federal law or treaty.

(6) ITEM REQUIRING EXPORT CERTIFICATION.—

(A) IN GENERAL.—The term ''Item Requiring Export Certification'' means—

(i) a cultural item; and

(ii) an archaeological resource.

(B) EXCLUSION.—The term ''Item Requiring Export Certification'' does not include an item described in clause (i) or (ii) of subparagraph (A) for which an Indian Tribe or Native Hawaiian organization with a cultural

affiliation with the item has provided a certificate authorizing exportation of the item.

(7) NATIVE AMERICAN.—The term ''Native American'' means—

(A) Native American (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) Native Hawaiian (as so defined).

(8) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) TANGIBLE CULTURAL HERITAGE.—The term ''tangible cultural heritage'' means—

(A) Native American human remains; or

(B) culturally, historically, or archaeologically significant objects, resources, patrimony, or other items that are affiliated with a Native American culture.

**SEC. 4. ENHANCED NAGPRA PENALTIES.**

Section 1170 of title 18, United States Code, is amended—

(1) by striking ''5 years'' each place it appears and inserting ''10 years''; and

(2) in subsection (a), by striking ''12 months'' and inserting ''1 year and 1 day''.

**SEC. 5. EXPORT PROHIBITIONS; EXPORT CERTIFICATION SYSTEM; INTERNATIONAL AGREEMENTS.**

(a) EXPORT PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any person—

(A) to export, attempt to export, or otherwise transport from the United States any Item Prohibited from Exportation;

(B) to conspire with any person to engage in an activity described in subparagraph (A); or

(C) to conceal an activity described in subparagraph (A).

(2) PENALTIES.—Any person who violates paragraph (1) and knows, or in the exercise of due care should have known, that the Item Prohibited from Exportation was taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any Federal law or treaty, shall be fined in accordance with section 3571 of title 18, United States Code, imprisoned for not more than 1 year and 1 day for a first violation, and not more than 10 years for a second or subsequent violation, or both.

(3) DETENTION, FORFEITURE, AND REPATRIATION.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1); and

(ii) deliver the Item Prohibited from Exportation to the Secretary.

(B) FORFEITURE.—Any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION.—Any Item Prohibited from Exportation that is forfeited under subparagraph (B) shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(ii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(b) EXPORT CERTIFICATION SYSTEM.—

(1) EXPORT CERTIFICATION REQUIREMENT.—

(A) IN GENERAL.—No Item Requiring Export Certification may be exported from the United States without first having obtained an export certification in accordance with this subsection.

(B) PUBLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall publish in the Federal Register a notice that includes—

(i) a description of characteristics typical of Items Requiring Export Certification, which shall—

(I) include the definitions of the terms—

(aa) ''cultural items'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) ''archaeological resource'' in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb);

(II) describe the provenance requirements associated with the trafficking prohibition applicable to—

(aa) cultural items under section 1170(b) of title 18, United States Code; and

(bb) archaeological resources under subsections (b) and (c) of section 6 of Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee);

(III)(aa) include the definitions of the terms ''Native American'' and ''Native Hawaiian'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) describe how those terms apply to archaeological resources under this Act; and

(IV) be sufficiently specific and precise to ensure that—

(aa) an export certification is required only for Items Requiring Export Certification; and

(bb) fair notice is given to exporters and other persons regarding which items require an export certification under this subsection; and

(ii) a description of characteristics typical of items that do not qualify as Items Requiring Export Certification and therefore do not require an export certification under this subsection, which shall clarify that—

(I) an item made solely for commercial purposes is presumed to not qualify as an Item Requiring Export Certification, unless an Indian Tribe or Native Hawaiian organization challenges that presumption; and

(II) in some circumstances, receipts or certifications issued by Indian Tribes or Native Hawaiian organizations with a cultural affiliation with an item may be used as evidence to demonstrate a particular item does not qualify as an Item Requiring Export Certification.

(2) ELIGIBILITY FOR EXPORT CERTIFICATION.—An Item Requiring Export Certification is eligible for an export certification under this subsection if—

(A) the Item Requiring Export Certification is not under ongoing Federal investigation;

(B) the export of the Item Requiring Export Certification would not otherwise violate any other provision of law; and

(C) the Item Requiring Export Certification—

(i) is not an Item Prohibited from Exportation;

(ii) was excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) and in compliance with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)), if the permit for excavation or removal authorizes export; or

(iii) is accompanied by written confirmation from the Indian Tribe or Native Hawaiian organization with authority to alienate the Item Requiring Export Certification that—

(I) the exporter has a right of possession (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) of the Item Requiring Export Certification; or

(II) the Indian Tribe or Native Hawaiian organization has relinquished title or control of the Item Requiring Export Certification in accordance with section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002).

(3) EXPORT CERTIFICATION APPLICATION AND ISSUANCE PROCEDURES.—

(A) APPLICATIONS FOR EXPORT CERTIFICATION.—

(i) IN GENERAL.—An exporter seeking to export an Item Requiring Export Certification from the United States shall submit to the Secretary an export certification application in accordance with clause (iii).

(ii) CONSEQUENCES OF FALSE STATEMENT.—Any willful or knowing false statement made on an export certification application form under clause (i) shall—

(I) subject the exporter to criminal penalties pursuant to section 1001 of title 18, United States Code; and

(II) prohibit the exporter from receiving an export certification for any Item Requiring Export Certification in the future unless the exporter submits additional evidence in accordance with subparagraph (B)(iii)(I).

(iii) FORM OF EXPORT CERTIFICATION APPLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, and at the discretion of the Secretary, in consultation with third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, shall develop an export certification application form, which shall require that an applicant—

(I) describe, and provide pictures of, each Item Requiring Export Certification that the applicant seeks to export;

(II) include all available information regarding the provenance of each such Item Requiring Export Certification; and

(III) include the attestation described in subparagraph (B)(i).

(B) EVIDENCE.—

(i) IN GENERAL.—In completing an export certification application with respect to an Item Requiring Export Certification that the exporter seeks to export, the exporter shall attest that, to the best of the knowledge and belief of the exporter, the exporter is not attempting to export an Item Prohibited from Exportation.

(ii) SUFFICIENCY OF ATTESTATION.—An attestation under clause (i) shall be considered to be sufficient evidence to support the application of the exporter under subparagraph (A)(iii)(III), on the condition that the exporter is not required to provide additional evidence under clause (iii)(I).

(iii) ADDITIONAL REQUIREMENTS.—

(I) IN GENERAL.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter is required to submit additional evidence in accordance with subclause (III) if the Secretary has determined under subparagraph (A)(ii) that the exporter made a willful or knowing false statement on the application or any past export certification application.

(II) DELAYS OR DENIALS.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter may submit additional evidence in accordance with subclause (III) if the issuance of an export certification is—

(aa) delayed pursuant to the examination by the Secretary of the eligibility of the

Item Requiring Export Certification for an export certification; or

(bb) denied by the Secretary because the Secretary determined that the Item Requiring Export Certification is not eligible for an export certification under this subsection.

(III) ADDITIONAL EVIDENCE.—On receipt of notice under subclause (I), an exporter shall, or on receipt of a notice under subclause (II), an exporter may, provide the Secretary with such additional evidence as the Secretary may require to establish that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(C) DATABASE APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall establish and maintain a secure central Federal database information system (referred to in this subparagraph as the ''database'') for the purpose of making export certification applications available to Indian Tribes and Native Hawaiian organizations.

(ii) COLLABORATION REQUIRED.—The Secretary shall collaborate with Indian Tribes, Native Hawaiian organizations, and the interagency working group convened under section 7(a) in the design and implementation of the database.

(iii) AVAILABILITY.—Immediately on receipt of an export certification application, the Secretary shall make the export certification application available on the database.

(iv) DELETION FROM DATABASE.—On request by an Indian Tribe or Native Hawaiian organization, the Secretary shall delete an export certification application from the database.

(v) TECHNICAL ASSISTANCE.—If an Indian Tribe or Native Hawaiian organization lacks sufficient resources to access the database or respond to agency communications in a timely manner, the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall provide technical assistance to facilitate that access or response, as applicable.

(D) ISSUANCE OF EXPORT CERTIFICATION.—On receipt of an export certification application for an Item Requiring Export Certification that meets the requirements of subparagraphs (A) and (B), if the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the Item Requiring Export Certification, determines that the Item Requiring Export Certification is eligible for an export certification under paragraph (2), the Secretary may issue an export certification for the Item Requiring Export Certification.

(E) REVOCATION OF EXPORT CERTIFICATION.—

(i) IN GENERAL.—If credible evidence is provided that indicates that an item that received an export certification under subparagraph (D) is not eligible for an export certification under paragraph (2), the Secretary may immediately revoke the export certification.

(ii) DETERMINATION.—In determining whether a revocation is warranted under clause (i), the Secretary shall consult with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the affected Item Requiring Export Certification.

(4) DETENTION, FORFEITURE, REPATRIATION, AND RETURN.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Requiring Export Certification that an exporter attempts to export or otherwise transport without an export certification; and

(ii) deliver the Item Requiring Export Certification to the Secretary, for seizure by the Secretary.

(B) FORFEITURE.—Any Item Requiring Export Certification that is detained under subparagraph (A)(i) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION OR RETURN TO EXPORTER.—

(i) IN GENERAL.—Not later than 60 days after the date of delivery to the Secretary of an Item Requiring Export Certification under subparagraph (A)(ii), the Secretary shall determine whether the Item Requiring Export Certification is an Item Prohibited from Exportation.

(ii) REPATRIATION.—If an Item Requiring Export Certification is determined by the Secretary to be an Item Prohibited from Exportation and is forfeited under subparagraph (B), the item shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(I) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(II) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(iii) RETURN TO EXPORTER.—

(I) IN GENERAL.—If the Secretary determines that credible evidence does not establish that the Item Requiring Export Certification is an Item Prohibited from Exportation, or if the Secretary does not complete the determination by the deadline described in clause (i), the Secretary shall return the Item Requiring Export Certification to the exporter.

(II) EFFECT.—The return of an Item Requiring Export Certification to an exporter under subclause (I) shall not mean that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(5) PENALTIES.—

(A) ITEMS REQUIRING EXPORT CERTIFICATION.—

(i) IN GENERAL.—It shall be unlawful for any person to export, attempt to export, or otherwise transport from the United States any Item Requiring Export Certification without first obtaining an export certification.

(ii) PENALTIES.—Except as provided in subparagraph (D), any person who violates clause (i) shall be—

(I) assessed a civil penalty in accordance with such regulations as the Secretary promulgates pursuant to section 10; and

(II) subject to any other applicable penalties under this Act.

(B) ITEMS PROHIBITED FROM EXPORTATION.—Whoever exports an Item Prohibited from Exportation without first securing an export certification shall be liable for a civil money penalty, the amount of which shall equal the total cost of storing and repatriating the Item Prohibited from Exportation.

(C) USE OF FINES COLLECTED.—Any amounts collected by the Secretary as a civil penalty under subparagraph (A)(ii)(I) or (B)—

(i) may be used by the Secretary—

(I) for fines collected under subparagraph (A)(ii)(I), to process export certification applications under this subsection; and

(II) for fines collected under subparagraph (B), to store and repatriate the Item Prohibited from Exportation;

(ii) shall supplement (and not supplant) any appropriations to the Secretary to carry out this subsection; and

(iii) shall not be covered into the Treasury as miscellaneous receipts.

(D) VOLUNTARY RETURN.—

(i) IN GENERAL.—Any person who attempts to export or otherwise transport from the United States an Item Requiring Export Certification without first obtaining an export certification, but voluntarily returns the Item Requiring Export Certification, or directs the Item Requiring Export Certification to be returned, to the appropriate Indian Tribe or Native Hawaiian organization in accordance with section 6 prior to the commencement of an active Federal investigation shall not be prosecuted for a violation of subparagraph (A) with respect to the Item Requiring Export Certification.

(ii) ACTIONS NOT COMMENCING A FEDERAL INVESTIGATION.—For purposes of clause (i), the following actions shall not be considered to be actions that commence an active Federal investigation:

(I) The submission by the exporter of an export certification application for the Item Requiring Export Certification under paragraph (3)(A)(i).

(II) The detention of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(i).

(III) The delivery to the Secretary of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(ii).

(IV) The seizure by the Secretary of the Item Requiring Export Certification under paragraph (4)(A)(ii).

(6) FEES.—

(A) IN GENERAL.—The Secretary may collect reasonable fees to process export certification applications under this subsection.

(B) AVAILABILITY OF AMOUNTS COLLECTED.—Any amounts collected by the Secretary under subparagraph (A)—

(i) shall supplement (and not supplant) any appropriations to the Secretary for the activities described in subparagraph (A); and

(ii) shall not be covered into the Treasury as miscellaneous receipts.

(7) ADMINISTRATIVE APPEAL.—If the Secretary denies an export certification or an Item Requiring Export Certification is detained under this subsection, the exporter, on request, shall be given a hearing on the record in accordance with such rules and regulations as the Secretary promulgates pursuant to section 10.

(8) TRAINING.—

(A) IN GENERAL.—The Secretary, the Secretary of State, the Attorney General, and the heads of all other relevant Federal agencies shall require all appropriate personnel to participate in training regarding applicable laws and consultations to facilitate positive government-to-government interactions with Indian Tribes and Native Hawaiian Organizations.

(B) U.S. CUSTOMS AND BORDER PROTECTION TRAINING.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall require all appropriate personnel of U.S. Customs and Border Protection to participate in training provided by the Secretary of the Interior or an Indian Tribe or Native Hawaiian organization to assist the personnel in identifying, handling, and documenting in a culturally sensitive manner Items Requiring Export Certification for purposes of this Act.

(C) CONSULTATION.—In developing or modifying and delivering trainings under subparagraphs (A) and (B), the applicable heads of Federal agencies shall consult with Indian Tribes and Native Hawaiian organizations.

(c) AGREEMENTS TO REQUEST RETURN FROM FOREIGN COUNTRIES.—The President may request from foreign nations agreements that specify concrete measures that the foreign nation will carry out—

(1) to discourage commerce in, and collection of, Items Prohibited from Exportation;

(2) to encourage the voluntary return of tangible cultural heritage; and

(3) to expand the market for the products of Indian art and craftsmanship in accordance with section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a) (commonly known as the ''Indian Arts and Crafts Act'').

**SEC. 6. VOLUNTARY RETURN OF TANGIBLE CULTURAL HERITAGE.**

(a) LIAISON.—The Secretary and the Secretary of State shall each designate a liaison to facilitate the voluntary return of tangible cultural heritage.

(b) TRAININGS AND WORKSHOPS.—The liaisons designated under subsection (a) shall offer to representatives of Indian Tribes and Native Hawaiian organizations and collectors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

(c) REFERRALS.—

(1) IN GENERAL.—The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

(2) REFERRAL REPRESENTATIVES.—The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

(3) CONSULTATION.—The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 8(a) before making a referral under paragraph (1).

(4) THIRD-PARTY EXPERTS.—The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

(d) LEGAL LIABILITY.—Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

(e) TAX DOCUMENTATION.—In facilitating the voluntary return of tangible cultural heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

(f) REPATRIATION UNDER NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.—The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) do not apply to the item of tangible cultural heritage.

**SEC. 7. INTERAGENCY WORKING GROUP.**

(a) IN GENERAL.—The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

(b) GOALS.—The goals of the interagency working group convened under subsection (a) are—

(1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

(c) RESPONSIBILITIES.—The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this Act and the amendments made by this Act, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 6; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 8(a);

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

**SEC. 8. NATIVE WORKING GROUP.**

(a) IN GENERAL.—The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) RECOMMENDATIONS.—The Native working group convened under subsection (a) may provide recommendations regarding—

(1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and

(2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) REQUESTS.—The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

(1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and

(2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) AGENCY AND COMMITTEE ASSISTANCE.—

(1) IN GENERAL.—On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) DESCRIPTION OF AGENCIES AND COMMITTEES.—The agencies and committees referred to in paragraph (1) are the following:

(A) The Department of the Interior.

(B) The Department of Justice.

(C) The Department of Homeland Security.

(D) The Department of State.

(E) The review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a)).

(F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note).

(G) Any other relevant Federal agency, committee, or working group.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Native working group convened under subsection (a).

**SEC. 9. TREATMENT UNDER FREEDOM OF INFORMATION ACT.**

(a) IN GENERAL.—Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5, United States Code:

(1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this Act or an amendment made by this Act; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

(2) Information that any person submits to a Federal agency pursuant to this Act or an amendment made by this Act that relates to an item for which an export certification is denied under this Act.

(b) APPLICABILITY.—For purposes of subsection (a), this Act shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

(c) EXCEPTION.—An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

**SEC. 10. REGULATIONS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this Act.

(b) INCLUSION.—The regulations promulgated by the Secretary pursuant to subsection (a) shall include a reasonable deadline by which the Secretary shall approve or deny an export certification application under section 5(b).

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2021 through 2026.

## ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that upon the conclusion of morning business on January 25, the Senate proceed to executive session to consider the following nomination: Executive Calendar No. 2, the nomination of Janet Yellen to be the Secretary of the Treasury; further, that the time until 5:30 be equally divided between the two leaders or their designees, and that at 5:30 the Senate vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## ORDERS FOR MONDAY, JANUARY 25, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 25;

further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session to consider the Yellen nomination, as provided under the previous order.

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

## ADJOURNMENT UNTIL MONDAY, JANUARY 25, 2021, AT 3 P.M.

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

There being no objection, the Senate, at 6:11 p.m., adjourned until Monday, January 25, 2021, at 3 p.m.

## CONFIRMATION

Executive nomination confirmed by the Senate January 22, 2021:

DEPARTMENT OF DEFENSE

LLOYD JAMES AUSTIN, OF GEORGIA, TO BE SECRETARY OF DEFENSE.